

Probate Notes for August 22, 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 in **Department Eight at 9:00 a.m.**

**CASE: Estate of Kodama
Case No. CV PB 19-166**

It is recommended to grant the petition for probate of nondomiciliary decedent's will and letters testamentary and for authorization to administer the estate under the Independent Administration of Estates Act. (Prob. Code, § 12520, et seq.)

**CASE: Estate of Parrish
Case No. CV P2 19-152**

The Court notes that no documents have been filed since the last hearing. The following deficiencies remain and warrant denial of the petition:

1. The petition fails to include a description of the property of the deceased spouse which the petitioner alleges is property passing to the surviving spouse. (Prob. Code, § 13651, subd. (a)(2).)
2. Petitioner fails to allege facts supporting the claim to ownership, including, but not limited to, the date and place of marriage, the date the property was purchased or otherwise acquired, title to the property at the time it was purchased or otherwise acquired, the decedent's net worth at the time of the marriage, whether or not the decedent received any significant gifts or inheritance after marriage, and facts to show that the property to be set aside is not traceable to such initial net worth or later gift or inheritance. (Prob. Code, § 13651, subd. (a)(3); Yolo County Local rule 25.6.)
3. The petition fails to include a description of any interest in the community property or quasi-community property, or both, which the petitioner requests the court to confirm to the surviving spouse as belonging to the surviving spouse pursuant to Section 100 or 101. (Prob. Code, § 13651, subd. (a)(4).)
4. Petitioner has failed to file proof that *Notice of Hearing* (Judicial Council form DE-120) was served on all known heirs of the decedent. (Prob. Code, §§ 1220, 13655.) Petitioner must file a declaration describing efforts made to locate a person entitled to notice in a proceeding under the Probate Code, but whose address is unknown. (Cal. Rules of Court, rule 7.52.)

CASE: Matter of Shih Trust
Case No. CV P2 19-125

The Court notes the following deficiency: Petitioner did not serve the *Notice of Hearing* (Judicial Council form DE-120) on the required parties at least 30 days prior to the hearing. (Prob. Code, § 17203, subd. (a).)

Once petitioner perfects notice, it is recommended to grant in part petitioner Wei Tang's first amended petition to approve trustee's fees, to reimburse trustee for payment of attorney's fees, and to review reasonableness of trustee compensation in accordance with terms of trust instrument and approve attorney's fees in the amount of \$1,193.25 and trustee's fees in the amount of \$8,385.40.