

PROBATE CALENDAR NOTES
October 16, 2020
8:30 AM, Department 40
Placer County Superior Court

Published October 13, 2020, 11:30 AM
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For current local court COVID-19 information, visit:
<http://www.placer.courts.ca.gov/general-covid-19.shtml>

Telephonic remote appearances are strongly encouraged. See Local Rule 10.28 concerning remote appearances.

Local Rule 10.27, "eDelivery," requires electronic filing of documents by attorneys and represented parties. *Due to potential delays in processing new filings, it is recommended all papers be filed at the earliest opportunity.*

These calendar notes are provided pursuant to Local Rule 80.1.4 for the probate calendar set for hearing **October 16, 2020, 8:30 AM, in Department 40**, Commissioner Glenn M. Holley, presiding. Pursuant to Local Rule 80.1.4, these calendar notes are **not** a tentative ruling on the merits of any matter before the court.

Updated notes may be posted at any time. Notes will generally be updated the court day prior to the hearing. Staff may respond to limited questions concerning calendar notes; however, court staff may not give legal advice to parties or attorneys. Messages may be left for the Office of Legal Research at (916) 408-6119.

1. S-PR-0008993 Hay, Donald R.- In Re the Conservatorship of

Appearance is required for hearing on petition for appointment of successor conservator of the person.

Missing notice of hearing. Missing service of notice of hearing. Prob.C. § 2683.

Clarification is needed as to bond request. Allegations of the petition and information provided in resigning conservator's final account do not support requested bond amount.

Missing investigation report. Prob.C. § 2684.

Missing signed duties form. Clerk may not issue letters until signed duties form is filed. C.R.C. 7.1051.

☎ Remote telephonic appearances are strongly encouraged.

2. S-PR-0009034 Josefina S. Guiuan Liv Trust; In re the

Amended petition to determine trust property, remove occupants, and for other relief

Appearance is required for continued hearing on amended petition to determine trust property, remove occupants and for other relief.

Petition for instructions & trustee account

Appearance is required for hearing on petition for instructions and trustee account.

It is recommended the requests for instructions (dismissal of pending litigation; determination not to pursue claims against estate of former trustee) be denied as not reasonably necessary for the protection of the interests of the trustee or any beneficiary, Prob.C. § 17202. Trust administration should proceed expeditiously and free of judicial intervention to the extent possible, Prob.C. § 17209. There is no apparent need here for the court to instruct the trustee on these questions.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

3. S-PR-0009374 Sagaria, Scott Joseph - Estate of

Appearance is required for continued hearing on petition to approve practice administrator second and final account.

Clarification is needed: summary of account and account information for the separate practice accounts show that IOLTA account (-7202) should have a positive balance of more than \$102,000, and the regular account (-1025) should have a negative balance of more than \$83,000. It is unclear how petitioner reconciled the expenditures in the different accounts. Note that there is no bank statement for the end of the account period supporting the property on hand.

Missing practice administrator's response to objections by Strategic Funding Source, Inc. Strategic filed a "surreply," suggesting that practice administrator served a response.

☎ Remote telephonic appearances are strongly encouraged.

4. S-PR-0009433 Zissis, Iris June-In Re Estate of

Petition for final distribution (D Zissis)

Appearance is required for continued hearing on petition for final distribution.

Missing notice of hearing. Missing service of notice of hearing.

Missing allegations concerning: creditor claims, notice to public entitles, personal representative fees / waiver of fees. Missing account / waiver of account.

Missing adequate inventory and appraisal. The inventory indicates there was \$15,000 of personal property in the estate. A referee appraisal of all non-cash assets is needed.

Petition to remove personal representative Debra Zissis (C Zissis)

It is recommended the petition to remove Debra Zissis be denied. Claire Zissis's prior petition to remove Debra Zissis was denied July 24; a renewed request—made at the hearing August 21, 2020—was again denied. The petition appears to repeat the same arguments previously heard and rejected by the court.

 Remote telephonic appearances are strongly encouraged.

5. S-PR-0009462 Anthony Anysenko Irrev Settlement Trust; In re the

Second trustee account is recommended for approval as prayed.

6. S-PR-0009623 Eon Vergara Spec Needs Trust; In re the

Appearance is required for continued hearing on 1st SNT account, request for fees and costs, and to approve SNT expenditures.

Missing notice of hearing. Missing service of notice of hearing.

Missing response by GAL Victor Waid to account and expenditure requests.

 Remote telephonic appearances are strongly encouraged.

7. S-PR-0009858 Brandshaug, Bi Yu Wei - In re Estate of

Missing notice of hearing on petition for final distribution. Missing service of notice of hearing to estate of Sigmund E Brandshaug. Any post-deceased spouse had in estate of decedent has passed to his estate.

Clarification is needed: prayer for relief ¶ 6 includes a request that any after-discovered property be distributed to petitioner. The estate of decedent's surviving spouse appears to be entitled to one-half of any after-discovered separate property and all after-discovered community property.

 Remote telephonic appearances are strongly encouraged.

8. S-PR-0009887 Brandon E Epperson Spec Needs Trust - In re the

Second trustee account is recommended for approval as prayed.

9. S-PR-0009942 Robinson, Jeffrey Glen-In re the Estate of

Petition for final distribution is recommended for approval as prayed.

10. S-PR-0010000 Josefina S Guiuan Liv Trust; In re the

Appearance is required for continued hearing on petition to determine trust property.

Missing amended petition to determine trust property. The minutes of the January 17 hearing indicate an amended petition was anticipated for the March 27 hearing. None was filed.

It is recommended the petition to determine trust property be denied. There is no evidence of trust funding of the subject accounts by settlor. The "release" by Merlo Guiuan does not mention one of the subject accounts and appears to be insufficient to transfer the accounts to the trustee. This recommendation is not a tentative ruling on the merits of the petition. Local Rule 80.1.4.

📞 Remote telephonic appearances are strongly encouraged.

11. S-PR-0010011 Skala Fam Trust; In re the

In light of the status report filed October 9, it is recommended this matter be continued to January 15, 2021, 8:30 a.m., in Department 40 for status of the settlement.

12. S-PR-0010077 Razee, Barbara M; In re the estate of

To assist the court in managing the high volume of remote appearances, persons appearing remotely on this matter should not connect to the court's phone appearance system until **8:50 AM**; the court will not call the matter before **9:00 AM**.

Petition for final distribution is recommended for approval as prayed.

13. S-PR-0010191 Godager, Laurie Jean; In re the Estate of

To assist the court in managing the high volume of remote appearances, persons appearing remotely on this matter should not connect to the court's phone appearance system until **8:50 AM**; the court will not call the matter before **9:00 AM**.

Missing proof of publication for amended petition to administer estate. C.R.C. 7.53.

Note: proposed administrator Christie Young has not filed a signed duties form (DE-147). The clerk cannot issue letters until the duties form is filed. C.R.C. 7.150.

14. S-PR-0010352 E Alene Buttram Trust - In re the

This matter was dropped from calendar upon the filing of a full dismissal.

15. S-PR-0010363 Torjesen, Victor Lawrence - In Re the Estate Of

To assist the court in managing the high volume of remote appearances, persons appearing remotely on this matter should not connect to the court's phone appearance system until **8:50 AM**; the court will not call the matter before **9:00 AM**.

Appearance is required for continued hearing on petition to administer estate.
📞 Remote telephonic appearances are strongly encouraged.

16. S-PR-0010378 Dreger, Henry Adolph, Jr.; In re the estate of

To assist the court in managing the high volume of remote appearances, persons appearing remotely on this matter should not connect to the court's phone appearance system until **8:50 AM**; the court will not call the matter before **9:00 AM**.

Amended petition to administer estate is recommended for approval as prayed.

17. S-PR-0010400 Marvin Fisher Rev Trust; In re the

To assist the court in managing the high volume of remote appearances, persons appearing remotely on this matter should not connect to the court's phone appearance system until **8:50 AM**; the court will not call the matter before **9:00 AM**.

Petition for instructions (R Elley)

Appearance is required for continued hearing on petition for instructions (R Elley).

Petition for instructions (L Reyes)

Appearance is required for hearing on petition for instructions (L Reyes).

 Remote telephonic appearances are strongly encouraged.

18. S-PR-0010421 Hinton, Joseph Craig; In re the estate of

To assist the court in managing the high volume of remote appearances, persons appearing remotely on this matter should not connect to the court's phone appearance system until **8:50 AM**; the court will not call the matter before **9:00 AM**.

Amended spousal property petition is recommended for approval as prayed.

19. S-PR-0010464 Helen L Hurst Fam Rev Trust; In re the

To assist the court in managing the high volume of remote appearances, persons appearing remotely on this matter should not connect to the court's phone appearance system until **8:50 AM**; the court will not call the matter before **9:00 AM**.

Appearance is required for hearing on petition to compel trustee account.

 Remote telephonic appearances are strongly encouraged.

20. S-PR-0010466 Bierwirth, Susan Elizabeth - In Re the Estate of

To assist the court in managing the high volume of remote appearances, persons appearing remotely on this matter should not connect to the court's phone appearance system until **8:50 AM**; the court will not call the matter before **9:00 AM**.

Clarification is needed: petitioner alleges decedent was survived by spouse and child (¶¶ 5 & 8), but also no child (¶ 6), and no spouse or child (¶ 7). The response to the calendar notes repeats but does not clarify or correct any of the conflicting allegations. Use of ¶ 6f is itself an allegation that decedent was survived by no child(ren); use of ¶ 7a is itself an allegation that decedent was survived by no spouse or child. These allegations are irreconcilable with the allegations of ¶¶ 5 & 8.

21. S-PR-0010467 Dunbar Rev Trust 2008; In re the

To assist the court in managing the high volume of remote appearances, persons appearing remotely on this matter should not connect to the court's phone appearance system until **8:50 AM**; the court will not call the matter before **9:00 AM**.

Petitioner requests an injunction against Stephen Smith Esq. preventing him from representation of Charles or Michael Dunbar or, alternatively, an injunction against Charles or Michael Dunbar preventing either of them from initiating potential future litigation. Neither request reaches "the internal affairs" of the Dunbar Revocable Trust 2008. Prob.C. § 17200(a)-(b). Whatever rights petitioner may exercise through other means, the requested relief is not available under Prob.C. § 17200. It is recommended the petition be denied.

22. S-PR-0010468 Inouye-Wong Fam Rev Liv Trust; In re the

To assist the court in managing the high volume of remote appearances, persons appearing remotely on this matter should not connect to the court's phone appearance system until **8:50 AM**; the court will not call the matter before **9:00 AM**.

Clarification is needed: petitioner argues the trust includes a funding Schedule A. Attached copy of the trust does not include any Schedule A.

23. S-PR-0010469 Rev Liv Trust of Edward J Ramsey; In re the

To assist the court in managing the high volume of remote appearances, persons appearing remotely on this matter should not connect to the court's phone appearance system until **8:50 AM**; the court will not call the matter before **9:00 AM**.

Petition to determine trust property is recommended for approval as prayed.

To assist the court in managing the high volume of remote appearances, persons appearing remotely on this matter should not connect to the court's phone appearance system until **8:50 AM**; the court will not call the matter before **9:00 AM**.

24. S-PR-0010472 Bobby D Mistler Fam Rev Inter Vivos Trust; In re the

Petition to accept trustee resignation and appoint successor trustee is recommended for approval as prayed.