

Tentative Rulings for December 5, 2024 Probate Calendar

Judge James T. Chou
Department C

**APPEARANCES MAY BE MADE
IN PERSON
OR ON ZOOM.**

To Join a Zoom Meeting, please follow this link: www.marin.courts.ca.gov

1. Click on the “Virtual Courtrooms” icon and then on “Zoom Civil / Family / Probate Court Calendar Appearance Information”
 2. Scroll down to Department C – Probate for the connection information.
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Any interested party who wishes to appear for oral argument on the tentative ruling **must do the following no later than 4:00 PM** one Court day prior to the scheduled hearing date (MCR 6.2.D):

1. Notify all other parties entitled to notice of the underlying petition, including the attorneys for represented parties; and
 2. Advise the clerk’s office by leaving a message at **(415) 444-7046, option 5.**
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There is no need to inform the Court of your intent to appear if the tentative ruling requires an appearance.

PLEASE NOTE: Probate cases that are designated as confidential by California law will not be posted online. For tentative rulings in those matters, please contact the judicial secretary at **(415) 444-7260**. Confidential cases include applications for Special Immigrant Juvenile Status.

Judge James T. Chou
Department C
9:00 Calendar

PR000012 IN THE MATTER OF KEVIN G. MOLINARI

Petition regarding status report of administration.

Ruling. **Continued to January 9, 2025 at 9:00.**

1. Notice must be given on the mandatory form (DE-120) with the box checked in Item 1 stating this is a report of status of administration.
2. The POS filed 11/27/24 shows that the box in Item 1 was not checked.
3. Please file POS confirming that all interested parties received proper notice of the 1/9/24 hearing date.

PR0000136 IN THE MATTER OF MANUEL A. RIVERA

Status regarding sale of property and to set further proceedings.

Ruling. **The parties are ordered to appear** for update on sale of property.

PR0000172 IN THE MATTER OF ANNE MARGARET HENDRY

Petition for final distribution on waiver of accounting.

Ruling. Absent objections this Petition will be **granted without hearing.**

PR0000178 IN THE MATTER OF JOAN KELLY NEBEL

First and Final Account and Report of Executor and Petition for Its Settlement, for Allowance of Compensation for Ordinary and Extraordinary Services of Attorneys, Reimbursement of Costs to Attorneys, and for Final Distribution to Domiciliary Representative.

Ruling. **Continued to January 23, 2025 at 9:00.** Petitioner is to address the following no later than January 16, 2025:

1. File a declaration setting forth the ordinary services provided by counsel and corresponding timesheets so that the Court may determine whether all or a portion of the requested extraordinary fees have been fairly compensated by the statutory fee.
(Please see *Estate of Hilton*, 44 Cal.App.4th 890, 912-913; *Estate of Walker*, 221 Cal.App.2d 792).
2. The Court notes that the Proof of Service was filed fewer than 5 court days prior to the hearing. The Court has reviewed the late-filed POS this time; please comply with the deadline in the future (MCR 6.2.B.3. & 6.2.B.5).

PR0000188 IN THE MATTER OF RICHARD AND CONNIE ADAMS REVOCABLE TRUST

Petition to Enforce the No-Contest Provisions of the October 29, 2022 Restatement of the Richard and Connie Adams Revocable Trust; Request for Evidentiary Hearing.

Ruling. **Continued to January 23, 2025 at 9:00.** Petitioner is to address the following no later than January 16, 2025:

1. All interested parties must receive 30 days' notice of the Third Amended Petition.
2. Such notice must be given in the same manner as the original Petition (CRC 7.53).
3. Petitioner is ordered to provide proper notice to all interested parties and file a POS confirming that all interested parties have received at least 30 days' notice of the January 23, 2025 hearing on the mandatory Judicial Council form DE-120 (CRC 7.101(a)).

PR0000292 IN THE MATTER OF MARILYN HICKS MCGOVERN

Petition regarding terminating of proceedings and discharging the executor.

Ruling. Absent objections this Petition will be **granted without hearing.**

**PR0000414 IN THE MATTER OF THE CHRISTOPHER LOUIS VACCARO, JR. REVOCABLE
DISCRETIONARY SPECIAL NEEDS TRUST OF 2014**

- 1) Petition regarding trust.
- 2) Status regarding settlement discussions; identification of counsel for respondent; proof of proper notice to interested parties and to Italo Vaccaro.

Ruling. **The parties are ordered to appear** to provide an update regarding settlement discussions.

**PR0000466 IN THE MATTER OF THE 2015 EDWARD L. DEROSIS REVOCABLE TRUST DATED
NOVEMBER 13, 2015**

Petition for Order Confirming Trust Assets.

Ruling. **Continued to January 23, 2025 at 9:00.** Petitioner is to address the following no later than January 16, 2025:

1. The Petition is not verified by Petitioner; please file verification.
2. Danielle DeRosis must receive direct notice in addition to her attorney-of-record; please file POS confirming proper notice (Prob. C. § 1214).
3. File documentation to confirm that as of 4/6/21 Trustor owned the accounts that were not specifically listed in Schedule A to the Restatement of Trust (MRC 6.66.C).
4. File a Declaration stating whether each account has a payable on death designation.

PR0000599 IN THE MATTER OF SHIRLEY MAY HAMILTON

- 1) Amended Petition for Letters of Administration filed by Luisa Mafi.
- 2) Status regarding settlement discussions; creditor claim; and possibility of filing civil action.

Ruling. **The parties are ordered to appear** to discuss status of settlement and to discuss the need for filing of a petition to appoint Matthew Hamilton as Executor.

PR0000621 IN THE MATTER OF JOYCE LITTLETON SIMPSON

Petition regarding spousal property.

Ruling. **Continued to January 23, 2025 at 9:00.** Petitioner is to file the following no later than January 16, 2025:

1. The Court again requests that Petitioner file Attachment 7 (“The facts upon which petitioner bases the allegation that the property described in Attachments 7a and 7b is property that should pass or be confirmed to the surviving spouse...”).
2. File a Supplement to Petition that:
 - a. Names trustee and all beneficiaries of the Simpson Trust.
 - b. Specifies whether the property values listed in Attachment 7b are for Petitioner’s 50% community property share in the property or for 100% of the property.
3. If applicable, Proof of Service showing that the following received proper notice:
 - a. Trustee of the Simpson Trust, if Petitioner is not the sole Trustee
 - b. Beneficiaries of the Simpson Trust, if Petitioner is the sole Trustee.

PR0000691 IN THE MATTER OF JOHN ROBERT BOBAY

1. Status regarding filing final inventory and appraisal.
2. Status Report.

Ruling. Pursuant to the Status Report filed 11/25/24, the status hearing for the filing of the Final Inventory and Appraisal is **continued to April 3, 2025 at 10:00**. An appearance will be required on that date if the Final I&A is not filed at least 5 court days prior to hearing.

PR0000718 IN THE MATTER OF PATRICIA MAUREEN GAFFNEY

Motion to quash, filed by Ryker Schenck.

Ruling. **Denied.**

**PR0000720 IN THE MATTER OF THE EXEMPTION TRUST UNDER THE WILLIAMSON FAMILY TRUST
DATED JANUARY 23, 1987**

- 1) Petition for Order Modifying Trust Provision Designating Successor Trustees.
- 2) Petition to appoint guardian ad litem.

Ruling. **Parties are ordered to appear** to discuss the propriety of Petitioner serving as GAL and the lack of documentation supporting Marcia's capacity.

PR0000743 IN THE MATTER OF THE MAYDAY LIVING TRUST DATED DECEMBER 17, 1987

Amended Petition to Appoint Successor Trustees.

Ruling. Absent objections, this Petition will be **granted without hearing.**

PR0000750 IN THE MATTER OF THE DORSTEL FAMILY TRUST – 1991 U/D/T NOVEMBER 15, 1991

Petition to modify trust.

Ruling. Absent objections, this Petition will be **granted without hearing.**

**PR0000751 IN THE MATTER OF THE THEODORE C. MCMECHEN SEPARATE PROPERTY TRUST, AS
AMENDED AND RESTATED DATED OCTOBER 12, 2017**

Petition regarding successor trustee.

Ruling. **The parties are ordered to appear** to explain why nothing has been filed to address the issues set forth in the 11/7/24 tentative ruling:

1. File a Supplement to Petition that provides the following information:
 - a. Is Petitioner a professional fiduciary? If so, what is his PFB license number and is his license active?
 - b. If Petitioner is not a professional fiduciary, why is he an appropriate choice? Has any of the beneficiaries nominated him?
 - c. Mr. Walther consents to serve as Successor Trustee, but he did not receive notice of this hearing. Is he aware of the hearing date? Does he waive proper notice?
2. Bond:
 - a. What are the compelling circumstances for the Court to waive bond for a Successor Trustee who is not named in the Trust (Prob. C. § 15602(a)-(b))?
 - b. What is the amount of bond if required by the Court (current fair market value + estimated annual income).

PR0000759 IN THE MATTER OF NATASHA A. POPOVICH

- 1) Petition regarding will contest and grounds of objection.
- 2) Petition for letters testamentary.

Ruling. **The parties are ordered to appear** to appear to address service of the Summons.

PR0000767 IN THE MATTER OF NATASHA ALEXANDRIA POPOVICH

- 1) Petition for letters testamentary.
- 2) Petition regarding will contest and grounds of objection.

Ruling. **The parties are ordered to appear** to address service of Summons, POS for Petition for Probate, POP and dec re diligent search for Cecilia Dennis.

PR0000819 IN THE MATTER OF THE NANCY A. NICHE 2022 TRUST DATED APRIL 6, 2016

Petition regarding PROB C 850.

Ruling. **Continued to December 19, 2024 at 9:00 to be heard with related case on that date.**

PR0000820 IN THE MATTER OF THE RIFKIND FAMILY TRUST – 1996 DATED MARCH 8, 1996

Petition regarding PROB C 850.

Ruling. **Continued to December 12, 2024 at 9:00 for further review.**

PR0000862 IN THE MATTER OF MARGARET A. LYONS

Petition for Letters Testamentary.

Ruling. **The parties are ordered to appear** to discuss the filing of an amended petition to probate the lost will, including the filing of a due diligence declaration and notice to all interested parties, rather than filing an amended petition to appoint an administrator of an intestate estate.

PR0000881 IN THE MATTER OF PATRICIA LYON MILLS

Petition for letters of administration.

Ruling. Absent objections this Petition is **granted without hearing.**

Future dates.

1. Final Inventory and Appraisal.
 - a. A status hearing for the filing of the Final Inventory and Appraisal shall be set on April 10, 2025 at 10:00.
 - b. An appearance will be required on that date if the Final I&A is not filed at least 5 court days prior to hearing.
2. Status on Closing Estate.
 - a. Either: (1) a Petition for Final Distribution; or (2) a Report on Status of Administration shall be filed by December 11, 2025, as required by Prob. C §§ 12200 & 12201.
 - b. A status hearing re filing a Petition or Report shall be set on January 8, 2026 at 10:00.
 - i. If neither document has been timely filed, an appearance will be required.
 - ii. If the Petition or Report is timely filed, the hearing will be set on January 8, 2026 at 9:00.

PR0000890 IN THE MATTER OF THOMAS BOURNE

Petition for letters of administration.

Ruling. Absent objections this Petition is **granted without hearing.**

Future dates.

1. Final Inventory and Appraisal.
 - a. A status hearing for the filing of the Final Inventory and Appraisal shall be set on April 10, 2025 at 10:00.
 - b. An appearance will be required on that date if the Final I&A is not filed at least 5 court days prior to hearing.
2. Status on Closing Estate.
 - a. Either: (1) a Petition for Final Distribution; or (2) a Report on Status of Administration shall be filed by December 11, 2025, as required by Prob. C §§ 12200 & 12201.
 - b. A status hearing re filing a Petition or Report shall be set on January 8, 2026 at 10:00.
 - i. If neither document has been timely filed, an appearance will be required.
 - ii. If the Petition or Report is timely filed, the hearing will be set on January 8, 2026 at 9:00.

PR0000909 IN THE MATTER OF MARILYN SUE ROUDA

Petition for letters testamentary.

Ruling. Absent objections this Petition is **granted without hearing.**

Future dates.

1. Final Inventory and Appraisal.
 - a. A status hearing for the filing of the Final Inventory and Appraisal shall be set on April 10, 2025 at 10:00.
 - b. An appearance will be required on that date if the Final I&A is not filed at least 5 court days prior to hearing.
2. Status on Closing Estate.
 - a. Either: (1) a Petition for Final Distribution; or (2) a Report on Status of Administration shall be filed by December 11, 2025, as required by Prob. C §§ 12200 & 12201.
 - b. A status hearing re filing a Petition or Report shall be set on January 8, 2026 at 10:00.
 - i. If neither document has been timely filed, an appearance will be required.
 - ii. If the Petition or Report is timely filed, the hearing will be set on January 8, 2026 at 9:00.

PR0000929 IN THE MATTER OF PATRICK J. GALLAGHER

- 1) Petition for letters testamentary.
- 2) Petition for letters of special administration.

Ruling. Absent objections the Petition for Letters Testamentary is **granted without hearing** and the Petition for Letters of Special Administration is taken **off calendar as it is moot.**

Future dates.

1. Final Inventory and Appraisal.
 - a. A status hearing for the filing of the Final Inventory and Appraisal shall be set on April 10, 2025 at 10:00.
 - b. An appearance will be required on that date if the Final I&A is not filed at least 5 court days prior to hearing.
2. Status on Closing Estate.
 - a. Either: (1) a Petition for Final Distribution; or (2) a Report on Status of Administration shall be filed by December 11, 2025, as required by Prob. C §§ 12200 & 12201.
 - b. A status hearing re filing a Petition or Report shall be set on January 8, 2026 at 10:00.
 - i. If neither document has been timely filed, an appearance will be required.
 - ii. If the Petition or Report is timely filed, the hearing will be set on January 8, 2026 at 9:00.

PRO000947 IN THE MATTER OF DONALD A. CHERIN

Petition for letters testamentary.

Ruling. **Continued to December 12, 2024 at 9:00 for further review.**

PRO060171 ELENA BARAJAS SPECIAL NEEDS TRUST, TRUST OF

Petition - Modify Trust

Ruling. **Continued to December 12, 2024** at 9:00 for review of document filed fewer than 5 Court days prior to the hearing date (MCR **6.2.B.3.a & 5.b**).

PRO1901893 IN RE THE STEPHEN PELAEZ SETTLEMENT TRUST, TRUST OF

Fourth Account and Report of Trustee; Petition for Settlement of Accounts; for Approval of Trustee's and Attorney's Fees; for Increase of Bond; to Change Venue; and to Confirm Appointment of Co-Trustee and Nomination of Successor Trustee.

Ruling. **Continued to January 23, 2025 at 9:00.** The Fourth Account was not timely filed and requires additional time to provide proper notice.

PRO1903475 ELEANOR L. HOSKINS, ESTATE OF

Amended Petition for Probate of Will and for Letters Testamentary.

Ruling. Absent objections this Petition is **granted without hearing**.

Future dates.

1. Final Inventory and Appraisal.
 - a. A status hearing for the filing of the Final Inventory and Appraisal shall be set on April 10, 2025 at 10:00.
 - b. An appearance will be required on that date if the Final I&A is not filed at least 5 court days prior to hearing.
2. Status on Closing Estate.
 - a. Either: (1) a Petition for Final Distribution; or (2) a Report on Status of Administration shall be filed by December 11, 2025, as required by Prob. C §§ 12200 & 12201.
 - b. A status hearing re filing a Petition or Report shall be set on January 8, 2026 at 10:00.
 - i. If neither document has been timely filed, an appearance will be required.
 - ii. If the Petition or Report is timely filed, the hearing will be set on January 8, 2026 at 9:00.

PRO2100823 PATTIE PIERCE, ESTATE OF

Order to show cause why the petition should not be dismissed for failure to prosecute.

Ruling. In light of the 6/20/22 order granting the petition for final distribution, the **OSC issued against petitioner is discharged and no further dates shall be set.**

PRO2103986 IN RE RUTH ELIZABETH WEST REVOCABLE TRUST OF MARCH 20, 2017, TRUST OF

- 1) Petition to determine validity of purported trust; for finding of financial elder abuse and physical neglect; for imposition of constructive trust.
- 2) Status regarding mediation and to confirm trial date.

Ruling. The parties are **ordered to appear** to confirm MSC and trial dates.

PRO2200267 IN THE MATTER OF THE ANDERSON FAMILY TRUST

- 1) Petition for: (1) order compelling trust accounting by the trustees of The Anderson Family Trust; (2) breach of fiduciary duties by trustee, etc. filed by Eugene Anderson.
- 2) Amended Petition for approval of first account and report of co-trustees filed by Diana Anderson and Thomas Anderson.

Ruling. In light of Diana Anderson's continuing failure to participate in these proceedings, including her failure to sign the Amended Petition filed on 8/15/24, **Diana Anderson is ordered to appear** to address why she should not be suspended as Co-Trustee. **All parties, including Diana Anderson, are ordered to appear** to discuss the status of listing the property, counsel of record for Thomas Anderson, meet and confer efforts.

PRO2203587 BYRONY E. SWIFT SPECIAL NEEDS TRUST, TRUST OF

Third Account and Report of Successor Trustee and Petition for Its Settlement; for Approval of Fees of Successor Trustee; and Approval of Fees and Costs to Attorney for Successor Trustee.

Ruling. **Continued to December 12, 2024 at 9:00 for further review.**

PRO2203964 ESTATE OF DINAH ISABELLE FUENTES

Petition for final distribution.

Ruling. **Continued to December 12, 2024 at 9:00 for further review.**

**PRO2300831 IN THE MATTER OF THE MANTEGANI SURVIVORS TRUST, AS AMENDED AND RESTATED
IN 2005**

- 1) Petition for order removing trustee and appointing successor trustee filed by Rita Murphy and Pamela Love.
- 2) Order to show cause regarding dismissal.

Ruling. **Continued to January 9, 2024 at 9:00.** Petitioner is to file the following no later than January 2, 2024:

1. Declaration, signed and verified by Petitioner, that addresses the following:
 - a. Names and addresses of all parties entitled to notice of the underlying Petition (Prob. C. § 17201).
 - b. Names and addresses of all vested and contingent beneficiaries of the Trust (CRC 7.902).
2. If applicable, Proof of Service showing that any parties named in response to Issue 1(a)-(b) who are not parties to the stipulation received proper notice.

PRO2301136 HARRY CHARLES CORDELLOS, ESTATE OF

- 1) Petition regarding status of administration.
- 2) Order to show cause regarding dismissal and why counsel should not be sanctioned for the failure to appear on 11/07/24 and failure to file.

Ruling.

1. Report of Status of Administration. **Continued to January 9, 2025 at 9:00.** The Report of Status of Administration was not timely filed and requires additional time for review and for proper notice.
2. Orders to Show Cause. Both OSC's are discharged.

PRO2301343 GENE THOMAS STOCKWELL, ESTATE OF

Petition for final distribution.

Ruling. **Continued to January 9, 2025 at 9:00.** The Amended Petition was not timely filed and requires additional time for review and for proper notice (MCR 6.2.B.3.a & 5.b).

Judge James T. Chou
Department C
10:00 Calendar

PR000176 IN THE MATTER OF MARC PANKIN

Status regarding receipt of petition for final distribution or report on status of administration.

Ruling. **Continued to January 23, 2025 at 9:00.** The Report of Status of Administration was not timely filed and requires additional time for review and for proper notice.

PR000294 IN THE MATTER OF JEAN ANITA SCHUCH

Status regarding filing of final inventory and appraisal.

Ruling. **Off calendar** – Final I&A has been filed.

PR000370 IN THE MATTER OF DAVID P. MCCORMACK

Status regarding filing of final inventory and appraisal.

Ruling. **Off calendar** – Final I&A has been filed.

PR000505 IN THE MATTER OF JOHN EGLI

- 1) Petition regarding filing of final inventory and appraisal.
- 2) Order to show cause regarding potential suspension of executor and sanctions.

Ruling. **Appearance is required.**

PR000679 IN THE MATTER OF JEFFERY GLEN BELLINGER

Status regarding filing of final inventory and appraisal.

Ruling. **Off calendar** – Final I&A has been filed.

PR000698 IN THE MATTER OF DOVIELEIGH LUCILLE AMOS

Status regarding filing of final inventory and appraisal.

Ruling. **Off calendar** – Final I&A has been filed.

PRO2301185 PATRICIA J. SMITH, ESTATE OF

Status regarding filing petition for final distribution or petition to approve report on status of administration.

Ruling. **Continued to January 23, 2025 at 9:00.** The Petition for Final Distribution was not timely filed and requires additional time for review and for proper notice.

Judge James T. Chou
Department C
1:30 Calendar

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PR000677 IN THE MATTER OF JAN DOUGLAS KEIZER

Petition to terminate conservatorship.

Ruling. Absent objections this Petition is **granted without hearing.**

PR000773 IN THE MATTER OF JAYA PARIS HUGAND

Petition for Appointment of Guardian of Estate of Minor

Ruling. Absent objections this Petition is **granted without hearing.**

Future Dates.

1. Final Inventory and Appraisal.
 - a. A status hearing for the filing of the Final Inventory and Appraisal shall be set on April 10, 2025 at 1:30.
 - b. An appearance will be required on that date if the Final I&A is not filed at least 5 court days prior to hearing.
2. First Account.
 - a. Guardian is to file the First Account for the period ending 12/4/25 by February 12, 2025.
 - b. A hearing shall be set for February 12, 2025 at 1:30 for either:
 - i. Hearing on the First Account; or
 - ii. Explanation as to why it was not timely filed.

PR000791 IN THE MATTER OF GABRIELLE SAMARA TABER SINGER

Petition to appoint limited conservator of the person.

Ruling. **Appearance is required.**

PR000794 IN THE MATTER OF RODOLFO YEPEZ

Petition to appoint limited conservator of the person.

Ruling. **Continued to January 9, 2025 at 1:30** – to allow time for GGRC and court-appointed counsel to review the file.

PRO000871 IN THE MATTER OF MONROE JAMES GROSHONG NAKA 'OKA

Petition to appoint guardian of the person.

Ruling. **Appearance is required.**

PRO1903456 NANCY ELLEN TERRY, CONSERVATORSHIP OF THE ESTATE

First accounting (to be filed by Ann Smith)

Ruling. Absent objections, this Petition will be **granted without hearing.**

1. Successor Conservator is to file the Second Account for the period 8/1/24 – 7/31/26 by October 15, 2026.
2. A hearing shall be set for December 3, 2026 at 1:30 for either.
 - a. Hearing on the Second Account; or
 - b. Explanation as to why it was not timely filed.

PRO2100276 NEIL E. MASON, CONSERVATORSHIP OF THE ESTATE

First accounting.

Ruling. Absent objections, this Petition will be **granted without hearing.**

1. Conservators are to file the Third Account for the period 7/1/24 – 6/30/26 by September 10, 2026.
2. A hearing shall be set for October 22, 2026 at 1:30 for either.
 - a. Hearing on the Second Account; or
 - b. Explanation as to why it was not timely filed.

PRO054384 RANDOLPH L. ARCHER, CONSERVATORSHIP OF THE PERSON AND ESTATE

First accounting.

Ruling. **Continued to December 12, 2024 at 1:30 for further review.**

PRO2203245 STEPHANIE SAUNDERS AHLBERG, CONSERVATORSHIP OF THE PERSON AND ESTATE

- 1) Status regarding filing of first account, proof of payment, and ruling on suspension.
- 2) Order to show cause why conservator should not be removed.

Ruling. **Appearance is required.**
