

## **CONSERVATORSHIP CALENDAR NOTES**

**September 20, 2024**

**10:00 AM, Department 1**

**Placer County Superior Court**

**Published September 17, 2024, 3:30 PM**

**Updated (final) September 19, 2024, 11:40 AM**

**The conservatorship calendar will be heard in Department 1, located at the Historic Courthouse, 101 Maple Street, Auburn.**

**Local Rule 10.24, "Remote Appearances," applies to this calendar. Local Rule 10.27, "eDelivery/eFiling," requires electronic filing of documents by attorneys and represented parties.**

These calendar notes are provided pursuant to Local Rule 80.1.4 for the conservatorship calendar set for hearing **September 20, 2024, 10:00 AM, in Department 1**, Commissioner Michael A. Jacques, 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. Remote appearances are generally available for this calendar, as provided in the Local Rules.

Updated notes may be posted at any time and 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.

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### **1. S-PR-0006779 McKnight, Earnestine Marie; In re conservatorship of**

Missing sufficient notice of hearing for request to approve payment of attorney fees. Notice filed August 2, 2024, provides an incorrect notice for Department 1, which is located at Historic Courthouse, 101 Maple Street, Auburn.

**2. S-PR-0008422 Kripp, June Lorraine; In re conservatorship of**

Appearance is required for continued hearing on 3d / final conservatorship account.

Note: the most recent inventory and appraisal appears to include Texas real property interests, possibly at the behest of objector Roberta Prazak. Real property outside California is not part of the conservatorship estate. Prob.C. §§ 2400(b) & 2600(b); Civ.C. § 755. Out-of-state real property interest should be reported in the account and report only on an auxiliary schedule. Prob.C. § 1063(h).

**3. S-PR-0009969 Rah, Craig - In Re the Conservatorship of**

Appearance of conservator is required for continued status hearing concerning transfer of conservatorship to San Luis Obispo County.

Missing post-move notice of change of address of conservatee as previously ordered.

The court is unable to determine that conservator contacted the clerk's office as ordered to facilitate case transfer.

**4. S-PR-0012373 In Re the Conservatorship of Irwin, Sydney**

Petition for attorney fees is recommended for approval as prayed.

**5. S-PR-0012667 In Re the Conservatorship of Akbari, Taghi**

Appearance is required for post-appointment review hearing.

Missing filing and service of Notice of Conservatee's Rights (form GC-341). The notice must be filed by conservators and served with a copy of the signed conservatorship order within 30 days of the order of appointment as required by Prob.C. § 1830(c). Proof of service must be filed.

Missing filing of Determination of Conservatee's Appropriate Level of Care (form GC-355). Determination form must be filed within 60 days of the order of appointment as required by Prob.C. § 2352.5(c).

**6. S-PR-0012668 In Re the Conservatorship of Akbari, Ali**

No appearance is required for conservatorship review hearing. All needed post-appointment filings appear to have been filed and served as required. Court investigator will complete an annual review in 2025 according to standard court practices.

**7. S-PR-0012669 In Re the Conservatorship of Akbari, Fereshteh**

Appearance is required for post-appointment review hearing.

Missing filing and service of Notice of Conservatee's Rights (form GC-341). The notice must be filed by conservators and served with a copy of the signed conservatorship order within 30 days of the order of appointment as required by Prob.C. § 1830(c). Proof of service must be filed.

Missing filing of Determination of Conservatee's Appropriate Level of Care (form GC-355). Determination form must be filed within 60 days of the order of appointment as required by Prob.C. § 2352.5(c).

**8. S-PR-0012882 In Re the Conservatorship of Harabedoff, Belane Roberta**

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

Additional allegations are needed: petitioner requests a Prob.C. § 2351(a) order granting conservator power over conservatee's rights to receive visitors, telephone calls, and personal mail. Missing any showing of good cause for the requested powers.

Clarification is needed: petitioner does not request powers under ¶ 1l; however, Attachment 1l was filed as an attachment to the petition.

**9. S-PR-0012917 In Re the Conservatorship of Chester, Camille N**

Appearance is required for hearing on 2d-amended petition for appointment of joint conservators of the person and estate.

Missing citation for 2d-amended petition. Missing 15 days' personal service of citation with copy of 2d-amended petition to respondent. C.R.C. 7.53.

Missing notice of hearing for 2d-amended petition. Missing 15 days' personal service of notice of hearing with copy of 2d-amended petition to all 2d-degree relatives of respondent. C.R.C. 7.53.

Missing grounds for appointment of conservator of the estate (¶ 5c(2)).

Missing required allegations re developmental disability (¶ 5f).

Missing capacity declaration.

Missing response by counsel for respondent.

**10. S-PR-0012918 In Re the Conservatorship of Chester, Jonathan Marquise**

Appearance is required for hearing on 2d-amended petition for appointment of joint conservators of the person and estate.

Missing citation for 2d-amended petition. Missing 15 days' personal service of citation with copy of 2d-amended petition to respondent. C.R.C. 7.53.

Missing notice of hearing for 2d-amended petition. Missing 15 days' personal service of notice of hearing with copy of 2d-amended petition to all 2d-degree relatives of respondent. C.R.C. 7.53.

Missing capacity declaration.

Missing response by counsel for respondent.

As required by Prob.C. § 1800.3(d), the court must deem the petition to be one seeking limited conservatorship of the person. Petitioner should designate which powers / orders under Prob.C. § 2351.5(b) are requested. The court investigator, counsel for respondent, and the Regional Center's response to petitioner's designation of limited powers / orders is needed. Prob.C. § 1827.5(a) report from Alta California Regional Center is required.

#### **11. S-PR-0012919 In Re the Conservatorship of Ghoshal, Varun**

Appearance is required for continued hearing on petition for appointment of joint limited conservators of the person.

Missing appearance / response by court-appointed counsel for respondent.

Clarification is needed: petitioners do not request relief under ¶ 1j; no Attachment 1j was filed. Relief under ¶ 1h is limited to granting powers to proposed conservators. Any request to restrict the rights of the proposed limited conservatee must be made through ¶ 1j / Attachment 1j.

Missing investigation report.

Missing Alta California Regional Center report. Prob.C. § 1827.5(a).

#### **12. S-PR-0013018 In Re the Conservatorship of Lim, Heralda C**

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

Missing 15 days' service of notice of hearing with copy of the petition to all siblings of respondent.

Bond waiver is requested. Petitioner alleges all assets are community property, which are excluded from the conservatorship estate. Prob.C. § 3051(b)(2).

Requested property management powers under Prob.C. §§ 2590-2591 are insufficient, as follows:

- Petitioner does not include allegations showing that power to sell the residence without court oversight is to the advantage, benefit, or best interest of the estate, including failing to allege that "the terms of sale, including the price . . . , the commissions . . . , estimated capital gains income and tax consequences, and impact to governmental benefits[] are in all respects in the best interests of the conservatee." Prob.C. §§ 2591.5(a), 2590 & 2591(c)(2);
- Power to deal in government benefits is not a power the court may grant under § 2591;

- Power to create or fund either revocable or irrevocable trusts is not a power the court may grant under § 2591 and requires a substituted judgment petition under Prob.C. § 2581(b)(5);
  - Power to retain a professional fiduciary is not a power the court may grant under § 2591; further, it appears to be a power automatically conferred on a conservator of the estate under Prob.C. § 2451.5(d).
- Counsel for respondent has requested a 30-day continuance.

**13. S-PR-0013020 In Re the Conservatorship of Cooper, Dillon**

Appearance is required for hearing on petition for appointment of joint conservators of the person.

The court is required to treat the petition as one for limited conservatorship. Prob.C. § 1800.3(d). However, as petitioners argue, the court may grant general powers upon a sufficient and appropriate showing. Prob.C. § 1828.5(d). ACRC and counsel for Dillon join the request for general conservatorship.