

TENTATIVE RULINGS

FOR: August 10, 2018

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.

CIVIL LAW & MOTION CALENDAR – Hon. Rodney Stone, Dept. I (Criminal Courts Bldg.-1111 Third St.) at 3:30 p.m.

Conservatorship of Jeraldeen A. Butler

16PR000217

CONSERVATEE’S REQUEST TO ACCEPT THE ACCOUNTING, TO DISMISS THE CONSERVATORSHIP, OR TO AUTHORIZE THE TRANSFER OF THE CONSERVATORSHIP TO VERMONT

APPEARANCE REQUIRED: On August 1, 2018, the Court posted the following tentative ruling for the review hearing and accounting and for the petition for acceptance of resignation of conservator of the estate, which was not contested: “The conservator is ordered to serve and file an amended accounting running from February 6, 2017, through June 30, 2018. The conservator shall include information regarding where the conservatee is living and what the plan is for the conservatee if the Court accepts the conservator’s resignation. The conservator shall contact the Public Guardian about being appointed as the successor conservator if her resignation is accepted. The conservator shall arrange for the Public Guardian to be present at the next hearing. The conservator is reminded to use mandatory form Summary of Account (Judicial Council form GC-400 (SUM)). In addition, the conservator needs to file: (1) Notice of Conservatee’s Rights (Judicial Council form GC-341); (2) proof of service of the inventory and appraisal to the conservatee, conservatee’s attorney, and 1st degree relatives (Judicial Council form GC-042); (3) original closing escrow statement showing charges and credits (Prob. Code, § 2620, subd. (c)(4); and (4) a declaration from the conservator to demonstrate the fees requested are “just and reasonable” (Prob. Code, § 2623; Cal. Rules of Court, rules 7.751(b), 7.756). Moreover, the capacity assessment ordered on March 15, 2018, has not been filed. The Court will not entertain the conservator’s resignation without the capacity assessment. The matter is continued to September 6, 2018, at 2:00 p.m. in Dept. I.”

All items mentioned in the previous tentative ruling have been addressed, but the capacity assessment remains at issue. The Court understands the conservatee wishes to move to Vermont to live with her daughter in the Brattleboro residence. Although the conservator “believes the

conservatee is again capable of managing her finances,” the Court has concerns regarding the conservatee’s ability to manage her estate based on the behavior she has exhibited in this case. The conservatee’s attorney represents that the Public Guardian is in agreement with the conservatee’s requests, “subject to certain conditions regarding protection of the Conservatee’s assets,” but those conditions are unknown at this time.