

## Probate Notes for April 23, 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.**

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**CASE:            Conservatorship of Bigelow**  
**Case No. CV PC 15-52**

The Court notes the following deficiencies:

1. To the extent petitioner is seeking orders relating to the proposed conservatee's lack of capacity to give informed consent for medical treatment, the petition fails to allege such orders are being sought. (Petition, ¶¶ 1(g), 9.)
2. To the extent petitioner is seeking orders relating to the independent exercise of powers under Probate Code section 2590, the petition fails to allege such orders are being sought. (Petition, ¶ 1(d).)

**CASE:            Conservatorship of McHugh**  
**Case No. CV PC 12-07**

The Court notes the following deficiency: The conservator failed to file the required accounting as ordered by the Court on September 24, 2013. (Prob. Code, § 2620.)

It is recommended to approve the court investigator's report. (Prob. Code, § 1850 et seq.)

The parties are **DIRECTED TO APPEAR.**

**CASE:            Estate of Gilmete**  
**Case No. CV PB 13-152**

All deficiencies listed in the April 2, 2015, probate note have been corrected. Therefore, it is recommended to grant the petition for final distribution on waiver of accounting, for allowance of statutory compensation to the executor and executor's attorney for ordinary services, and for final distribution and settlement of the estate. (Prob. Code, § 11600 et seq.) Petitioner is directed to submit a proposed order prior to the date of the hearing.

**CASE:            Estate of Jensen**  
**Case No. CV PB 15-48**

The Court notes the following deficiency: Proof of publication must be filed prior to the hearing. (Prob. Code, § 8120 et seq.)

**CASE: Estate of Moya  
Case No. CV PB 13-196**

The Court notes the following deficiencies:

1. Proof that notice of the hearing has been given to each known devisee whose interest in the estate would be affected by the account has not been filed with the Court. (Prob. Code, § 11000.)
2. Petitioner fails to state whether notice was given or was required under Probate Code section 9201.
3. Petitioner fails to state whether notice was given or was required to the Victim's Compensation and Government Claims Board or the Franchise Tax Board. (Prob. Code, 9202, subs. (b) & (c).)
4. The petition does not state the proposed distribution of the estate. Exhibit D is not attached to the petition as indicated.
5. A waiver of account by Matthew Moya, or a written acknowledgment that his interest has been satisfied, has not been filed with the Court. (Prob. Code, §§ 10954.) Exhibit E is not attached to the petition as indicated.
6. Exhibit B of the petition does not include the creditor's claim filed by petitioner on June 4, 2014, or the disposition thereof, as required. (Prob. Code, § 10900, subs. (b) & (c), Cal. Rules of Court, rule 7.403.)

Additionally, petitioner is directed to submit a proposed order prior to the date of the hearing.

**CASE: In the Matter of the McCray Trust  
Case No. CV P2 14-106**

If notice of hearing is filed with the Court, it is recommended to grant the petition for approval of settlement agreement. (Prob. Code, § 17200, subd. (b)(5).)