

Probate Notes for August 21, 2019

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 following probate matters will be heard at **9:00 a.m.** in the department indicated below.

The following probate matters will be heard in Department Eight.

CASE: Matter of the Purves Trust
Case No. CV P2 19-164

The Court notes the following deficiencies:

1. The *Notice of Hearing* (Judicial Council form DE-120) does not contain a description of the subject property sufficient to provide adequate notice to any party who may have an interest in the property. (Prob. Code, § 851, subd. (c)(1).)
2. The *Notice of Hearing* (Judicial Council form DE-120) does not contain a statement advising any person interested in the property that he or she may file a response to the petition. (Prob. Code, § 851, subd. (c)(3).)

CASE: Estate of Sarwar
Case No. CV PB 05-18

It is recommended to approve the first and final account and report of administrator and to grant the petition for its settlement, for allowance of compensation to administrator and attorney for ordinary services, and for final distribution. (Prob. Code, § 11600 et seq.)

Petitioner is directed to submit a proposed order prior to the date of the hearing.

The following probate matters will be heard in Department Twelve.

CASE: Estate of Gale
Case No. CV PB 19-169

The Court notes the following deficiencies:

1. The petition does not include the names, ages, addresses, and relationships to decedent of each heir and all persons mentioned in decedent's will. (Prob. Code, § 8002, subd. (a)(3); Petition, ¶ 8.)

2. Petitioner failed to file proof that the *Notice of Petition to Administer Estate* (Judicial Council form DE-121) was served on Donna Shera and Cheryl Stinnette, named alternative executors in decedent's will. (Prob. Code, § 8110, subd. (b).)
3. Petitioner failed to publish notice in a newspaper of general circulation in the city where the decedent resided at the time of death. (Prob. Code, § 8121, subd. (b).)
4. A photographic copy of the will has not been attached to the petition. (Prob. Code, § 8002, sub. (b)(1).)
5. Petitioner has not filed a declination to serve as executor by every named executor in decedent's will. (Prob. Code, § 8440.)

CASE: Estate of Perez-Ibarra
Case No. CV PB 17-220

The Court notes the following deficiencies:

1. Petitioner has not used the mandatory *Notice of Hearing* (Judicial Council form DE-120) to provide notice of the hearing. (Cal. Rules of Court, rule 7.101, subd. (a); Prob. Code, §§ 1215, 1220, 11000.)
2. The *Notice of Hearing* must state that the final account and petition for distribution are presented, and compensation of the attorney for the personal representative is requested. (Prob. Code, § 11000, subd. (b), (c).)
3. A waiver of account, or a written acknowledgment that the person's interest has been satisfied, has not been filed with the Court by each person entitled to distribution from the estate. (Prob. Code, § 10954.)