

DEPARTMENT TEN  
JUDGE CHRISTINE DONOVAN  
707-207-7310

TENTATIVE RULINGS  
AND  
PROBATE PREGRANTS

**CALENDAR DATE: May 6, 2024**

**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:** 161 313 3097

**Zoom Meeting Passcode:** 307651

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 JPMORGAN CHASE BANK, N.A. v FRANCISCO CAMACHO  
CL23-03319**

Motion for Judgment on the Pleadings

**TENTATIVE RULING**

Reflecting due process concerns, service of a motion affecting the rights of a defendant who has not appeared in an action typically is required to be made in the same manner as required for service of summons and complaint. (See, e.g., applications for writs of attachment [Code Civ. Proc., § 482.070, subd. (d)]; applications for writs of possession [Code Civ. Proc., § 512.030, subd. (b)].)

Defendant has effectively filed no responsive pleading in this action identifying an address of record; an attempted filing was rejected and returned on September 28, 2023, and no filings from Defendant have been received since.

Because of these due process concerns, the court continues this motion and directs Plaintiff to effect service of the motion papers and the notice of this continued hearing date on Defendant in a manner authorized for service of summons and complaint, at least sixteen court days prior to the continued hearing date.

The court further observes that service of Plaintiff's motion to deem matters admitted filed January 19, 2024 was also not effected in a manner authorized for service of summons and complaint. The instant motion depends on the facts deemed admitted when that motion was granted on March 20, 2024. The court intends to issue an order to show cause as to why the order granting Plaintiff's motion to deem matters admitted should not be set aside on the basis of lack of proper service on Defendant.

LINE

2

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**IN RE AMERICAN EXPRESS NATIONAL BANK v. KELLY LUNDGREN  
CL24-00215**

Notice and Motion to Deem Matters Admitted and for Monetary Sanctions

**TENTATIVE RULING**

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

LINE

3

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**IN RE WELLS FARGO BANK NAT'L ASSOC. v BALLESTEROS  
FCS041487**

Notice of And Motion for Order Correcting Application for and Renewal of Judgment and Memorandum of Cost After Judgment, Acknowledgment of Credit, Accrued Interest by Nunc Pro Tunc

**TENTATIVE RULING**

The court finds all notices have been given as required by law. The motion is granted. The court will sign the order as proposed.

LINE

4

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**IN RE THE ESTATE OF JOANNE FLETCHER, DECEASED  
FPR050169**

Report of Transactions by Prior Co-Administrators and First Account and Status Report of Administrator with Will Annexed in Response to Petition to Compel Accounting; Petition for Partial Payment of Ordinary Attorneys' Fees Without Apportionment; Petition for Partial Payment of Administrator's Ordinary Fees; and Confirmation of Costs Advanced (California Probate Code §§10800, 10810, 10814, 10830, 10900, 12200, and 12201; California Rules of Court 7.701 and 7.705)

Status Report of Petitioner David T. Eldridge In His Capacity As Administrator With Will Annexed of The Estate of Loretta Joanna Fletcher

Dale Fletcher's Objection to Administrator David Eldridge's Report of Transactions by Prior Administrators and First Account and Status Report of Administrator with Will Annexed in Response to Petition to Compel Accounting; Petition for Partial Payment of Attorneys' Fees Without Apportionment; Petition for Partial Payment of Administrator's Ordinary Fees; and Confirmation of Costs Advanced (California Probate Code §§10800, 10810, 10814, 10830, 10900, 12200, and 12201; California Rules of Court 7.701 and 7.705)

**PREGRANT ORDER**

This matter was previously continued from March 25, 2024 to allow the parties and counsel to meet and confer and for the petitioner to file a supplement that addresses the factors in Cal. Rules of Court, Rule 7.701 for statutory compensation for both attorney and personal representative. The court has reviewed the status report filed April 24, 2024 which addressed the factors. The objector has not filed a response.

Counsel and parties to appear (remote appearances are approved).

LINE

5

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**IN RE ESTATE OF PHYLLIS KAY VEACH AKA KAY TOOMBS, DECEASED  
FPR051938**

First and Final Account and Report of Administrator on Waiver of Account; Waiver of Ordinary Compensation; Petition for Attorney's Fees; and Final Distribution.

**PREGRANT ORDER**

The court on its own motion continues this hearing to June 20, 2024, at 10:00 a.m. in Department 10. Pending the continued hearing, the petitioner shall resolve the following issue:

There is no Proof of Service on file showing all those entitled to notice have received it per Probate Code section 11601.

LINE

6

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**IN RE THE ESTATE OF LINDA A. SCHMADEKE, DECEASED**  
**FPR051991**

First and Final Report of Executor on Waiver of Account and Petition for Allowance of Statutory Compensation to Executor, Attorney, and for Final Distribution

**PREGRANT ORDER**

The court on its own motion continues this hearing to June 20, 2024, at 10:00 a.m. in Department 10. Pending the continued hearing, the petitioner shall resolve the following issues:

1. Petition, item 21: Please provide a copy of the seller's settlement statement provided to the personal representative at the end of escrow. (Prob. Code § 10901.)
2. Accounting:
  - a. Summary of Account: The accounting does not balance as the charges (\$479,436.90) and credits (\$471,386.10) do not match.
  - b. Schedule A: The refund for "Blue Medicare RX" is inexplicably a negative number, which improperly reduces the overall refund income.
  - c. Schedule D: The court calculated a different asset on hand balance. Using the assets on hand at the beginning (\$461,601.80), adding the receipts (\$2,835.10, which appears to require adjustment), adding the gains on sale (\$15,000), subtracting the disbursements (\$200,600.68), and the loss on sale (\$1,000), the court calculated cash assets on hand of \$277,836.22. The accounting reports assets on hand of \$269,785.42. The difference of \$8,050.80 is not explained.

LINE

7

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**IN RE THE ESTATE OF LOUISE FLEMING, DECEASED**  
**PR23-00052**

First and Final Report of Administrators on Waiver of Account; Petition for its Settlement; for Allowance of Statutory Attorney Fees, Extraordinary Fees; Reimbursement of Costs Advanced; and for Final Distribution

**PREGRANT ORDER**

The court on its own motion continues this hearing to June 21, 2024, at 10:00 a.m. in Department 10. Pending the continued hearing, the petitioner shall resolve the following issues:

1. There is no Proof of Service on file showing all those entitled to notice have received it per Probate Code section 11601.
2. Petition, item 4: Please provide a copy of the seller's settlement statement provided to the personal representative at the end of escrow. (Prob. Code § 10901.)
3. Petition, Item 7: The petition indicates a corrected partial I&A was filed March 14, 2024. The court has no record of this I&A. The petition states that the total value of the estate is \$452,815.00. Based on the values on file with the court, the court calculates the total value is \$392,815.00.
4. Petition, Item 9: The petition states that all cash of the estate has been kept in interest-bearing accounts. The Order for Probate ordered that the sales proceeds were to be deposited into a blocked account at either Farmers and Merchants Bank or Bank of America. The petitioner shall confirm this is what occurred.
5. Petition, Item 15: The proposed distribution is represented to be equal, but the court believes it may not be. Per the order for preliminary distribution, Roseida Gaskin was to be distributed \$35,000 in equity from the real property which she apparently bought from the estate. This amount must be added back to the remaining property on hand before the assets are divided into sixths, and then must be deducted from Roseida Gaskin's share. It is unclear whether this occurred.
6. Petition, Item 15: The 2017 Ford Escape is valued at \$13,000 on the Inventory and Appraisal filed October 3, 2023, but is to be distributed at a value of \$3,500. The vehicle is to be distributed to the heir at the carry value, not market value.
7. Petition, Item 24: The petition states that the fee base is \$452,815.00, and the statutory fees are \$12,056.30. Based on the I&As filed with the court, the court calculates that the fee base is \$392,815.00, and the statutory fees are \$10,856.30. It appears this discrepancy is due to the issue identified in Item 3, above.
8. Petition, Item 25: There is no declaration compliant with California Rules of Court, rule 7.702 in support of the extraordinary attorney fees request.

LINE

8

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**IN RE THE ESTATE OF WANDA CORNISH, DECEASED**  
**PR24-00175**

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

**PREGRANT ORDER**

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

The court appoints Kimberly McCade as administrator with full authority under the Independent Administration of Estates Act.

Bond is waived.

The court appoints Paul 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 9, 2024 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 July 9, 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.

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