

Probate Notes for March 30, 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: Estate of Hoskins
Case No. CV PB 14-166**

It is recommended to grant in part Susan K. Hoskins petition filed February 22, 2016. The parties and their counsel are **DIRECTED TO APPEAR** to set an evidentiary hearing to determine whether the administrator Bryan Hoskins, Jr. has neglected the estate, or has long neglected to perform any act as the personal representative. (Prob. Code, § 8502, subd. (c).) The parties should be prepared to discuss whether the administrator's powers should be suspended pending the evidentiary hearing.

It is recommended to deny petitioner's request for a partition of the property and request for reimbursement to petitioner in the amount of \$57,869.59. (Prob. Code, § 11950, subd. (a); Fam. Code, § 2640; Petition, ¶¶ 5, 7.) Petitioner fails to submit sufficient evidence to support her requests.

**CASE: Conservatorship of Poe
Case No. CV PC 16-13**

The Court notes the following deficiencies:

1. Proof that the citation and petition were served on the proposed conservatee at least 15 days before the hearing has not been filed with the Court. (Prob. Code, § 1824.)
2. Proof that the notice of hearing has been served on the required parties has not been filed with the Court. (Prob. Code, § 1822.)
3. Paragraphs 1b, 1k, 3e(2), 3e(3), and 3f of the petition are incomplete.
4. A Capacity Declaration (form GC-335) has not been filed with the Court. (Prob. Code, §§ 1881, 1890.)
5. A declaration of a licensed physician, or a licensed psychologist supporting the petition has not been filed with the Court. (Prob. Code, § 2356.5, subd. (f)(3).)
6. The conservatee is not represented by an attorney. (Prob. Code, §§ 2356.5, subd. (f)(1), 1470 et seq.)

7. The attachment requesting special orders regarding dementia (form GC-313) is not attached to the petition.
8. Petitioners' *Confidential Conservator Screening Forms* (form GC-314) are both incomplete and are missing attachment 16.

The parties are **DIRECTED TO APPEAR** to discuss appointment of legal counsel for the proposed conservatee as recommended in the court investigator's report. (Prob. Code, § 1470.)