

**TENTATIVE RULINGS**

**FOR: November 8, 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.

**PROBATE CALENDAR – Hon. Diane Price, Dept. JAR (Historic Courthouse) at 2:00 p.m.**

**Conservatorship of Nisa Zamora**

**18MH000059**

PETITION FOR APPOINTMENT OF LPS CONSERVATOR

**APPEARANCE REQUIRED**

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**Estate of Joseph M. Chirco**

**18PR000121**

FIRST AND FINAL REPORT ON WAIVER OF ACCOUNT AND PETITION FOR FINAL DISTRIBUTION AND FOR ALLOWANCE OF COMPENSATION TO ATTORNEY FOR ORDINARY SERVICES

**TENTATIVE RULING:** GRANT petition, including fees as prayed.

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**In the Matter of the Michael F. Rorick Special Needs Trust**

**18PR000228**

PETITION FOR INSTRUCTIONS REQUESTING COURT ORDER TO CREATE SPECIAL NEEDS TRUST FOR BENEFICIARY, AUTHORIZING TRUSTEE TO DISTRIBUTE TO SPECIAL NEEDS TRUST, AND SETTING BOND

**TENTATIVE RULING:** The petition is GRANTED. The matter is set for a first year accounting on November 8, 2019, at 2:00 p.m. in Dept. C. All accounting documents must be filed at least 30 days prior to the hearing. The clerk is directed to send notice to the parties.

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**Conservatorship of Rosemary Adkisson**

**26-55920**

ACCOUNTING

**TENTATIVE RULING:** Hearing on the matter is continued to December 18, 2018 at 2:00 p.m. in Dept. C to allow time for a final accounting to be prepared.

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**In The Matter of The Frank Galopin Special Needs Trust**

**26-59306**

PETITION TO APPROVE SIXTH ACCOUNT AND REPORT OF TRUSTEE FROM 6/1/2017 THROUGH 5/31/2018, TO REDUCE BOND AMOUNT, TO CONFIRM TRUSTEE'S FEES, AND TO APPROVE ATTORNEY'S FEES

**TENTATIVE RULING:** The Petition is GRANTED. The matter is set for a seventh accounting on November 7, 2019 at 8:30 a.m. in Dept. C. All accounting documents must be filed at least 30 days prior to the hearing. The clerk is directed to send notice to the parties.

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**Conservatorship of Janice Hinahon Soriano**

**26-62418**

REVIEW HEARING

**TENTATIVE RULING:** After a review of the matter, the Court finds that Conservators Julio Hinahon and Arlina Manalo should be removed as Conservators due to their inability to continue acting as Conservators. Conservator Glendalyn Laguardia will remain as the sole Conservator; it appears she is acting in the best interest of the Conservatee. The case is set for a biennial review hearing in two years, on November 5, 2020 at 8:30 a.m. in Dept. C. The court investigator shall prepare a biennial investigator report for the next hearing date. The clerk is directed to send notice to the parties.

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**Conservatorship of McKetchnie, Shawn Michael**

**PR24817**

REVIEW HEARING

**TENTATIVE RULING:** After a review of the matter, the Court finds the Conservators are acting in the best interest of the Conservatee. Thus, the case is set for a biennial review hearing in two years, on November 5, 2020 at 8:30 a.m. in Dept. I. The court investigator shall prepare a biennial investigator report for the next hearing date. The clerk is directed to send notice to the parties.

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(1) REVIEW HEARING

(2) PETITION FOR REMOVAL OF THE CONSERVATOR OF THE PERSON AND ESTATE AND APPOINTMENT OF THE PUBLIC GUARDIAN

**APPEARANCE REQUIRED**

**CIVIL LAW & MOTION CALENDAR – Hon. Diane Price, Dept. JAR (Historic Courthouse) at 2:00 p.m.**

**Judith Hedges v. Lorin W. Gillespie, et al.**

**17CV000714**

(1) MOTION FOR ORDER VARYING TERMS OF CONFIRMED SALE

**TENTATIVE RULING:** The motion is DENIED. Code of Civil Procedure section 873.780 provides: “The court may make orders relating to the closing of a sale after confirmation, including escrow and closing provisions and, if the referee and purchaser so agree and the court upon noticed motion determines it will not result in substantial prejudice to the parties, may make adjustments varying the terms of sale based on after-discovered defects.” An appraisal lower than the successful bid is not an after-discovered defect. It is a due diligence issue. In addition, the proposal prejudices other bidders. Lisa Parker and Vincent Ruggerio (agent) bid \$556,750 for the real property, and could have been the successful purchaser of the property but for Mark Leonard’s higher bid. To now reduce the sale amount, which would match Parker and Ruggerio’s then unsuccessful bid, undermines the bidding process outlined in Code of Civil Procedure sections 873.720-873.740. The referee shall collect the proceeds of the sale and consummate the sale. (Code Civ. Proc., § 873.750, subd. (a).) The Court notes, if Leonard fails to pay the sale price, he is subject to the Court’s jurisdiction and to further proceedings in the action, including fee provisions. (See Code Civ. Proc., § 873.760 [subjecting the purchaser to attorney’s fees if loss from resale of the property occurs].)

(2) STATUS REVIEW

**APPEARANCE REQUIRED**