

## Probate Notes for August 11, 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 Hoyt**  
**Case No. CV PC 12-139**

The parties are **DIRECTED TO APPEAR** for the continued hearing on Charles Jensen's second account and report of conservator.

**CASE:            Conservatorship of Ligtenberg**  
**Case No. CV PC 10-67**

The Court notes the following deficiencies with Tracy Ligtenberg's third account and report of conservator and petition to waive future accounts:

1. The conservator failed to file the *original* account statements showing the account balance as of the closing date of the accounting period. (Prob. Code, § 2620, subd. (c).) The Court notes that the conservator only filed copies of the account statements.
2. Petitioner must present evidence that all of the income of the estate during the accounting period, if not retained, was spent for the benefit of the conservatee. (Prob. Code, § 2628, subd. (a)(3).)

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

**CASE:            Conservatorship of Odenweller**  
**Case No. CV PC 15-112**

On the Court's own motion, the matter is **CONTINUED** to Tuesday, September 8, 2015, for the court investigator to interview proposed conservator Mark Odenweller and file a supplemental report.

**CASE:            Estate of Ruiz**  
**Case No. CV P2 15-95**

The Court notes the following deficiencies:

1. Petitioner's notice of hearing does not comply with Code of Civil Procedure section 1013a. Petitioner served the motion and he is a party to the action.

2. Petitioner failed to file written bond waivers from each heir at law as alleged in paragraph 3(d) of the petition. (Prob. Code, § 8481.) The Court notes that petitioner filed a bond waiver on June 30, 2015. However, petitioner is not an heir at law.
3. Proof of publication must be filed prior to the hearing. (Prob. Code, § 8120 et seq.)

**CASE:           In re the Matter of the Brockhoff Family Trust**  
**Case No. CV P2 06-225**

It is recommended to approve the verified sixth account and report of trustee. (Prob. Code, § 17200, subd. (b)(5).)

**CASE:           In the Matter of the Mahan Trust**  
**Case No. CV P2 15-114**

On the Court's own motion, the matter is **CONTINUED** to Tuesday, September 15, 2015, at 9:00 a.m. in Department 11, so that the Court may more thoroughly consider the petition filed by Michael Mahan, Brian Mahan, Timothy Mahan and Michelle Mahan-Langer.

**CASE:           In the Matter of the Miller Revocable Trust**  
**Case No. CV P2 15-115**

It is recommended to grant the unopposed petition of successor co-trustee's Thomas Kane and Tracy Kane for an order confirming that the Russell Leroy Miller and Loretta Robben Miller Revocable Trust is the owner of the real properties identified in the petition. (Prob. Code, § 850, Evid. Code, 662, Corp. Code, 16204, subd. (d), *Ellis v. Mihelis* (1963) 60 Cal.2nd. 206.) Petitioners are directed to submit a proposed order prior to the date of the hearing.