Placer County Superior Court
10820 Justice Center Drive, Roseville

PROBATE CALENDAR NOTES
October 26, 2026, 8:30 AM, Department 2
101 Maple Street, Auburn

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NOTICE: CHANGE OF CALENDAR DAY

Beginning the week of November 2, 2026, the Probate Calendar will be heard <u>Tuesdays</u>, 8:30 a.m., in Department 2, located at the Historic Courthouse, 101 Maple Street, Auburn. Already scheduled hearings will be moved by the clerk and notices will be sent to petitioners.

These calendar notes are provided pursuant to Local Rule 80.1.4 for the probate calendar set for hearing **October 26, 2026, 8:30 AM, in Department 2**, the Hon. Glenn M. Holley, presiding.

Pursuant to Local Rule 80.1.4, these calendar notes are **<u>not</u>** 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. Local Rule 10.24(G), governing remote appearances for most probate, conservatorship, and guardianship cases applies to this calendar.

Updated notes may be posted at any time and will generally be updated 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-0011823 In Re the 2000 Dagenbach Fam Liv Trust

Appearance is required for pretrial status hearing.

2. S-PR-0012652 In Re the Estate of Plympton, James Timothy Jr.

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

It is recommended the petition for final distribution and instructions as presently filed be denied, as follows.

Petitioner incorrectly calculates personal representative and attorney fees. Disposition of estate vehicles by repossession does not result in a total loss to the estate. The repossessing creditor credits each automobile indebtedness account with the proceeds of the repossession sale, resulting in either a gain or loss on sale depending on the amount of proceeds. Where repossessing creditor neither claims a deficiency amount nor refunds surplus proceeds, the repossession is scheduled in an account as a no-gain / no-loss disposition for the full asset value. Personal representative and attorney fees should be recalculated after this account error is resolved.

Extraordinary attorney fees are not supported by a sufficient C.R.C. 7.702 declaration. Counsel's declaration does not include any of the showing required by C.R.C. 7.702.

The estate includes insufficient cash to pay personal representative and attorney fees as requested. Clarification or revision is needed; the court will not ordinarily award fees where there is no ready means to pay them.

Revised account is needed. Account includes two disbursements described as "mistaken" use of the estate checking account without explanation or repayment of misused funds. Account improperly includes Schedule E, liabilities, as credits. Assets on hand are not liabilities of the estate; any liabilities that require disclosure are not credits but instead are listed solely on an auxiliary schedule. Prob.C. §§ 1061(a)(10) & (b), 1062(f), 1063(a) & 1063(g).

Personal representative response is needed: three filed creditor claims (Ally Bank, Verizon, JP Morgan Chase) were rejected by personal representative. Creditors had 90 days from rejection to bring an action on rejected claim. Until the claims are resolved, estate administration cannot be closed. Current status of any action(s) on rejected claims is needed. Additionally, petitioner seeks to pay herself for unfiled and time-barred creditor claims (see discussion, below), to the exclusion of the pending claims with no legal support for the request to favor herself over other creditors.

Petitioner's request for distribution of the estate's interest in real property is contrary to law. Petitioner is not an heir or devisee of decedent and has no right whatsoever to distribution of assets of the estate.

To the extent petitioner's request to receive estate property may be characterized as a request to approve disbursements to petitioner for creditor claims, the request fails and must be denied. Petitioner seeks repayment of $10,000 and $146,617.00 used to purchase estate real property with decedent, as well as $42,916.66 used to pay off certain debts of decedent before the real property was purchased. Petitioner offers no legal or factual support whatsoever for these claims. Even if decedent were liable for repayment of these

amounts (e.g., if they had been enforceable loans by petitioner), no creditor claims of any kind were filed by petitioner and any such claims are long since time-barred. Prob.C. § 9200(a); C.C.P. § 366.2. Neither the court nor personal representative may approve time-barred creditor claims. Prob.C. § 9253.

To the extent petitioner's request to receive estate property may be characterized as a request to approve disbursements to petitioner for advances to the estate, the request appears well supported in part. Post-death loan payments are reasonably characterized as advances to the estate for costs of administration / maintenance of estate assets as to decedent's 1/2 liability for the real property indebtedness. On the information provided in the petition (loan payments through December 2023), it appears the advances total $39,828.92 (the other one-half applying only to personal representative's personal liability for 1/2 of the real property indebtedness). Petitioner does not allege whether similar monthly advances have continued since January 2026. Advances to the estate appear to be payable before creditor claims. As above, these are disbursements from the estate and not distributions. Even if the court were to approve disbursement for such reimbursable advances to the estate, petitioner has shown no legal basis to make such disbursement in kind where estate administration also requires payment of many other costs and claims.

Missing guardian ad litem or other fiduciary for minor heir Gabriel Plimpton. Petitioner proposes to eliminate all of minor's interest in the estate on unsupportable grounds, as above. Minor's rights and interests cannot be compromised without a suitable fiduciary having notice and opportunity to be heard. Petitioner has not shown that minor's parent is a guardian of the estate or other fiduciary who may appear to represent minor's interests in these proceedings.

These calendar notes are not a tentative ruling by the court on the merits of the petition. They are provided to assist the court and the parties to prepare for the hearing. Local Rule 80.1.4.

3. S-PR-0012937 In Re the Estate of Bakos, John Edward MD

Appearance is required for hearing on petition for declaratory relief.

The petition appears to be one to instruct the personal representative as to whether to approve or reject a filed creditor claim under Prob.C. § 9611.

Note: the only direct response to the petition was filed by Andrew Bakos. The court does not review filings for other hearings, applications, motions, or requests and deem them to be responsive to a separately-filed, separately-noticed petition for relief.

4. S-PR-0013014 In Re the Estate of Skinner, Delbert Leon

Court determination is needed as to petitioner's request to waive the final account.

5. S-PR-0013541 In Re the Jean L. Phelps Trust

Appearance is required for hearing on 2d amended petition to approve trustee account.

6. S-PR-0013715 In Re the Robert M & Karen L Bittle Fam Rev Trust

Petition to compel trustee account, remove trustee, surcharge trustee

Appearance is required for continued hearing on petition to compel trustee account, remove trustee, surcharge trustee.

Current status is needed.

1st trustee account

Appearance is required for hearing on 1st trustee account.

Current status is needed.

7. S-PR-0013971 In Re the Estate of Field, Jonathan Wayne

Missing sufficient notice of hearing for amended petition to administer estate. Notice of hearing as previously filed and served erroneously states that the petition requests the appointment of Christine Field as personal representative. See notice at ¶ 3. In fact, the petition requests the appointment of Heather Geldart as personal representative.

Revised notice filed October 22, 2026, was not timely served. 15 days' service of notice of hearing is needed.

8. S-PR-0014090 In re the Bruce W & Celia L Broadwell Fam Trust

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

9. S-PR-0014117 In re the Estate of Clyde, Timothy Scott

Appearance is required for hearing on 2d amended petition to administer estate by petitioner Nikkollette Clyde.

Missing notice of hearing for 2d amended petition. Missing proof of publication for 2d amended petition. Most recent amended petition requires complete re-noticing and new publication. C.R.C. 7.53.

Missing identification of proposed administrator (¶ 2b(3)) and relationship of proposed administrator to decedent (¶ 3g(2)(c)).

Note: petitioner filed a proof of service July 27 which includes attached objections which appear to comprise a will contest to the will offered in S-PR-0014251, *Estate of Clyde*, the estate administration proceeding opened by Eric Sparks. Verification to these objections / will contest was filed August 6. At the time of filing these documents, no other case(s) had been consolidated with this matter.

Note: Joyce O'Malley appears to have published notice of hearing for her estate administration petition, currently pending as S-PR-0014231, *Estate of Clyde*, under this case number. At the time of said publication, no other case(s) had been consolidated with this matter.

As provided in C.R.C. 3.350(b), this matter should be consolidated with S-PR-0014231, *Estate of Clyde*, and S-PR-0014251, *Estate of Clyde*, with this matter, S-PR-0014117, *Estate Clyde* as the lead case number. Once the court has ordered consolidation, all filings for all cases must be filed only under the consolidated case number.

10. S-PR-0014231 In Re the Estate of Clyde, Timothy Scott

Appearance is required for continued hearing on petition to administer estate by petitioner Joyce O'Malley.

Missing notice of hearing Missing service of notice of hearing. Missing publication of notice of hearing. Note: O'Malley appears to have published under case number s-PR-0014117, *Estate of Clyde*. As of the time of said publication, no other case(s) had been consolidated with this matter.

As provided in C.R.C. 3.350(b), this matter should be consolidated with S-PR-0014117, *Estate of Clyde*, and S-PR-0014251, *Estate of Clyde*, with S-PR-0014117, *Estate Clyde* as the lead case number. Once the court has ordered consolidation, all filings for all cases must be filed only under the consolidated case number.

11. S-PR-0014247 In Re the Estate of Davis, Jackie N

Spousal property petition is recommended for approval as prayed.

12. S-PR-0014248 In Re the Zapata 2024 Trust

Appearance is required for hearing on petition to determine invalidity of trust restatement and for other relief.

13. S-PR-0014249 In Re the Estate of Lee, Sei Nam

Missing service of notice of hearing for petition to administer estate to Joanne Lee.

14. S-PR-0014250 In Re the Estate of Moon Harrison, Cash

Petition to administer estate is recommended for approval as prayed.

15. S-PR-0014251 In Re the Estate of Clyde, Timothy Scott

Appearance is required for hearing on petition to administer estate.

Missing original will. Prob.C. § 8200(a).

Will is not self-proving: attestation by witnesses is neither a declaration nor an affidavit. Proof of will is needed.

As provided in C.R.C. 3.350(b), this matter should be consolidated with S-PR-0014117, *Estate of Clyde*, and S-PR-0014231, *Estate of Clyde*, with S-PR-0014117, *Estate Clyde* as the lead case number. Once the court has ordered consolidation, all filings for all cases must be filed only under the consolidated case number.

Note: no objections have been filed in this proceeding. However, Nikkollette Clyde may have attempted to file a will contest as an attachment to a July 27 proof of service document filed in S-PR-0014117. Said attempted will contest was filed in the wrong proceeding and is not supported by a summons or service of summons as required. Prob.C. § 8250.

16. S-PR-0014252 In Re the Estate of Reffitt, Michael David

Missing sufficient notice of hearing for petition to administer estate. Notice of hearing as filed, served, and published erroneously states that Department 2, the hearing department for this matter, is located in Roseville. Department 2 is located at 101 Maple Street, Auburn.

17. S-PR-0014254 In Re the Estate of Headrick, Mark Anthony

Missing sufficient publication of notice of hearing. Publication was in the Auburn Journal, a newspaper circulated in Auburn CA, in derogation of Prob.C. § 8121(b). Decedent died a resident of Lincoln.

18. S-PR-0014255 In Re the Gay Barringer Rev Liv Trust

Missing notice of hearing for petition to determine trust property. Missing service of notice of hearing.

19. S-PR-0014256 In Re the Carol Ann Wilson Rev Trust

Petition to determine trust property and to appoint successor trustee is recommended for approval as prayed.

20. S-PR-0014257 In Re the Estate of Parker, Karen Louise

Petition to administer estate is recommended for approval as prayed.

21. S-PR-0014258 In Re the Estate of Rushton, Harold Thomas Jr.

Missing sufficient notice of hearing for petition to administer estate. Notice of hearing as filed, served, and published erroneously states that Department 2, the hearing department for this matter, is located in Roseville. Department 2 is located at 101 Maple Street, Auburn.

22. S-PR-0014259 In Re the Estate of Jacobs, Charles S.

It is recommended the spousal property petition be denied, as follows.

Relief requested under ¶ 1a (i.e., to determine the separate and community property of decedent passing to surviving spouse) is not supported by the will. The will directs the subject property (which is intangible personal property) to the trustee of decedent's living trust. See Will, Art. Fifth. None of the subject property devolved to Carol Jacobs in her own right; it is devised only in a fiduciary capacity. Spousal property petition relief is not available to determine property passing to a trustee.

23. S-PR-0014260 In Re the Estate of Buxtun, Peter

Missing sufficient notice of hearing for petition to administer estate. Notice of hearing as filed, served, and published erroneously states that Department 2, the hearing department for this matter, is located in Roseville. Department 2 is located at 101 Maple Street, Auburn.

Clarification is needed: the family tree attached to the petition identifies 2d cousin Susan Barson [unclear] who survived decedent. Any inheritance right vested at decedent's death, Prob.C. § 7000, and it appears notice should be required to the personal representative of the estate of Susan Barson [unclear].

Clarification is needed: the family tree attached to the petition identifies 2d cousin John Barson [unclear] with no date of death, but does not characterize him as an heir of decedent, without explanation.

24. S-PR-0014261 In re the Estate of Weisschu, Ingeborg

Missing sufficient publication of notice of hearing for petition to administer estate. Notice of hearing as published erroneously states that Department 2, the hearing department for this matter, is located in Roseville. Department 2 is located at 101 Maple Street, Auburn.

Missing original will. Prob.C. § 8200(a).

Petitioner response is needed: Prob.C. § 8465(a)(1) permits a nomination for appointment as administrator by one "otherwise entitled to appointment" as administrator. A nominated executor is not entitled to appointment as administrator. It does not appear there is a factual or legal basis to find the nomination valid.

It is recommended the court require petitioner to give notice of these proceedings to the Placer County Public Administrator. Prob.C. § 1202.

25. S-PR-0014262 In Re the Singh Trust

It is recommended the petition to determine trust property be denied.

Transfer of real property to a trust or creation of a trust for real property requires a writing. See Prob.C. § 15200(a)–(b); see also *Estate of Heggstad* (1993) 16 Cal.App.4th 943; *Ukkestad v. RBS Asset Finance Inc.* (2015) 235 Cal.App.4th 156. Petitioner offers no writing by decedent settlor establishing that his interest in the subject property was transferred to any trust. Because the property is not described in the trust, the trust restatement, the or the trust amendment, the requested relief falls outside the reach of *Heggstad*.

Relief is not available under *Ukkestad*. In *Ukkestad*, the court determined that an all-real-property funding clause can satisfy the statute of frauds to create a trust in real property not identified in the writing but which can be defined by extrinsic evidence such as real property records. *Ukkestad*, *supra*, 235 Cal.App.4th at 162–163. However, the trust provision in *Ukkestad* "assigned the ownership of all of [settlor's] real property to the trustees of the Trust *effective immediately*." Id. at 159 (emphasis added). Ukkestad did not involve after-acquired property and so does not hold that property acquired contrary to the trust after execution of the purported funding instrument is trust property. Here, the attachments to the petition show that the subject real property was acquired after the last general funding document was executed by settlor.

Relief also cannot be granted under the pourover will. "In the absence of any transfer to [a] trust prior to [decedent's] death," assets become part of the decedent's estate despite will language expressing decedent's desire that assets be held in trust. *Placencia v. Strazicich* (2019) 42 Cal.App.5th 730, 735 & 743-744 (emphasis added). "It [is] error for the court to award [such property] directly to [a] trust in the absence of a probate proceeding." Id., citing *Estate of Hart* (1957) 151 Cal.App.2d 271, 280–281. See also Prob.C. § 7001. "[A] probate court ha[s] no power to consider the legality of a will until it [is]

regularly brought before it by a petition for its probate." *Estate of Burnett* (1935) 6 Cal.App.2d 116, 123.

If the petition proceeds on the merits, missing 30 days' personal service of the notice of hearing with copy of the petition to cotrustees. Prob.C. § 851(a)(1).

These calendar notes are not a tentative ruling by the court on the merits of the petition. They are provided to assist the court and the parties to prepare for the hearing. Local Rule 80.1.4.

26. S-PR-0014263 In Re the Estate of Humphries, Kathleen Ann

Missing sufficient notice of hearing for petition to administer estate. Notice of hearing as filed and served erroneously states that Department 2, the hearing department for this matter, is located in Roseville. Department 2 is located at 101 Maple Street, Auburn.

Missing proof of publication of notice of hearing.

27. S-PR-0014270 In Re the Estate of Gibson, Allen

Petition to administer estate as supplemented is recommended for approval.

28. S-PR-0014277 In Re the Estate of Gunn, Barbara Ann

Missing notice of hearing for petition to probate will and appoint administrator with will annexed. Missing service of notice of hearing. Missing proof of publication of notice of hearing.

Missing original will, Prob.C. § 8200(a). Missing any request or petition to compel custodian of will to produce will to the court. Prob.C. § 8201.

Missing typewritten transcription of purported holographic instrument. Prob.C. § 8002(b)(1).

Will is not self-proving. Missing proof of holographic instrument.

Missing request for bond or to waive bond. Petition, ¶ 2d.

Note: IAEA powers are not requested.

Note: missing signed Duties form (DE-147). Clerk cannot issue letters until signed Duties form is filed. C.R.C. 7.150.

29. S-PR-0014462 In Re the Petition of Rothchild, Tara Cindalee

Appearance is required for hearing on petition to determine fact of marriage.

It is recommended the petition be denied, as follows:

Placer County is not an appropriate venue for the petition. The petition must be filed where the marriage was alleged to have occurred (El Dorado County), or where either party to the marriage resides (Yuba and Lassen Counties).

Petitioners do not allege they obtained a marriage license. Without a marriage license, any attempt to marry in California was void.

Petitioners do not include allege any facts identifying any officiant, describing any marriage ceremony, identifying any witnesses to a marriage, or similar information on which the court determine the fact of and time and place of a marriage.

These calendar notes are not a tentative ruling by the court on the merits of the petition. They are provided to assist the parties and the court to prepare for the hearing. Local Rule 80.1.4.