

TENTATIVE RULINGS

FOR: March 6, 2020

The Court may exercise its discretion to **disregard** a late filed paper in law and motion matters. (Cal. Rules of Court, rule 3.1300(d).)

Unlawful Detainer Cases – Pursuant to the restrictions in Code of Civil Procedure section 1161.2, no tentative rulings are posted for unlawful detainer cases and appearances are required.

Court Reporting Services – The Court does not provide official court reporters in proceedings for which such services are not legally mandated. Parties are responsible for either making the appropriate request in advance or arranging for their own private court reporter. Go to <http://napacountybar.org/court-reporting-services/> for information about local private court reporters. Attorneys or parties must confer with each other to avoid having more than one court reporter present for the same hearing.

PROBATE CALENDAR – Hon. Victoria Wood, Dept. A (Historic Courthouse) at 8:30 a.m.

Conservatorship of Gregory Militante, Jr.

16PR000176

SECOND AND FINAL ACCOUNT AND REPORT OF CONSERVATOR OF THE ESTATE AND PETITION FOR ATTORNEY’S FEES, REIMBURSEMENT FOR COSTS, DISCHARGE FO CONSERVATOR OF THE PERSON AND ESTATE, AND FOR DELIVERY OF ASSETS

TENTATIVE RULING: The conservatee passed away on February 28, 2019. Under Probate Code section 2620, subdivision (b), “[t]he final court accounting of the guardian or conservator following the death of the ward or conservatee shall include a court accounting for the period that ended on the date of death and a separate accounting for the period subsequent to the date of death.” There is only a single accounting presented.

The matter is continued to May 8, 2020, at 8:30 a.m. in Dept. A to allow the conservators to file an accounting containing two accounting periods (until date of death, and subsequent to the date of death). The revised accounting shall state whether the conservators waive fees and expand on what is meant by “delivery of assets” contained in the caption. The Court also notes that paragraph 5 appears incorrect as the accounting does not cover the period “through the date of the filing of this Petition” on January 31, 2020, but rather only to December 31, 2019.

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Estate of Marie Weir Manley

18PR000222

PETITION FOR LETTERS OF ADMINISTRATION

TENTATIVE RULING: The matter is CONTINUED to April 22, 2020. Although the Petition is ambiguous, based on representations by counsel at the January 10, 2020 hearing, and on the Declaration of Petitioner filed March 2, 2020, the Court interprets the Petition as one seeking Letters of administration for an intestate estate.

There is no effective proof of service on file. The proof of service filed March 2, 2020 by counsel is ineffective in that it does not identify what, if any, documents were served. In addition, it does not give notice of the present hearing. The required proof is of service of the notice of the *continued* hearing date. Counsel is directed to complete a Judicial Counsel Form DE-121 for the April 22, 2020 hearing date and serve it on all interested parties. (Probate Code §§ 8100, 8110.)

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Conservatorship of Zerah Carlisle

18PR000278

REVIEW HEARING

TENTATIVE RULING: After a review of the matter, the Court finds the co-conservators are acting in the best interest of the conservatee. Thus, the case is set for a biennial review hearing in two years, on March 8, 2022, at 8:30 a.m. in Dept. A. The court investigator shall prepare a biennial investigator report for the next hearing date. The clerk is directed to send notice to the parties.

PROBATE CALENDAR – Hon. Monique Langhorne, Dept. B (Historic Courthouse) at 8:30 a.m.

Matter of Ernest M. Caswell and Laura T. Caswell Trust

20PR000031

VERIFIED PETITION FOR ORDERS: (1) REMOVING TRUSTEE(S) AND/OR APPOINTING SUCCESSOR TRUSTEE(S); (2) FOR ORDERS FOR ACCOUNTING AND FOR SURCHARGE; AND (3) FOR TURNOVER OF ASSETS

TENTATIVE RULING: The matter is continued to April 1, 2020, at 8:30 a.m. in Dept. B to coincide with the demurrer.

The parties shall meet and confer in person or on the phone to try and resolve the issues presented in the demurrer. Respondent shall file a meet and confer declaration detailing the outcome of those efforts on or before March 25, 2020.

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PETITION FOR LETTERS OF ADMINISTRATION AND AUTHORIZATION TO
ADMINISTER UNDER THE INDEPENDENT ADMINISTRATION OF ESTATES ACT

TENTATIVE RULING: The matter is continued to April 30, 2020, at 8:30 a.m. in Dept. B to allow petitioners to file the following: (1) proof of publication; (2) duties and liabilities form (Judicial Council form DE-147); (3) proposed order (DE-140) and letters (DE-150) conforming to the petition; (4) Attachment 3e(3) waiving bond as indicated in Box 3(e)(3); and (5) Attachment 3g(2)(b) because that box is checked.

Petitioners also shall file a supplement explaining why Box 2(b)(4) is checked for a special administrator because no reason is provided in Box 3(g)(3). In the supplement, petitioners shall list all of decedent's relatives to the second degree and identify the surviving spouse. Finally, service is deficient. All beneficiaries must be served with notice of the new hearing date, petition, attachments, and supplement.

Petitioners are encouraged to consult an attorney or visit the Court's self-help center.