

## Probate Notes for September 28, 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 Pena  
                      Case No. CV PC 15-125**

The Court notes the following deficiencies with Beatrice Jaurigue's petition for appointment of probate conservator of the person and estate of Nikolas Pena:

1. The petition states that the proposed conservatee is not developmentally disabled. However, GC-312 states that the proposed conservatee receives services through the ALTA Regional Center.
2. To the extent the proposed conservatee is developmentally disabled, proof that the notice of hearing has been served on the ALTA Regional Center at least 30 days before the hearing has not been filed with the Court. (Prob. Code, § 1827.5.)
3. Petitioner failed to file a proposed *Order Appointing Court Investigator* (form GC-330). (Petition, ¶ 13.)

The Court notes the following deficiencies with Daniel Pena, Jr.'s petition for appointment of limited probate conservator of the person of Nikolas Pena:

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. Proof that the notice of hearing has been served the ALTA Regional Center at least 30 days before the hearing has not been filed with the Court. (Prob. Code, § 1827.5.)
3. A confidential written report of the regional center's findings and recommendations must be filed with the Court. (Prob. Code, § 1827.5.) The regional center's report must also be mailed, at least five days prior to the hearing, to the proposed conservatee and the petitioner, or attorney of the petitioner. (*Ibid.*)
4. Petitioner failed to file a proposed *Order Appointing Court Investigator* (form GC-330). (Petition, ¶ 13.)

The parties are **DIRECTED TO APEPAR.**

**CASE: Estate of Vazquez**  
**Case No. CV P2 15-164**

It is recommended to deny Stephanie Smith's petition to determine succession to real property. The petition must be joined in by all those who would succeed to the real property under decedent's will, including Natalie Smith. (Prob. Code, § 13150 et seq, Petition, ¶ 1.) Additionally, the Court notes the following deficiencies:

1. A copy of the decedent's will is not attached to the petition as required. (Prob. Code, § 13152, subd. (c).)
2. The legal description of decedent's real property and its Assessor's Parcel Number (APN) is not attached to the petition as required. (Petition, ¶ 11.)
3. Attachment 14 has not been attached to the petition as required. (Petition, ¶ 14.)
4. Notice has not been provided as required. (Prob. Code, §§ 1220, 13153.)