

DEPARTMENT FIVE  
JUDGE DAVID E. POWER  
707-207-7310

TENTATIVE RULINGS  
AND  
PROBATE PREGRANTS

**CALENDAR DATE: April 16, 2025**

**ADVISEMENTS**

**Probate Notes:** Probate notes are available in individual cases and are not posted on the public website. For more information on how to access case information through the court's public portal, please visit <https://portal.solano.courts.ca.gov>.

**Civil Tentative Rulings and Probate Pregrants:** Current procedures to advise the court of appearances and nonappearances in response to tentative rulings and pregrants remain unchanged. Probate pregrants and tentative rulings are not posted for conservatorships, guardianships, or any ex parte matters.

**Appearances by Zoom:** Remote appearances by Zoom are permitted except for MSCs, TMCs, trials or evidentiary hearings, or cases in which in-person appearances have been ordered. Persons appearing by Zoom are to be in appropriate attire. They are also to be in a quiet place where they can speak without interruption and clearly hear the proceedings.

**Zoom Meeting ID:** 160 178 3586

**Zoom Meeting Passcode:** 346293

To access Zoom by telephone:

1(669) 254-5252 (US English line, based in San Jose)

**PREGRANTS AND TENTATIVE RULINGS  
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**9:00 CALENDAR**

LINE

1

**IN RE IN THE MATTER OF THE VALENTINE & ALICE MITCHELL FAMILY TRUST**  
**FPR050933**

First and Final Account and Report of Trustee and Petition for Its Settlement, For Approval of Payment of Trustee Fees; For Approval of Payment of Attorneys Fees and Costs; For Surcharge of Stephen R. Mitchell; For Instructions Regarding the Creation of a Special Needs Trust for Brian Mitchell; For Approval of Final Distribution

Declaration of Danielle Diebert In Support of First and Final Account and Report of Trustee and Petition for Its Settlement, For Approval of Payment of Trustee Fees; For Approval of Payment of Attorneys Fees and Costs; For Surcharge of Stephen R. Mitchell; For Instructions Regarding the Creation of a Special Needs Trust for Brian Mitchell; For Approval of Final Distribution

Response to First and Final Account and Report of Trustee and Petition for Its Settlement; For Approval of Payment of Attorneys Fees and Costs; For Surcharge of Stephen R. Mitchell; For Instructions Regarding the Creation of a Special Needs Trust for Brian Mitchell; For Approval of Final Distribution

Declaration of Heather Ledgerwood in Support of Allowance of Attorney's Fees

Declaration of Heather Ledgerwood Regarding No Opposition Received

**PREGRANT ORDER**

The court continued this matter from March 20, 2025 as to the remaining issues and to allow Brian Mitchell to file and serve documents related to the fair market rental value. The court notes, no documents have been filed with the court since the last hearing date by Brian Mitchell.

Continued on the Court's own Motion to May 7, 2025 at 9:00 a.m. in Department 5.

LINE

2

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**IN RE ESTATE OF PATRICIA DUDLEY, DECEASED**  
**FPR051349**

Status Report

**PREGRANT ORDER**

The court continued this matter from December 13, 2024 in order to verify the filing of the inventory and appraisal. Counsel shall also be prepared to address the plan to expeditiously conclude the estate's administration.

Counsel to appear. Remote appearances are approved.

LINE

3

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**IN RE ESTATE OF JESSIE T. SANCHEZ, JR., DECEASED**  
**PR24-00168**

## Motion to Quash Subpoena of Business Records

### TENTATIVE RULING

The motion to quash the subpoena for the bank records of Maria Sanchez Wilson is granted. Personal financial records are protected by the right of privacy. To obtain discovery of such records, a party must establish that they are directly relevant to a claim in the action, i.e., that they are essential in determining the truth of the matters in dispute. (*Britt v. Superior Court* (1978) 20 Cal.3d 844, 859). Administrator Nakatani has not made such a showing. No claim has been made in this case indicating any misconduct on the part of Maria Sanchez Wilson in administering the Sanchez Family Trust that would warrant discovery of her bank records. The only claims that have been made in this case relate to (1) the right of the trust to recover personal property belonging to the trust that was taken by Nakatani and (2) the deterioration of the family property during the time Jessie Sanchez occupied the property as a life tenant. The bank records of Maria Sanchez Wilson are completely irrelevant to these claims.

LINE

4

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#### **IN RE ESTATE OF GEORGIA CHAPPELLE, DECEASED PR24-00402**

Petition for Determination that No Parent Child Relationship Exists Between Decedent and Kenetra Dayel Chappell for the Purpose of Intestate Succession

Probate Code Section 6454

Petition For Order to Compel Beneficiary to Sell Real Property Of the Probate Estate (probate Code §850)

#### PREGRANT ORDER

The listed Petitions are denied without prejudice. The Petitions are insufficient as the representative of Sammy Chappelle, deceased, a possible intestate heir of Georgia Chappelle, deceased, has not been noticed. The heirs of Sammy Chappelle are also entitled to notice.

LINE

5

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#### **IN RE ESTATE OF JAMES MERLIN JACOBSON, DECEASED PR25-00124**

Petition for Probate of Will and for Letters Testamentary and Authorization to Administer Under the Independent Administration of Estates Act

#### PREGRANT ORDER

The court on its own motion continues this hearing to June 3, 2025 at 9:00 a.m. in Department 10. Pending the continued hearing, the petitioner shall resolve the following issue:

1. The proof of publication was not legible. The petitioner shall re-file a clear copy with the Court.

If the petitioner resolves the issue by the hearing date and the Court is satisfied with the information provided, absent any objections, the Court intends to find the following:

The court finds all notices have been given as required by law. The petition is granted as prayed.

The will of James Merlin Jacobson dated June 29, 2022 is ordered admitted to probate.

The court appoints Kelly Haiar as executor with full authority under the Independent Administration of Estates Act.

Bond is set at \$301,500. Letters shall not issue until bond is posted with the clerk. The petitioner is to apply sua sponte for an increase in bond in the event the aggregate value of the estate's assets exceeds \$301,500.

The court appoints Paul D. Miller as probate referee.

The personal representative shall file their Inventory and Appraisal within four months of the date letters are issued. **A compliance hearing regarding the filing of the Inventory and Appraisal is set for October 17, 2025 at 11:00 a.m. in Department 10.** The personal representative or their counsel shall attend this compliance hearing. Appearances are excused if the appropriate documents are on file prior to the hearing.

The personal representative shall file either their petition for final distribution or their first status report within 12 months of the date letters are issued. **A compliance hearing regarding the filing and service of the petition or status report is set for June 19, 2026 at 11:00 a.m. in Department 10.** The personal representative or their counsel shall attend this compliance hearing. Appearances are excused if the appropriate documents are on file prior to the hearing.

LINE

6

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**IN RE IN THE MATTER OF C. EDWARD DAWKINS, JR., ET AL.  
PR25-00148**

Petition to Remove Trustee and to Appoint Successor Trustee

**PREGRANT ORDER**

The court on its own motion continues this hearing to June 3, 2025 at 9:00 a.m. in Department 10. Pending the continued hearing, the petitioner shall resolve the following issues:

1. It is unclear if the Settlor, Carl Edward Dawkins, Jr. is alive or deceased. The petitioner shall clarify and provide a date of death, if applicable.
2. The petitioners did not provide a signed copy of the Grandchild Trust for benefit of Feya Dawkins. The petitioners shall explain what efforts, if any, have been made to obtain a copy of the signed trust.

3. The petition states that the Trustee's sister informed the petitioners that real property taxes were not paid and remain unpaid for 2021, 2022 or 2023. The petitioners shall provide supporting documents for this information for the Court's review.

4. The petition shall also state the grounds of the petition and the names and addresses of each person entitled to notice of the petition. Prob. Code §17201.

5. The petition seeks appointment of a person not named as successor trustee in the trust instrument and have not waived bond. However, the Court may consider a bond necessary to protect the interests of beneficiaries and other persons having an interest in the trust.

LINE

7

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**IN RE ESTATE OF RICHARD PAUL STELLA, DECEASED**  
**PR25-00157**

Petition for Letters of Administration and Authorization to Administer Under the Independent Administration of Estate

**PREGRANT ORDER**

The court on its own motion continues this hearing to June 3, 2025 at 9:00 a.m. in Department 10. Pending the continued hearing, the petitioner shall resolve the following issues:

1. There is no proof of publication on file. (Prob. Code § 8124.)
2. There is no completed Duties and Liabilities of Personal Representative form on file. (Prob. Code § 8404.)
3. Petition, item 1: The Daily Newspaper is not a newspaper of general circulation for Vallejo. (See Prob. Code § 8120 et seq.) Publication must be done in a newspaper of general circulation.
4. Petition, item 3.e: While the court notes the petitioner has filed a bond waiver for himself, it is unclear if the petitioner is the sole heir. The petitioner shall clarify if the decedent was survived by a spouse, parents, or other siblings, or issues of other siblings.
5. Petition, item 3h: The court in its discretion may require a bond from a non-resident personal representative. While the court notes the petitioner has filed a bond waiver, it is unclear if the petitioner is the sole heir. In addition, the petitioner is a resident of the State of Maryland and is requesting full authority without court supervision to administer the estate. The court finds good cause to require bond in the amount of \$175,000.00 to protect the estate, creditors and other interested persons. (Prob. Code § 8571). In the alternative, at the hearing the court may consider granting limited authority without bond, which would not allow the petitioner to take specific actions like sell real property without prior court authorization.
6. Petition, item 5a: Either (3) or (4), either (5) or (6) must be marked.

7. Petition, item 8: The list did not include the names and date of death for the decedent's deceased spouse, deceased parents, any other brothers or sisters, or issues of brothers or sisters.
8. There is no separately-filed proof of service showing that all parties entitled to notice have been served. (Prob. Code, § 8110.) The proof of service attached to the Notice of Hearing, Judicial Council form DE-121 is signed by the petitioner, which is not acceptable. The documents are to be served by a person who is not a party to the action. (Civ. Proc. §§ 1012; 1013a)

LINE

8

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**IN RE ESTATE OF JOHN WILLIAM EATER, DECEASED**  
**PR25-00160**

Petition for Probate of Will and for Letters of Administration with Will Annexed and Authorization to Administer Under the Independent Administration of Estate

**PREGRANT ORDER**

Absent any objections, the court finds all notices have been given as required by law. The petition is granted as prayed.

The will of John William Eater dated June 2, 1981 is ordered admitted to probate.

The court appoints Jim Nord aka Carey James Nord as administrator with Will Annexed with full authority under the Independent Administration of Estates Act.

Bond is set at \$600,000. Letters shall not issue until bond is posted with the clerk. The petitioner is to apply sua sponte for an increase in bond in the event the aggregate value of the estate's assets exceeds \$600,000.

The court appoints Paul D. Miller as probate referee.

The personal representative shall file their Inventory and Appraisal within four months of the date letters are issued. **A compliance hearing regarding the filing of the Inventory and Appraisal is set for October 17, 2025 at 11:00 a.m. in Department 10.** The personal representative or their counsel shall attend this compliance hearing. Appearances are excused if the appropriate documents are on file prior to the hearing.

The personal representative shall file either their petition for final distribution or their first status report within 12 months of the date letters are issued. **A compliance hearing regarding the filing and service of the petition or status report is set for June 19, 2026 at 11:00 a.m. in Department 10.** The personal representative or their counsel shall attend this compliance hearing. Appearances are excused if the appropriate documents are on file prior to the hearing.