

Probate Notes for February 10, 2015

Probate notes are a recommendation as to the outcome of the petition. Unlike tentative rulings, they do not automatically become adopted as the order of the court. Unless an appearance at the hearing is otherwise required by law, if petitioner submits a proposed order prior to the hearing and the recommendation is to grant the petition, no appearance is necessary. If you are scheduled to appear and there is no probate note issued in your case, you should appear as scheduled. If you wish to continue a matter, you must contact the civil division at (530) 406-6704, at least two (2) court days before your hearing.

Please note: The following probate matters will be heard in **Department Two at 9:00 a.m.**

CASE: Conservatorship of Pierson
Case No. CV PB 06-95

The issues raised in Alexander Pierson's petition, filed on January 2, 2015, are hereby consolidated with the issues raised in Mr. Pierson's petition filed on October 3, 2014. The parties are directed to appear at the trial readiness conference on April 13, 2015, at 9:00 a.m. in Department 2. Trial is set for May 4, 2015.

The Court is aware of co-conservator Tamara Pierson's petitions, filed on January 27, 2015. The Court intends to consolidate all related petitions with those currently set for trial on May 4, 2015.

CASE: Estate of Cochlan
Case No. CV PB 15-01

It is recommended to grant the petition for probate of will and letters testamentary and for authorization to administer the estate under the Independent Administration of Estates Act. (Prob. Code, § 8200.)

CASE: Estate of Flippo, Jr.
Case No. CV PB 13-81

It is recommended to deny petitioner Linda Jo Flippo's request for the Court to authorize the sale of decedent's motorcycles. Petitioner fails to follow the provisions provided by the Probate Code for the sale of personal property. (Prob. Code, §§ 10589, subd. (a), 10250 et seq.)

It is recommended to deny petitioner's requests to (1) authorize and confirm the sale of decedent's guns to River City Gun Exchange, (2) authorize the sale of decedent's guns to River City Gun Exchange, and (3) authorize Kimberly Carston's counsel to release funds for the 1972 Chevy Blazer. Petitioner fails to provide notice of the proposed action for the sale of personal property as required. (Prob. Code, § 10580 et seq.) Additionally, petitioner fails to provide sufficient evidence that the sale of the guns was necessary to protect the estate from loss. (*Estate of Kirkpatrick* (1952) 109 Cal.App.2d 709.) Finally, petitioner provides no legal authority which authorizes the Court to order Kimberly Carston's counsel to release funds held in its trust account.

It is recommended to deny the petition to approve and confirm the sale of decedent's coin collection. Petitioner failed to provide notice of the proposed action as required by the Probate Code. (Prob. Code, § 10537.) Additionally, petitioner fails to provide sufficient evidence that the sale of the coin collection was necessary to protect the estate from loss. (*Estate of Kirkpatrick, supra*, 109 Cal.App.2d 709.)

CASE: Estate of Kadell
Case No. CV PB 14-220

It is recommended to grant the petition for letters of administration, and for full authority under the Independent Administration of Estates Act. (Prob. Code, § 8000 et seq.)