

Tentative Rulings for July 11, 2024 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

Click on the “Virtual Courtrooms” icon and then on “Zoom Civil / Family / Probate Court Calendar Appearance Information”

Scroll down to Department C – Probate for the connection information.

Any person who wishes to make an appearance to contest the tentative ruling must inform the other parties and the Judicial Secretary by 4:00 PM on Wednesday (MCR 6.2 D).

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

**Judicial Secretary:
Tel: (415) 444-7260**

Judge James T. Chou
Department C
9:00 Calendar

PR000040 IN THE MATTER OF MARY LOUISE PORTER 2006 TRUST

- 1) Petition to compel.
- 2) Status regarding mediation; potential resolution; and to set further proceedings if no resolution.

Ruling. **Continued to July 25, 2024 at 9:00 for further review.**

PR000219 IN THE MATTER OF DAVID CASHMAN KEYES

Petition regarding spousal property.

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

**PR000354 IN THE MATTER OF THE STEVEN J. KAUFMAN DECLARATION OF TRUST AGREEMENT
DATED OCTOBER 30, 1998, AS AMENDED AND RESTATED**

- 1) Motion to stay.
- 2) Modify trust.
- 3) Motion to quash subpoenas.

Ruling. **All matters are continued to August 8, 2024 at 9:00.**

The current Motion to Quash Petitioner Alon Adani’s Deposition Subpoenas for Production of Medical Records, filed by respondent Steven J. Kaufman, Eleanor, Kaufman, and Zev Kaufman (“Respondents”) on April 4, 2024, is **CONTINUED**. Pursuant to Marin County Rules, 2.13B and 6.4, parties to a probate case discovery dispute are required to participate in Marin County Superior Court’s Discovery Facilitator Program.

On June 12, 2024, the parties were provided notice and ordered to participate in the Court’s Discovery Facilitator Program. The parties had until June 24, 2024 to reject any of the proposed discovery facilitators, at which time one would be assigned. The Court inadvertently neglected to appoint a Discovery Facilitator.

Once it was discovered that a discovery Facilitator had not been appointed, on July 8, 2024, the parties were provided notice that Lawrence Strick had been appointed as Discovery Facilitator.

The Court recognizes that the facilitation process will not proceed until after the currently scheduled hearing date.

Accordingly, and to afford the parties an opportunity to resolve this discovery dispute without Court intervention, Respondents' motion is **CONTINUED to August 8, 2024 at 9:00**. The parties shall further comply with MCR 2.13H prior to the new hearing date on the motion, should the matter not resolve.

The Court reminds the parties that compliance with MCR 2.13H not only includes the timely filing of the Declaration of Non-Resolution by each party five court days prior to the hearing, but also requires that "[t]he Declaration shall not exceed three pages and *shall briefly summarize the remaining disputed issues and each party's contentions.*" (MCR 2.13H(1), emphasis added.)

PR0000457 IN THE MATTER OF THE BJURSTEN FAMILY TRUST

Petition regarding trust.

Ruling. **Continued to August 22, 2024 at 9:00.** The following issues raised in the 6/6/24 tentative ruling have not been addressed:

1. File a Declaration, signed and verified by Petitioner, providing names and addresses of the Trust beneficiaries (Prob. C. § 17201).
2. File POS confirming that all interested parties received proper notice.

PR0000460 IN THE MATTER OF TRUST FBO VELA VAUGHN REYNOLDS UNDER THE D'USSEAU LIVING TRUST DATED MAY 26, 1995

Amended Petition - Successor Trustee

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

PR0000482 IN THE MATTER OF REVOCABLE TRUST OF DOREEN L. AGUIRRE DATED SEPTEMBER 15, 2005, AS RESTATED DECEMBER 7, 2018

850 Petition

Ruling. **Continued to August 22, 2024 at 9:00.** Please address the following no later than August 15, 2024:

1. It is not clear how title to 3 Hooper Lane is held. Please file documentation confirming title.
2. File a copy of the Order of Final Distribution referenced in Paragraph 5 of the Restated Trust.
1. Notice must be served on the mandatory Judicial Council Form DE-115. Please file POS confirming that all interested parties have received proper notice of the 8/22/24 hearing.
2. Please note that for any heir who is not a beneficiary of the Trust, the DE-115 must be served in the manner set forth by CCP § 413.10, et seq. (Prob. C. § 17203(b)).

PR0000506 IN THE MATTER OF SUZETTE MUSETTI

Trust; Prob. C 850.

Ruling. **Continued to July 25, 2024 at 9:00 for further review.**

PR0000526 IN THE MATTER OF SARA ANN BIANCALANA

Petition for letters of administration.

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

Future dates.

1. Final Inventory and Appraisal.
 - a. A status hearing for the filing of the Final Inventory and Appraisal shall be set on November 14, 2024 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 July 17, 2025, as required by Prob. C §§ 12200 & 12201.
 - b. A status hearing re filing a Petition or Report shall be set on August 7, 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 August 7, 2025 at 9:00.

PR0000528 IN THE MATTER OF ELYCHOVA 2007 TRUST, DATED FEBRUARY 14, 2007

Verified Petition for Order Confirming Promissory Note as a Trust Asset.

Ruling. **Continued to August 22, 2024 at 9:00.** Please address the following no later than August 15, 2024:

1. File a Supplement to Petition, signed and verified by Petitioner, providing the following:
 - a. Names and addresses of all heirs-at-law of Trustor who would have standing to contest the pourover Will (Prob. C. § 17203(b) and §§ 6401, et seq).
 - b. Clear and convincing evidence to rebut the presumption that legal title to the promissory note is held by Sig Elychova, an unmarried man (Evid. C. § 662).
 - c. Legal authority to support the proposition that the method of creating a trust set forth in Probate Code § 15200(a) (by declaration of the owner of said property) applies to property not owned by declarant at the time of the declaration.
 - d. Legal authority to support the proposition that *Heggstad* and its progeny provide for creation of trust over property not owned by declarant at the time of the declaration.
2. Notice of Hearing/POS:
 - a. Property that is the subject of the petition (Item 3).

- i. Item 3 of the Notice/POS filed 4/12/24 lists BofA Account No. XXX2952 as the property that is the subject of the petition.
 - ii. The Petition states that the subject of the petition is “Installment Promissory Note in the face amount of \$750,000.00 dated March 28, 2017.”
- b. All interested parties, including those named in response to Issue 1.a above, must receive notice with the correct information set forth in Item 3.
- c. Note that any heirs-at-law who are not beneficiaries of the Trust must receive notice on Judicial Council Form DE-115, served in the manner set forth by CCP § 413.10, et seq. (Prob. C. § 17203(b)).

PR000536 IN THE MATTER OF PATRICA PATTERSON DUDLEY

Petition for letters testamentary.

Ruling. Denied without prejudice for failure to address the following issues raised in the tentative rulings for 5/23/24 and 6/20/24:

1. Supplement to Petition, signed and verified by petitioner, that provides the following information:
 - a. Was Decedent was survived by a domestic partner (Item 5a(3)-(4))?
 - b. Who is the Trustee of the Patricia Patterson Dudley Living Trust?
 - i. If it is Petitioner, who are the beneficiaries and did they receive proper notice?
 - ii. If it is not Petitioner, did Trustee receive proper notice?
2. Proof of Service confirming that all interested parties received proper notice.
3. Proof of Publication.

PPR000552 IN THE MATTER OF ISABEL PONCE FLORES

Amended Petition for letters of administration.

Ruling. Continued to August 8, 2024 at 9:00. The following issues raised in the 6/13/24 tentative ruling have not been addressed, please file no later than August 1, 2024:

1. Proof of Service confirming that all interested parties received at least 15 days’ notice of the Amended Petition.
2. Proof of Publication

PR0000575 IN THE MATTER OF WILLIAM JULIO FORGENSI

Petition for Letters of Administration

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

Future dates.

1. Final Inventory and Appraisal.
 - a. A status hearing for the filing of the Final Inventory and Appraisal shall be set on November 14, 2024 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 July 17, 2025, as required by Prob. C §§ 12200 & 12201.
 - b. A status hearing re filing a Petition or Report shall be set on August 7, 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 August 7, 2025 at 9:00.

PR0000599 IN THE MATTER OF SHIRLEY MAY HAMILTON

Petition for letters of administration.

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

Future dates.

3. Final Inventory and Appraisal.
 - a. A status hearing for the filing of the Final Inventory and Appraisal shall be set on November 14, 2024 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.
4. Status on Closing Estate.
 - a. Either: (1) a Petition for Final Distribution; or (2) a Report on Status of Administration shall be filed by July 17, 2025, as required by Prob. C §§ 12200 & 12201.
 - b. A status hearing re filing a Petition or Report shall be set on August 7, 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 August 7, 2025 at 9:00.

PR0000643 IN THE MATTER OF TWILA ANN DRUMM

Petition for letters of administration.

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

Future dates.

1. Final Inventory and Appraisal.
 - a. A status hearing for the filing of the Final Inventory and Appraisal shall be set on November 14, 2024 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 July 17, 2025, as required by Prob. C §§ 12200 & 12201.
 - b. A status hearing re filing a Petition or Report shall be set on August 7, 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 August 7, 2025 at 9:00.

PR0000645 IN THE MATTER OF W. TIMOTHY RYAN

Petition for letters testamentary.

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

Future dates.

1. Final Inventory and Appraisal.
 - a. A status hearing for the filing of the Final Inventory and Appraisal shall be set on November 14, 2024 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 July 17, 2025, as required by Prob. C §§ 12200 & 12201.
 - b. A status hearing re filing a Petition or Report shall be set on August 7, 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 August 7, 2025 at 9:00.

PR0000646 IN THE MATTER OF DOUGLAS JEFFREY

Petition for letters testamentary.

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

Future dates.

1. Final Inventory and Appraisal.
 - a. A status hearing for the filing of the Final Inventory and Appraisal shall be set on November 14, 2024 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 July 17, 2025, as required by Prob. C §§ 12200 & 12201.
 - b. A status hearing re filing a Petition or Report shall be set on August 7, 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 August 7, 2025 at 9:00.

PR0000647 IN THE MATTER OF GAIL A. DE LA FUENTE

Petition for letters of administration.

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

Future dates.

1. Final Inventory and Appraisal.
 - a. A status hearing for the filing of the Final Inventory and Appraisal shall be set on November 14, 2024 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 July 17, 2025, as required by Prob. C §§ 12200 & 12201.
 - b. A status hearing re filing a Petition or Report shall be set on August 7, 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 August 7, 2025 at 9:00.

PR0000655 IN THE MATTER OF MILTON MICHAEL KRALKKA

Petition for letters of administration.

Ruling. **Continued to August 8, 2024 at 9:00.** Please address the following no later than August 1, 2024:

1. File Proof of Publication.

PR0000666 IN THE MATTER OF JAMES A. DINSE

Petition for letters of administration.

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

Future dates.

1. Final Inventory and Appraisal.
 - a. A status hearing for the filing of the Final Inventory and Appraisal shall be set on November 14, 2024 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 July 17, 2025, as required by Prob. C §§ 12200 & 12201.
 - b. A status hearing re filing a Petition or Report shall be set on August 7, 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 August 7, 2025 at 9:00.

PR0000669 IN THE MATTER OF SHERRIE LYN GROSSI

Petition for letters testamentary.

Ruling. **Continued to August 8, 2024 at 9:00.** Please address the following no later than August 1, 2024:

1. File Proof of Publication.

PRO042729 THE GRAHAM SALTONSTALL SPECIAL NEEDS TRUST, IN THE MATTER OF

Eleventh Accounting

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

1. Trustee is to file the Twelfth Account for the period 2/1/24 – 1/31/26 by March 26, 2026.
2. A status hearing re filing the Twelfth Account shall be set on April 30, 2026 at 10:00.
 - a. If not timely filed, an appearance will be required.
 - b. If the Twelfth Account is timely filed, the hearing will be set on April 30, 2026 at 9:00.

PRO2102162 IN RE THE MARIA E. WOODWARD TRUST, TRUST OF

Accounting

Ruling. **Continued to August 22, 2024 at 1:30.** Please address the following no later than August 15, 2024:

1. The Court cannot order that fees and expenses related to the Conservatorship be paid from the Trust unless the Court first finds that they are just and reasonable in the Conservatorship case and issues an order fixing and allowing such fees (Prob. C. § 2640(c)).
2. Please amend the Petitions accordingly.

PRO2102649 ESHMAIL M. SARKIS, ESTATE OF

Third Report of Status of Administration.

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

Future Dates.

1. Status on Closing Estate.
 - a. Either: (1) a Petition for Final Distribution; or (2) another Report of Status of Administration shall be filed by January 16, 2025, as required by Prob. C §§ 12200 & 12201.
 - b. A status hearing re filing a Petition or Report shall be set on February 6, 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 February 6, 2025 at 9:00.

PRO2103986 IN RE RUTH ELIZABETH WEST REVOCABLE TRUST OF MARCH 20, 2017, TRUST OF

- 1) Petition to determine validity of purported trust; for finding of financial elder abuse and physical neglect; for imposition of constructive trust.
- 2) Status of discovery and status of mediation.

Ruling. **Continued to July 25, 2024 at 9:00 for further review.**

PRO2200487 JOSEPH JAMES PECCORINI, ESTATE OF

Petition for final distribution.

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

PRO2300801 KERRY LYNN HARSHEL, ESTATE OF

Petition for final distribution.

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

Judge James T. Chou
Department C
10:00 Calendar

PR000081 ESTATE OF ANNE WOODWARD ROBERTS AKA ANNE W. ALLEN

Status regarding filing of final inventory and appraisal.

Ruling. **Continued to July 18, 2024 at 10:00.**

PR0000324 IN THE MATTER OF TERRY ANN ARNAUD

Status regarding filing of final inventory and appraisal.

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

PR0000370 IN THE MATTER OF DAVID P. MCCORMACK

Status regarding filing of final inventory and appraisal.

Ruling. **Continued to July 18, 2024 at 10:00.** The Court notes that a Partial I&A has been filed.

PRO1800208 IN RE THE CATHERINE EMILY PHILLIPS SPECIAL NEEDS TRUST, TRUST OF

Status of filing third accounting.

Ruling. **Continued to July 18, 2024 at 10:00.**

PRO2201207 PAUL STORM, ESTATE OF

Status regarding filing of final inventory and appraisal.

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

PRO2203945 ESTATE OF DINAH ISABELLE FUENTES

- 1) Status regarding filing of final inventory and appraisal.
- 2) Status regarding filing of report of status of administration or petition for final distribution.

Ruling.

1. Final I&A. **Off calendar – Final I&A has been filed.**
2. Final Distribution. **Continued to July 18, 2024 at 10:00.**

PRO2300167 JEFFREY J. STAHL, ESTATE OF

Status regarding receipt of petition for final distribution or report on status of administration.

Ruling. **Continued to July 18, 2024 at 10:00.**

PRO2300604 ARTHUR JAMES CHILBERG, ESTATE OF

Status of filing report of status of administration or final distribution.

Ruling. **Off calendar.** Next status hearing is set for October 17, 2024 at 10:00.

Judge James T. Chou
Department C
1:30 Calendar

PR0000177 IN THE MATTER OF LIAM AND AVA MULLIGAN

- 1) Status regarding filing of final inventory and appraisal.
- 2) Order to show cause regarding failure to file final inventory and appraisal and failure to appear on 05/23/2024.

Ruling. **Continued to July 18, 2024 at 1:30.**

PR0000356 IN THE MATTER OF FLANNERY MCGUIRE WEIL

Status regarding filing of conservatorship general plan and determination of conservatee's appropriate level of care.

Ruling. **Continued to July 18, 2024 at 1:30.**

PR0000369 IN THE MATTER OF LILY A. BASLER

Status regarding filing of conservatorship general plan and determination of conservatee's appropriate level of care.

Ruling. **Off calendar** – both documents have been filed.

PR0000677 IN THE MATTER OF JAN DOUGLAS KEIZER

Petition to appoint temporary conservator.

Ruling. **Appearance is required.**

PRO1500267 PAMELA URI, CONSERVATORSHIP OF THE PERSON AND ESTATE

Fifth accounting.

Ruling. **Continued to August 1, 2024 at 1:30 for further review.**

PRO1804419 MARIA E. WOODWARD, CONSERVATORSHIP OF THE PERSON AND ESTATE

- 1) First and Final Accounting

Ruling. **Continued to August 22, 2024 at 1:30.** Please address the following no later than August 15, 2024:

3. The Court cannot order that fees and expenses related to the Conservatorship be paid from the Trust unless the Court first finds that they are just and reasonable in the Conservatorship case and issues an order fixing and allowing such fees (Prob. C. § 2640(c)).
4. Please amend the Petitions accordingly.

PRO2100181 DAVID J. MCMAHON, ESTATE OF

- 1) Petition to determine ownership of property.
- 2) Motion to compel compliance with subpoena.

Ruling.

1. Petition: **Continued to July 25, 2024 at 1:30.**
2. Motion: **Off calendar.** Pursuant to Local Rule 2.13B, on June 12, 2023, attorney Jayli Miller was appointed to preside as Discovery Facilitator for the motion to compel compliance with subpoena filed by petitioners Bogdan Viner, Esfir Viner, and Vicki Boyko (“Petitioners”) on June 12, 2023. The matter was again referred to the Court’s Discovery Facilitator Program on February 29, 2024.

The Court has not received a declaration of non-resolution from either party, in particular *the moving party*, five court days prior to the hearing on the motion set for July 11, 2024, as required by Local Rule 2.13H. The Court reminds the parties that compliance with Local Rule 2.13H not only includes the timely filing of the Declaration of Non-Resolution by each party five court days prior to the hearing, but also requires that “[t]he Declaration shall not exceed three pages and *shall briefly summarize the remaining disputed issues and each party’s contentions.*” (Local Rule 2.13H(1), emphasis added.)

The Court concludes and expects that this discovery matter is being resolved by the facilitator. The motion is therefore ordered **OFF CALENDAR**. (Local Rule 2.13H(2).) Should the parties fail to reach resolution through the facilitator, either party may request (by ex parte application) that the Court re-set the motion for an expedited hearing.

PRO2203068 IN THE MATTER OF THOMAS R. CHADWICK

- 1) First Account and Report of Conservator

Ruling. **Continued to August 8, 2024 at 1:30.** Please address the following no later than August 1, 2024:

1. This Court does not award fees for legal research related to routine services provided by an attorney for a Conservator.
2. Please file a Declaration that provides more information re fees requested for legal research.

PRO2204152 RYAN JESSE LATHROP, GUARDIANSHIP OF THE PERSON AND ESTATE

- 1) Petition regarding first accounting.
- 2) Petition to terminate guardianship.

Ruling. **Continued to August 8, 2025 at 1:30.** Please address the following no later than August 1, 2025:

1. The Minor must receive proper notice (Prob. C. §§ 2621 and 1460(a)).
2. Please file Proof of Service confirming notice to Minor.

PRO39871 SIMA YAMIN, CONSERVATORSHIP OF THE PERSON AND ESTATE OF

Petition regarding fifteenth account.

Ruling. **Continued to July 18, 2025 at 1:30.** Court Investigator requires additional time for review.
