

DEPARTMENT TEN
JUDGE CHRISTINE DONOVAN
707-207-7310

TENTATIVE RULINGS
AND
PROBATE PREGRANTS

CALENDAR DATE: APRIL 24, 2024

ADVISEMENTS

Probate Notes: Probate notes are available in individual cases and are not posted on the public website. For more information on how to access case information through the court's public portal, please visit <https://portal.solano.courts.ca.gov>.

Civil Tentative Rulings and Probate Pregrants: Current procedures to advise the court of appearances and nonappearances in response to tentative rulings and pregrants remain unchanged. Probate pregrants and tentative rulings are not posted for conservatorships, guardianships, or any ex parte matters.

Appearances by Zoom: Remote appearances by Zoom are permitted except for MSCs, TMCs, trials or evidentiary hearings, or cases in which in-person appearances have been ordered. Persons appearing by Zoom are to be in appropriate attire. They are also to be in a quiet place where they can speak without interruption and clearly hear the proceedings.

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**PREGRANTS AND TENTATIVE RULINGS
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9:00 CALENDAR

LINE

1

**IN THE MATTER OF THE MICHAEL NGUYEN SPECIAL NEEDS TRUST
FPR045854**

Petition for Approval of Sixth Account Current of Trustee for the Period of August 1, 2021 to July 31, 2023; Approval of Trustee's Fees; Approval of Trust Advisory Fees; Approval of Attorney's Fees; Declaration of Randolph M. Sharon

PREGRANT ORDER

This matter was previously continued from December 13, 2023 to allow the petitioner to address issues with the petition. The court has reviewed the Supplement filed February 13, 2024 and the Second Supplement filed April 18, 2024 resolved all issues.

The court finds all notices have been given as required by law. The petition as supplemented is granted as prayed.

LINE

2

**IN THE MATTER OF THE CRYSTAL VALDEZ SPECIAL NEEDS TRUST
FPR046094**

Fifth Account Current and Report of Trustee; for Authorization to Pay Trustee's Attorneys' Fees; Approval; of Fees Paid to Trust Advisory Committee; Removal of Florentina Valdez from the Trust Advisory Committee; Confirmation of Barbara Greenfield, R.N. to the Trust Advisory Committee; Request for Authorization to Sell the Existing Trust-Owned Real Property and Expend No More Than \$500,000.00 to Purchase a Replacement Residence; and for Authorization to Pay Trustee's Attorneys' Fees [Probate Code Sections 1460(e), 16062, 16063, 16064; 17200(b)(6)]

PREGRANT ORDER

The court on its own motion continues this hearing to June 7, 2024 at 10:00 a.m. in Department 10. Pending the continued hearing, the petitioner shall resolve the following issues:

1. The prior version of this petition was dismissed on October 26, 2022. The petition does not state why it took a year and a half to re-file this petition. The petitioner shall explain.
2. Petition, item 2, lines 18-26: The court ordered the removal of the beneficiary's mother from the Trust Advisory Committee on July 11, 2018. The petitioner shall explain why this order is requested again.
3. Petition, item 3: The petition states that the principal place of administration is 300 Capitol Mall, Suite 150, Sacramento, California. The petitioner shall explain why the court should not, on its own motion, change venue to Sacramento County pursuant to C.C.P. 396a(b).

4. Schedule C (Disbursements): There is a disbursement on October 19, 2022 for a family law consultation. There is no explanation for this expense in the petition. The petitioner shall explain.

LINE

3

IN THE MATTER OF THE BRIA JOHNSON SPECIAL NEEDS TRUST
FPR047510

Petition for Approval of Fifth Account Current of Trustee For the Period of March 1, 2022 To February 29, 2024; Approval of Trustee's Fees; Approval of Attorney's Fees; Declaration of Randolph M. Sharon

PREGRANT ORDER

The court on its own motion continues this hearing to June 21, 2024, at 10:00 a.m. in Department 10. Pending the continued hearing, the petitioner shall resolve the following issue:

The Proof of Service filed April 9, 2024 states that service was done on April 8, 2024. This is less than 30 days before the hearing as required by Probate Code section 17203.

The court orders that notice of the continued hearing be given at least 30 days prior to the continued hearing and that a proof of service be filed showing notice was so given.

LINE

4

IN RE ESTATE OF WALTER JAMES WEEKS, DECEASED
FPR049502

First and Final Report of Administrator; Approval of Accounting, Allowance of Compensation for Ordinary Services of Administrator and Attorney and for Final Distribution

PREGRANT ORDER

This matter was continued from October 4, 2023 and December 13, 2023 to allow the petitioner to address the issues with the petition. The court has reviewed the documents filed January 19, 2024 which resolved the outstanding issues.

The court finds all notices have been given as required by law. The petition as supplemented is granted as prayed, except that release of liability and discharge shall be ordered only upon the filing of the *Ex Parte Petition for Final Discharge and Order* once assets are distributed pursuant to Probate Code § 11753.

LINE

5

**IN RE THE ESTATE OF ROBERT E. JONES, DECEASED
FPR049545**

Petition for the Termination of Further Proceedings and for Discharge of the Personal Representative (PC § 12251)

PREGRANT ORDER

The court finds all notices have been given as required by law. The petition is granted as prayed.

LINE

6

**IN RE THE ESTATE OF SABLE D. HOWARD-HUGHES, DECEASED
FPR051097**

First and Final Account and Report; Petition For Final Distribution, For Retention of Reserve, For Allowance Of Statutory Compensation to Petitioner, And for Allowance of Statutory Compensation to Counsel And for Reimbursement of Costs

PREGRANT ORDER

The court finds all notices have been given as required by law. The petition is granted as prayed, except that release of liability and discharge shall be ordered only upon the filing of the *Ex Parte Petition for Final Discharge and Order* once assets are distributed pursuant to Probate Code § 11753.

Petitioner to submit a conforming order for the court's review and signature.

LINE

7

**IN RE THE ESTATE OF JAMES WALTER HUDSON, DECEASED
FPR051979**

First and Final Report of Personal Representative; Petition for Final Distribution on Waiver of Account and for Waiver of Payment of Compensation to Personal Representative

PREGRANT ORDER

The court on its own motion continues this hearing to June 6, 2024 at 10:00 a.m. in Department 10. Pending the continued hearing, the petitioner shall resolve the following issues:

1. Petition, item 27: The proposed distribution does not comply with the terms of the decedent's will which provides that all of the decedent's property should be distributed to the Hudson Revocable Trust dated March 7, 2013 (Will, Article Two). Here, the Inventory and Appraisal shows the estate consists solely of cash and shares held in an IRA at Fidelity. In the absence of a beneficiary designation on the IRA, the IRA is to be distributed to the trustee of the trust. The petitioner shall explain why the court should disregard the decedent's clear intention that his estate should be distributed to his trust.

2. There is no Proof of Service on file showing all those entitled to notice have received it per Probate Code section 11601.

LINE

8

**IN THE MATTER OF THE DON M. SKINNER FAMILY TRUST DTD JUNE 16, 2015
PR23-00332**

Petition To Compel Accounting [Prob. Code §4541]; Return of Property Under Prob. Code §850 and Double Damages Under Prob. Code §859; Removal of the Trustee Under Sec. A.6 of the Trust By Majority In Percentage Interest of Income Beneficiaries; Removal of Trustee for Breach of Trust; Financial Elder Abuse Remedies; Exh. “A” – “E”

PREGRANT ORDER

The court on its own motion continues this hearing to July 11, 2024 at 10:00 a.m. in Department 10. Pending the continued hearing, the petitioner shall resolve the following issues:

1. The petition does not state the period of the requested accounting. The trust in Section J.1 waives the requirement of an accounting during the settlor’s lifetime. The settlor died on March 23, 2023. The petitioner shall clarify for which period of time the accounting is requested.
2. Petition, section V: There are no attachments indicating that the majority of the beneficiaries have voted to remove the trustee. The petitioner shall explain whether she has requested such a vote and the result of the vote.
3. Petition, section VI: The petition states that the petitioner believes that Dawn Sorahan was the representative payee for the trustor’s Social Security account. The petitioner shall explain how Probate Code sections 4230 – 4238 apply to a Social Security representative payee.
4. The petition requests punitive damages under Civil Code section 3294. The petitioner shall explain what exception exists to allow an award of punitive damages since Code of Civil Procedure section 377.42 specifically bars such damages.

LINE

9

**IN RE THE ESTATE OF CHARLES J. BARNES, DECEASED
PR23-00451**

Amended Petition for Letters of Administration and for Authorization to Administer Under the Independent Administration of Estates Act

PREGRANT ORDER

This matter was previously continued from December 12, 2023 to allow the petitioner to address issues with the petition. The court has reviewed the amended first petition and other documents filed March 26, 2024 which resolved all but one of the outstanding issues.

Counsel to appear (remote appearances are approved) and shall be prepared to address the following:

An amended petition replaces the prior petition for all purposes. See Cal. Rules of Court, Rule 7.3. Thus, amended petitions must include all the attachments referred to in the amended petition, even if they were previously provided in a prior version of the petition. There is no waiver of bond attached to the amended petition.

If the court is satisfied with the information provided, the court intends to rule as follows:

The court finds all notices have been given as required by law. The amended petition is granted as prayed.

The court appoints Deontra Barnes as administrator with full authority under the Independent Administration of Estates Act.

Bond is waived.

The court appoints Paul Miller as probate referee.

The personal representative shall file their Inventory and Appraisal within four months of the date letters are issued. **A compliance hearing regarding the filing of the Inventory and Appraisal is set for September 25, 2024 at 11:00 a.m. in Department 10.** The personal representative or their counsel shall attend this compliance hearing. Appearances are excused if the appropriate documents are on file prior to the hearing.

The personal representative shall file either their petition for final distribution or their first status report within 12 months of the date letters are issued. **A compliance hearing regarding the filing and service of the petition or status report is set for June 25, 2025 at 11:00 a.m. in Department 10.** The personal representative or their counsel shall attend this compliance hearing. Appearances are excused if the appropriate documents are on file prior to the hearing.

**IN RE THE ESTATE OF ELMETT J. BATTISTE, DECEASED
PR24-00153**

Petition for Letters of Administration and for Authorization to Administer Under the Independent Administration of Estates Act

PREGRANT ORDER

The court on its own motion continues this hearing to July 11, 2024 at 10:00 a.m. in Department 10. Pending the continued hearing, the petitioner shall resolve the following issue:

Petition, item 8: The petitioner is the nephew of the decedent, but no information about the decedent's parents or siblings was stated. The petitioner shall provide the names, ages, relationships, and addresses of the decedent's parents and siblings. If these persons are all deceased, the petitioner shall provide their names and dates of death.

LINE

10

LINE

11

**IN RE THE ESTATE OF ARACELI BLACKFORD, DECEASED
PR24-00163**

Petition for Letters of Administration and for Authorization to Administer Under the Independent Administration of Estates Act

PREGRANT ORDER

The court on its own motion continues this hearing to July 12, 2024 at 10:00 a.m. in Department 10. Pending the continued hearing, the petitioner shall resolve the following issues:

1. Petition, item 1: The petitioner did not specify which newspaper will be used for publication.
2. Petition, item 2.b: No proposed personal representative is named.
3. Petition, item 3.d(7): No total amount of the estate is listed.
4. Petition, item 5.a: Either (3) or (4) must be marked. Either (7) or (8) must be marked.
5. Petition, item 8: The relationships to the decedent of the persons listed must be stated.
6. There is no completed Duties and Liabilities of Personal Representative form on file (Prob. Code § 8404).
7. Notice of Petition, item 5: The petition seeks authority under the Independent Administration of Estates Act. This box is not marked and must be marked to give correct notice to all interested parties and potential creditors. An amended Notice of Petition must be filed and served.
8. There is no Proof of Service on file showing all those entitled to notice have received it per Probate Code section 8110.
9. There is no proof of publication on file. (Prob. Code § 8124.)

10:00 CALENDAR

LINE

12

**IN RE THE ESTATE OF DOYLE FRANKLIN MCCLUSKY, DECEASED
FPR051422**

Order to Show Cause

Objection to Appointment of Public Administrator as Administrator of Estate; Declaration of Counsel

PREGRANT ORDER

On September 15, 2023, the court issued an OSC to personal administrator Margaret Velasco to appear on December 4, 2023 and show cause as to why a Petition for Final Distribution has not

yet been filed and/or what if any disposition of creditor's claims has occurred. Margaret Velasco was present in court when the OSC issued.

Margaret Velasco did not appear on December 4, 2023, February 9, 2024, or March 13, 2024. At the last hearing, the court stated that it intended to explore the possibility of appointing a private fiduciary to complete this matter as the Solano County Public Administrator strongly objects to their appointment.

Counsel and parties to appear.
