

Probate Notes for September 22, 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: Estate of Carine
Case No. CV PB 15-141**

The Court notes the following deficiencies:

1. Paragraph eight of the petition does not include Janice Faye Carine as a person mentioned in decedent's will.
2. The *Duties and Liabilities of Personal Representative* form must be filed with the Court (Judicial Council of California Form DE-147).

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

**CASE: Estate of Erhardt, II
Case No. CV P2 15-156**

The Court notes the following deficiencies:

1. Proof of publication must be filed prior to the hearing. (Prob. Code, § 8120 et seq.)
2. The petition states that a bond is not required because the will waives the requirement of a bond. However, the will does not contain a provision for waiver of the bond.

**CASE: Estate of Rodriguez
Case No. CV P2 15-117**

It is recommended to deny Rudy Rodriguez's amended petition to determine succession to the real property located at 546 Saunders Way in Woodland. The petition must be joined in by all those who would succeed to the real property under decedent's will, including the estate of Benjamin Rodriguez. (Prob. Code, § 13150 et seq, Petition, ¶ 1.) Additionally, the Court notes the following deficiencies:

1. The real property has not been appraised by the probate referee as required. (Prob. Code, § 13152, subd. (b), ¶ 8.)

2. Paragraph 9(a) is incomplete. Petitioner fails to state whether decedent was survived by a spouse, registered domestic partner, or issue of a predeceased child. (Petition, ¶ 9.)
3. Attachment 11 fails to state the interest held by decedent in the real property.
4. The amended petition is not verified or signed. (Prob. Code, § 1021, subd. (b)(1); Cal. Rules of Court, rule 7.103(b).)

CASE: Estate of Rodriguez
Case No. CV P2 15-118

It is recommended to deny Rudy Rodriguez's amended petition to determine succession to the real property located at 546 Saunders Way in Woodland. As the estate of decedent Benjamin Rodriguez has not joined in the petition in Yolo Superior Court case no. CV P2 15-117, petitioner fails to establish that Benjamin Rodriguez's estate has any interest in the real property.

Additionally, the Court notes the following deficiencies with the *Affidavit regarding Real Property of Small Value* (Form DE-305) filed on August 19, 2015:

1. The affidavit is not verified or signed.
2. The affidavit is not notarized, as required. (Prob. Code, § 13200, subd. (b).)
3. An inventory and appraisal is not attached to the affidavit, as required. (Prob. Code, § 13200, subd. (c).)
4. A certified copy of the decedent's death certificate is not attached to the affidavit, as required. (Prob. Code, § 13200, subd. (e).)

CASE: In the Matter of the Culver Family Trust
Case No. CV P2 15-143

On the Court's own motion, the August 5, 2015, petition filed by Terri Culver-Escobar, is **CONTINUED** to Tuesday, October 20, 2015, at 9:00 a.m. in Department 11 to be heard together with the September 11, 2015, petition filed by Maryann Wheeling and Cathy Crawford.