

Probate Notes for September 15, 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 Yolo Superior Court is now located at 1000 Main Street, in Woodland. The following probate matters will be heard in **Department Eleven at 9:00 a.m.**

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

It is recommended to approve the third account and report of conservator and grant the petition to waive future accounts. (Prob. Code, §§ 1850 et seq., 2620, 1060, 2628.)

CASE: Conservatorship of Nakagiri
Case No. CV PC 09-138

The Court notes the following deficiency: Proof that the notice of hearing on the amended petition has been served on the required parties has not been filed with the Court. (Prob. Code, §§2640, subd. (b), 1460.)

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

It is recommended to deny Michael Mahan, Brian Mahan, Timothy Mahan, and Michelle Mahan-Langer's petition directing transfer of assets into the JoAnn M. Mahan Trust ("Trust"), for statutory and equitable relief, for redress of breach of fiduciary duty, to preclude use of trust funds to defend action, and to remove trustee.

Petitioners fail to establish that they are entitled to the proceeds of the reverse mortgage. The reverse mortgage constitutes a lien (i.e., encumbrance) against the real property located at 516 Marina Circle in Davis. (Civ. Code, § 1923.3.) The Trust provides that the real property, and any encumbrances thereon, shall be distrusted to Mary Kathryn McCarthy upon JoAnn Mahan's death. (Petition, Exhibit 1, p. 4)