

Probate Notes for September 29, 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 Dehart
Case No. CV PB 15-163**

It is recommended to grant the petition for letters of administration, and for full authority under the Independent Administration of Estates Act. (Prob. Code, § 8000 et seq.)

**CASE: In the Matter of the Miller Revocable Trust
Case No. CV P2 15-134**

It is recommended to deny in its entirety Debra Goss's petition. Ms. Goss fails to present sufficient evidence that Mr. Miller was of unsound mind, that he was unduly influenced by Thomas M. Kane and Tracy M. Kane, or was the victim of financial elder abuse. (*Estate of Fritschi* (1963) 60 Cal.2d 367, 372; *Estate of Locknane* (1962) 208 Cal.App.2d 505; *American Trust Co. v Dixon* (1938) 26 Cal.App.2d 426, 431, *Estate of Graves* (1927) 202 Cal. 258, 262; *Estate of Sarabia* (1990) 221 Cal.App.3d 599, 605, Welf. & Inst. Code, §§15610.30, 15610.70.) Additionally, Ms. Goss has not presented sufficient evidence to demonstrate that trustees Mr. or Mrs. Kane are pursuing their own interests to the detriment of others. (*Terry v. Conlan* (2005) 131 Cal.App.4th 1445, 1464.) Finally, Ms. Goss has not presented sufficient evidence for removal of Mr. and Mrs. Kane as trustees. (Prob. Code, § 15642.)