

Tentative Rulings for May 29, 2025 Probate Calendar

Judge James T. Chou
Department C

**APPEARANCES MAY BE MADE
IN PERSON
OR ON ZOOM.**

To Join a Zoom Meeting, please follow this link: www.marin.courts.ca.gov

1. Click on the “Virtual Courtrooms” icon and then on “Zoom Civil / Family / Probate Court Calendar Appearance Information”
 2. Scroll down to Department C – Probate for the connection information.
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Any interested party who wishes to appear for oral argument on the tentative ruling **must do the following no later than 4:00 PM** one Court day prior to the scheduled hearing date (MCR 6.2.D):

1. Notify all other parties entitled to notice of the underlying petition, including the attorneys for represented parties; and
2. Advise the clerk’s office by leaving a message at **(415) 444-7046, option 5.**

There is no need to inform the Court of your intent to appear if the tentative ruling requires an appearance.

PLEASE NOTE: Probate cases that are designated as confidential by California law will not be posted online. For tentative rulings in those matters, please contact the judicial secretary at **(415) 444-7260**. Confidential cases include applications for Special Immigrant Juvenile Status.

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Judge James T. Chou
Department C
9:00 Calendar

CIV2102573 DR. RICHARD HEAD vs. ABRAHAM MERTENS, ET AL

- 1) Petition for Approval of Settlement Agreement and Mutual General Releases.
- 2) Amended and Restated First Account and Report of Successor Trustee, Petition for Settlement Thereof and for Payment of Fees and Costs to Attorney for Successor Trustee.

Ruling. **The parties are ordered to appear** to discuss next steps.

PR0000470 IN THE MATTER OF RAYMOND W. ROSS LIVING TRUST DATED MARCH 27, 2006, AS AMENDED

- 1) Petition to Determine Validity of Trust Amendment and to Confirm Beneficiaries of Trust
- 2) Status regarding consideration of petition re global settlement.

Ruling. **The parties are ordered to appear** to discuss next steps.

PR0000471 IN THE MATTER OF THE TOTAL AMENDMENT AND RESTATEMENT OF THE RAYMOND W. ROSS LIVING TRUST

1. Petition: (1) to determine invalidity of purported trust amendments; and (2) confirm gift to petitioners.
2. Status regarding consideration of petition re global settlement.

Ruling. **The parties are ordered to appear** to discuss next steps.

PRO2101436 RAYMOND W. ROSS, CONSERVATORSHIP OF THE PERSON AND ESTATE

- 1) Amended and restated second amended first accounting, etc.
- 2) Status regarding consideration of petition re global settlement.

Ruling. **The parties are ordered to appear** to discuss next steps.

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PRO2101980 IN RE THE TOTAL AMENDMENT AND RESTATEMENT OF THE RAYMOND W. ROSS LIVING TRUST, TRUST

- 1) Petition to compel return of trust property pursuant to Probate Code 850 filed by petitioner Richard Head.
- 2) Status regarding consideration of petition re global settlement.

Ruling. **The parties are ordered to appear** to discuss next steps.

PRO2002412 IN RE ROBERT D. WOLFE LIVING TRUST AS AMENDED AND RESTATED

Status of appeals.

Ruling. **The parties are ordered to appear.**

PR0000012 IN THE MATTER OF KEVIN G. MOLINARI

Petition for Approval of Report on Status of Administration.

Ruling. **Continued to July 3, 2025 at 9:00** on an OSC as to why personal representative should not be suspended and why counsel should not be sanctioned in the amount of \$1000.00 based on the failure to comply with this Court's 1/9/25 order.

PR0000249 IN THE MATTER OF SHIRLEY L. SWIHART

First and Final Account and Report of Executor and Petition for Settlement of Account, for Fees for Executor for Ordinary Services, for Fees for Executor's Attorney for Ordinary Services, for Authority to Hold a \$10,000 Reserve and for Final Distribution.

Ruling. Absent objections, this Petition will be **granted without hearing.**

PR0000413 IN THE MATTER OF JOSEPH H. HERZBERG

Report of Sale and Petition for Order Confirming Sale of Real Property.

Ruling. **Appearance is required.**

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PR0000451 IN THE MATTER OF JOSEPH A. ARMEL

Report of Status and Petition for Additional Time for Estate Administration.

Ruling. Absent objections, the Fourth Report of Status of Administration is **accepted and approved**. Personal Representative is ordered to comply with the following future dates:

1. Status on Closing Estate.
 - a. Either: (1) a Petition for Final Distribution; or (2) a Report on Status of Administration shall be filed by April 23, 2025, as required by Prob. C §§ 12200 & 12201.
 - b. A status hearing re filing a Petition or Report shall be set on May 14, 2026 at 10:00.
 - i. If neither document has been timely filed, an appearance will be required.
 - ii. If the Petition or Report is timely filed, the hearing will be set on May 14, 2026 at 9:00.

PR0000467 IN THE MATTER OF MARGARET MAJOR GRADE

- 1) Petition for Probate of Lost Will and for Letters of Administration with Will Annexed, filed by Mark Rice on 3/12/24.
- 2) Petition for Letters of Administration, filed by Daniel DeLong on 3/21/24.
- 3) Status of mediation and possible discovery.

Ruling. **The parties are ordered to appear.**

PR0000647 IN THE MATTER OF GAIL A. DE LA FUENTE

Petition for Final Distribution on Waiver of Account; Waiver of Statutory Compensation to Administrator; and for Statutory Compensation to Attorney.

Ruling. Absent objections, this Petition will be **granted without hearing**.

PR0000687 IN THE MATTER OF THE TRUST FBO ETTA ALLEN ESTABLISHED UNDER THE WILL OF JAMES H. ALLEN

- 1) Petition to appoint guardian ad litem.
- 2) Petition for Order Approving Modification of Trust Terms.

Ruling. **The parties are ordered to appear.**

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PR0000741 IN THE MATTER OF GEORGE F. GOERL

First and Final Account and Report of Executor; and Petition for Final Distribution; for Allowance of Compensation to Executor and Her Attorney for Ordinary Services; and for an Order of Final Distribution.

Ruling. **Continued to June 26, 2025 at 9:00.** Petitioner is ordered to address the following at least 5 court days prior to hearing:

1. Provide at least 15 days' notice to all beneficiaries of the Trust (Prob. C. § 1208(b)); and
2. File Proof of Service confirming such notice.

PR0000987 IN THE MATTER OF MERLE J. ONGARO TRUST, DATED JANUARY 28, 2015

- 1) Status regarding meet and confer efforts and to set further proceedings.
- 2) Co-Trustee Barrie Ongaro-Costa's Petition for Instructions.

Ruling. **The parties are ordered to appear.**

PR0001161 IN THE MATTER OF ROBERT AND ANNE PETERSEN 2002 LIVING TRUST DATED MAY 23, 2002

Petition for Order Determining Title to Real Property.

Ruling. Absent objections, this Petition will be **granted without hearing.**

PR0001179 IN THE MATTER OF ARTHUR CHARLES CHAMBERS

Spousal Property Petition.

Ruling. Absent objections, this Petition will be **granted without hearing.**

PR0001180 IN THE MATTER OF NIELS C. VON DOEPP

Petition for Order Confirming Trust Assets.

Ruling. Absent objections, this Petition will be **granted without hearing.**

JTC

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PR0001260 IN THE MATTER OF ROSWITHA K. BURK

Petition for Probate of Will and for Letters Testamentary.

Ruling. Absent objections, this Petition will be **granted without hearing**.

Petitioner is ordered to comply with the following future dates:

1. Final Inventory and Appraisal.
 - a. A status hearing for the filing of the Final Inventory and Appraisal shall be set on October 2, 2025 at 10:00.
 - b. An appearance will be required on that date if the Final I&A is not filed at least 5 court days prior to hearing.
2. Status on Closing Estate.
 - a. Either: (1) a Petition for Final Distribution; or (2) a Report on Status of Administration shall be filed by June 4, 2026, as required by Prob. C §§ 12200 & 12201.
 - b. A status hearing re filing a Petition or Report shall be set on June 18, 2026 at 10:00.
 - i. If neither document has been timely filed, an appearance will be required.
 - ii. If the Petition or Report is timely filed, the hearing will be set on June 25, 2026 at 9:00.

PR0001263 IN THE MATTER OF LINDA E. DUNN

Petition for Probate of Will and for Letters Testamentary.

Ruling. **Continued to June 26, 2025 at 9:00.** Petitioner is ordered to address the following at least 5 court days prior to hearing:

1. Provide at least 15 days' notice to all parties named in Item 8 of the Petition; and
2. File Proof of Service confirming such notice.

PRO2001571 DAVID FREDERICK COURY, ESTATE OF

- 1) Final accounting by James Haworth.
- 2) Order to show cause why attorney James Haworth should not be surcharged for his failure to turn over the ring and car.
- 3) Status regarding filing petition for surcharge; update regarding Ms. Hull's efforts to complete investigation; marshalling assets; consulting with counsel and beneficiaries.
- 4) Second accounting.

Ruling. **The parties are ordered to appear.**

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Petition regarding status of administration.

Ruling. Absent objections, the Report of Status of Administration is **accepted and approved**.

Personal Representative is ordered to comply with the following future dates:

1. Status on Closing Estate.
 - a. Either: (1) a Petition for Final Distribution; or (2) a Report on Status of Administration shall be filed by October 2, 2025, as required by Prob. C §§ 12200 & 12201.
 - b. A status hearing re filing a Petition or Report shall be set on October 23, 2025 at 10:00.
 - i. If neither document has been timely filed, an appearance will be required.
 - ii. If the Petition or Report is timely filed, the hearing will be set on October 23, 2025 at 9:00.
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Judge James T. Chou
Department C
10:00 Calendar

PR0000357 IN THE MATTER OF JOHN MICHAEL MCSPADDEN

Status regarding filing of final inventory and appraisal, and status regarding civil litigation.

Ruling. **Continued to October 2, 2025 at 10:00.** An appearance will be required on that date if the Final I&A is not filed at least 5 court days prior to hearing.

PR0001042 IN THE MATTER OF CHRISTINE AIREY

Status regarding filing of final inventory and appraisal.

Ruling. **Off calendar** – Final I&A has been filed.

PR0001056 IN THE MATTER OF FABIO ANGIULI CORTARA

Status regarding filing of final inventory and appraisal.

Ruling. **Continued to July 17, 2025 at 10:00.** Status hearing will be dropped from calendar if the Petition for Termination is granted on that date.

PRO1401401 LIL YON BLANCHE TONKOFF, ESTATE OF

Status regarding final accounting or explanation as to why it was not timely filed.

Ruling. **Personal representative and attorney are ordered to appear.**

PRO2002254 IN RE THE Yael ILINETSKY SPECIAL NEEDS TRUST, TRUST OF

Status regarding filing petition regarding moving jurisdiction to Michigan and status regarding the special needs trust.

Ruling. **Off calendar** – Petition re jurisdiction has been filed and assigned a hearing date of July 24, 2025.

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PRO2002255 IN RE THE YOEL ILINETSKY SPECIAL NEEDS TRUST, TRUST OF

Status regarding filing petition regarding moving jurisdiction to Michigan and status regarding the special needs trust.

Ruling. **Off calendar** – Petition re jurisdiction has been filed and assigned a hearing date of July 24, 2025.

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Judge James T. Chou
Department C
1:30 Calendar

PR0000205 IN THE MATTER OF FRANK MATTHEWS

First and Final Account and Report of Conservator and Petition for Its Settlement, for Allowance of Conservator's Commission and County Counsel's Fees, and for Instructions on Disposition of Assets.

Ruling. **Continued to July 24, 2025 at 1:30.** The Court cannot instruct Petitioner to distribute without a proposed distribution with points and authorities. Petitioner is ordered to file an Amendment to Petition that provides a proposed distribution with legal authority therefor.

PR0000968 IN THE MATTER OF BIVONA MARIA KLEIN AND TAYA SALINA KLEIN

Petition for Appointment of Guardian of Minors' Estate.

Ruling. **The parties are ordered to appear.**

If this Petition is granted, Guardian shall comply with the following future dates:

1. Final Inventory and Appraisal.
 - a. A status hearing for the filing of the Final Inventory and Appraisal shall be set on October 2, 2025 at 1:30.
 - b. An appearance will be required on that date if the Final I&A is not filed at least 5 court days prior to hearing.
2. First Account.
 - a. A First Account for the period ending 5/28/26 shall be filed by August 6, 2026.
 - b. A hearing shall be set on August 27, 2026 at 1:30 for either: (1) hearing on the First Account; or (2) explanation as to why it was not timely filed.

PR0001023 IN THE MATTER OF WALTER HALLANAN

- 1) Petition for Appointment of Conservator of the Person and Estate.
- 2) Status conference.

Ruling. **The parties are ordered to appear.**

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PR0001067 IN THE MATTER OF ROSEMARY ANNE SANDERS

Status conference – Conservatorship of the Person of Rosemary Anne Sanders.

Ruling. **The parties are ordered to appear.**

PR0001129 IN THE MATTER OF MARCIA KROSKI

Petition for Appointment of Probate Conservator of the Person and Estate.

Ruling. **The Parties are ordered to appear.** If this Petition is granted, Conservator shall comply with the following future dates:

1. If Conservatorship of the Person is granted, Conservator shall comply with the following future dates:
 - a. Confidential Conservatorship Care Plan.
 - i. A status hearing for the filing of the Confidential Conservatorship Care Plan shall be set on October 9, 2025 at 1:30.
 - ii. An appearance will be required on that date if the Confidential Conservatorship Care Plan is not filed at least 5 court days prior to the hearing.
2. If Conservatorship of the Estate is granted Conservator shall comply with the following future dates:
 - a. Final Inventory and Appraisal.
 - i. A status hearing for the filing of the Final Inventory and Appraisal shall be set on October 2, 2025 at 1:30.
 - ii. An appearance will be required on that date if the Final I&A is not filed at least 5 court days prior to hearing.
 - b. First Account.
 - i. A First Account for the period ending 5/28/26 shall be filed by August 6, 2026.
 - ii. A hearing shall be set on September 27, 2026 at 1:30 for either: (1) hearing on the First Account; or (2) explanation as to why it was not timely filed.

PR0001150 IN THE MATTER OF BRIANA C. RAYMOND

Status conference – Limited Conservatorship of the Person of Briana Raymond.

Ruling. **The parties are ordered to appear.**

PRO1901763 LYNN J. MURRAY, CONSERVATORSHIP OF THE PERSON AND ESTATE

Petition for Order Allowing Conservatee's Attorney's Fees and Request for Discharge of Conservatee's Attorney.

Ruling. Absent objections, this Petition will be **granted without hearing.**

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- 1) Petition to Accept Resignation of Conservator and Requesting Amended Letters be Issued.
- 2) Petition for Appointment of Limited Co-Conservator of the Person and Estate.

Ruling. **The parties are ordered to appear.**
