

Probate Notes for January 13, 2016

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 Major
 Case No. CV PC 12-204**

On the Court's own motion, the matter is **CONTINUED** to Wednesday, February 10, 2016, at 9:00 a.m. in Department 11 for completion of the court investigator's report.

**CASE: Estate of Graves
 Case No. CV PB 15-231**

If proof of publication is filed with the Court, it is recommended to grant the petition for letters of administration, and for limited authority under the Independent Administration of Estates Act. (Prob. Code, § 8000 et seq.)

**CASE: Estate of Nakamura
 Case No. CV PB 14-197**

The Court notes the following deficiency: Petitioner fails to state whether notice was given or was required under Probate Code section 9201.

**CASE: Estate of Snyder
 Case No. CV PB 14-165**

The Court notes the following deficiency: Petitioner fails to state whether notice was given or was required under Probate Code section 9201.

**CASE: In re the Matter of the Ammons Trust
 Case No. CV P2 15-217**

It is recommended to grant Tracy Ammons's unopposed petitions for: 1) redress of a breach of fiduciary duty, and 2) for removal of trustee and appointment of professional fiduciary. (Prob. Code, §§ 16400, 16420, subd. (a)(4), 15642, 17200.) Petitioner has presented sufficient evidence that Benjamin Ammons breached his fiduciary duty as trustee by selling

the trust real property for his own benefit, rather than pursuant to the terms of the Amendment and Restatement of the Lee and Loretta Ammons Trust. The parties are **DIRECTED TO APPEAR** to set an evidentiary hearing to determine the value of the trust assets.

It is recommended to deny the petition for punitive damages. Petitioner fails to provide any legal authority upon which the Court may grant the relief requested.