

Probate Notes for July 19, 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 Lopez
Case No. CV PB 15-207

It is recommended to deny the petition for accounting and distribution. The petition is not verified. (Prob. Code, § 1021, subd. (b)(1); Cal. Rules of Court, rule 7.103(b).) Additionally, the Court notes the following deficiencies with the petition:

1. Petitioner fails to state whether notice was given or was required under Probate Code section 9201.
2. Petitioner fails to state whether notice was given or was required to the Director of Health Services or Victim's Compensation and Government Claims Board. (Prob. Code, § 9202, subds. (a), (b).)
3. Petitioner fails to state whether notice was given to the Franchise Tax Board. (Prob. Code, § 9202, subd. (c).)
4. The petition fails to include a report of administration as required. (Prob. Code, §§ 10900 et seq.)
5. Petitioner fails to include a calculation of statutory compensation as required. (Prob. Code, § 10800 et seq, Cal. Rules of Court, rule 7.550(b).)

CASE: Estate of Butterworth
Case No. CV PB 15-120

The Court notes the following deficiency with the petition for order confirming sale of real property: Proof of publication must be filed prior to the hearing. (Prob. Code, § 10300 et seq, Gov. Code, § 6060a.)

If proof that the notice of hearing is filed with the Court, is recommended to grant the petition for authorization to deposit funds into blocked accounts. (Prob. Code, §§ 1220, 8480 et seq.)