

Probate Notes for September 6, 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 Hoyt
Case No. CV PC 12-139

The parties are **DIRECTED TO APPEAR** for the continued hearing as ordered by the Court on August 2, 2016.

CASE: Conservatorship of Odenweller
Case No. CV PC 15-112
Hearing date: September 6, 2016

The Court is waiting for the court investigator to file his report, which is expected to be filed by September 2, 2016. The probate note will be updated once the court investigator's report is filed.

CASE: Conservatorship of Tigenfeldt
Case No. CV PC 16-125

It is recommended to appoint legal counsel for the proposed limited conservatee. (Prob. Code, § 1471, subd. (c).)

Additionally, the Court notes the following deficiencies:

1. Proof that the notice of hearing has been served on the required parties, (including the ALTA Regional Center,) has not been filed with the Court. (Prob. Code, § 1822 (1827.5).)
2. A Capacity Declaration (form GC-335) has not been filed with the Court. (Prob. Code, §§ 1881, 1890.)
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. An acknowledgment of receipt of the *Duties of Conservator and Acknowledgement of Receipt of Handbook* form has not been filed with the Court. (Prob. Code, § 1834; Cal. Rules of Court, rule 7.1051.)

5. Petitioner failed to file a proposed Order Appointing Court Investigator (form GC-330). (Petition, ¶ 13.)

CASE: Estate of Waldeck
Case No. CV P2 16-96

It is recommended to deny Jo Ann Wright's petition for order confirming title to real property. Petitioner has failed establish, by clear and convincing evidence, that title to the real property located 907 Pendegast Street, Woodland, California was mistakenly taken as tenants in common. (Prob. Code, 850 et seq, Evid. Code, §§ 1600, 662.)