

DEPARTMENT TEN  
JUDGE CHRISTINE DONOVAN  
707-207-7310

TENTATIVE RULINGS  
AND  
PROBATE PREGRANTS

**CALENDAR DATE: MARCH 20, 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 THE LESLIE DE LA CRUZ SPECIAL NEEDS TRUST  
FPR045812**

Petition for Approval of Seventh Account Current and Report of Trustee; for Authorization to Pay Trustee's Attorneys' Fees [Probate Code Sections 16062, 16063, and 16064]

First Supplement to Petition for Approval of Sixth (Erroneously Named the Seventh") Account Current and Report of Trustee; For Authorization to Pay Trustee's Attorneys' Fees

**PREGRANT ORDER**

This matter was previously continued from July 18, 2023, September 12, 2023 and November 28, 2023 to allow the petitioner to address issues with the petition. The court has read the second supplement filed on March 13, 2024, which resolved only one issue.

Therefore, the court on its own motion continues this hearing to May 9, 2024 at 10:00 a.m. in Department 10. Pending the continued hearing the petitioner shall resolve the following issues:

1. Unresolved: The supplement did not address this issue.

Issue - Petition, item 4: The time period for this accounting ends on January 31, 2022. The petitioner shall clarify why it took more than a year to file this accounting.

2. Unresolved: The supplement is requesting \$14,192.96 to the Trustee and \$14,189.28 to the IBAR Settlement Company in the prayer, but did not explain why these payments should be authorized when only \$9,090.47 in services were provided by the trustee and \$9,120.79 in services were provided by the IBAR. The supplement confirming the higher amounts with reference to "Schedule C" was not an explanation. In addition, the supplement did not include any attachments for the court's review and consideration.

Issue - Petition, item 6 and Prayer: The petition states that the trustee fees were \$9,090.47 and the fees for IBAR were \$9,120.79, however, the prayer requests confirmation of trustee fees of \$14,192.96 and IBAR fees of \$14,189.28. The petitioner shall clarify.

3. A copy of the supplement must be served, unless waived by the court. (Cal. Rules of Court, Rule 7.53(b).) There is no such waiver on file and no proof of service for the supplement to show it has been properly served.

4. The supplement was not verified by the petitioner. All pleadings under the Probate Code must be verified. (Cal. Rules of Court, Rule 7.103(b).) The petitioner is also required to sign, as they are the fiduciary appointed in the proceeding. (Cal. Rules of Court, Rule 7.103(c).)

LINE

2

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**IN RE ESTATE OF KENNETH JAY BRANN, DECEASED  
PR23-00419**

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

**PREGRANT ORDER**

The court continued this matter from November 15, 2023 to allow the petitioner to address the issues with the petition, which have now been resolved. Therefore, absent any objections the court intends to rule as follows:

Counsel and parties to appear. Remote appearances are approved.

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

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

Bond is set at \$262,000. 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 \$262,000.

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 August 21, 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 May 21, 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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LINE

3

**IN RE ESTATE OF JOHN S. DOUGHERTY, DECEASED**  
**PR23-00449**

Spousal Property Petition

PREGRANT ORDER

Counsel to appear. Remote appearances are approved.

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4

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**IN RE ESTATE OF ROBERTO LOPEZ, DECEASED**  
**PR24-00070**

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 May 9, 2024 at 10:00 a.m. in Department 10. Pending the continued hearing, the petitioner shall resolve the following issues:

1. The petition seeks to admit the decedent's will. However, the original will is not on file. (Prob. Code §8200.) The petitioner shall explain the status of filing a petition to transfer the decedent's will to Solano County Superior Court. (Prob. Code §8203.) The petitioner shall also clarify the name of each case referenced in San Francisco Superior Court as PDW-23-062333 and PES-23-306899 and explain why the decedent's will was filed in those cases.
2. The decedent's will names the "Roberto Lopez and Dora I. Lopez Living Trust" as a beneficiary. The petitioner must file a copy of the trust, with all amendments, disclaimers and corrections, with the court under confidential cover. (Solano County Local Rule 7.51c.)

LINE

5

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**IN RE ESTATE OF RIKEY LEE HULL, DECEASED**  
**PR24-00077**

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

PREGRANT ORDER

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

1. Petition, item 2.b: The name of the proposed administrator was blank.
2. Petition, item 6: This item was not answered.

3. Petition, item 8: The petition did not provide the name of the decedent's father, his age and address who would also be entitled to notice. The proof of service does not list anyone other than petitioner.
4. The phone number is missing from the Duties and Liabilities Form DE-147.

LINE

6

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**IN RE IN THE MATTER OF THE HULSE FAMILY TRUST  
PR24-00084**

Petition To Determine Validity of Trust Amendment; Damages for Financial and Physical Elder Abuse, Arising Out of Breach of Fiduciary Duties, Undue Influence, Fraud and Conversion; [CPC§17200(b); CPC§21380; W&I C§§15610.30, 15610.57, 15610.70, 15657, 15657.03, 15657.5; 15657.6, CC§3294]

**PREGRANT ORDER**

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

1. Third Amendment is dated January 20, 2021 and refers to another amendment dated April 19, 2019 not mentioned in the petition and no copy was provided.
2. Exhibit E, F and G are not legible. The petitioner must provide clean and readable copies.
3. There is no copy of the original trust. The petitioner shall file a complete copy of the trust, with all amendments and restatements.

LINE

7

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**IN RE ESTATE OF SHARON ELIZABETH LEASURE-BROWN, DECEASED  
PR24-00086**

Petition for Letters of Administration and 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 Lori Ward Austin as administrator with full authority under the Independent Administration of Estates Act.

Bond is waived.

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 August 21, 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 May 21, 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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**10:00 CALENDAR**

LINE

11

**IN RE ESTATE OF RAYMOND JOE BELL, DECEASED  
FPR050954**

First and Final Report of Administrator With Will Annexed on Waiver of Account, Petition for Final Distribution and Allowance of Compensation to Attorneys for Statutory Services

**PREGRANT ORDER**

The court continued this matter to allow the petitioner to address the issues with the petition which have all been resolved. Therefore, absent any objections the court intends to rule as follows:

The court finds all notices have been given as required by law. The petition is granted as prayed except that release of liability and discharge shall be ordered only upon the filing of the Ex Parte Petition for Final Discharge and Order once assets are distributed pursuant to Probate Code section 11753.

A compliance hearing regarding the filing and service of the Ex Parte Petition for Final Discharge and Order is set for Wednesday, September 25, 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.

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LINE

12

**IN RE THE GLENALAN L. ZAVORAL SR. AND JO ANN D. ZAVORAL REVOCABLE TRUST  
FPR051015**

Status Conference

**PREGRANT ORDER**

Counsel and parties to appear. Remote appearances are approved.

Counsel shall be prepared to discuss the status of discovery, plan forward, and the potential rescheduling of the May 10, 2024 trial readiness conference and the late May 2024 trial dates as needed to accommodate discovery.

LINE

13

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**IN RE ESTATE OF RONDA GOMES, DECEASED  
FPR051763**

First and Final Report of Personal Representative on Waiver of Accounting and Petition for Its Settlement, For Waiver of Compensation to Personal Representative, Fees to the Attorney and for Final Distribution

**PREGRANT ORDER**

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

1. Petition, ¶7: The petition states that the two creditor's claims filed were forgiven and that a 1099-C Cancellation of Debt was issued to the petitioner. The petitioner shall provide a copy of the forms for the court's review. (Prob. Code §10901.) There is also no proof of service showing that the two creditors were given notice of the final petition or of the allowance of the claim. The two allowance of claim forms filed with the court do not show that they were properly served on each creditor.
2. Petition, ¶21 & ¶24: The petition did not state how attorneys fees and costs will be paid from an insolvent estate.
3. Costs Advanced by Petitioner's Attorney – Postage Fees are not reimbursable absent extraordinary circumstances. (Solano County Local Rule 7.72b). In addition, there was only one asset of the estate which was not sold. It is unclear what the charges were for paid to "Data Tree Property Report fee", "UCC Financing Statements" and "First American fee for copy of documents". The petitioner shall explain.
4. Exhibit 4 – The total for the costs advanced listed on this exhibit totals \$2,604.83, but the petition and prayer seek a reimbursement of \$2,064.83. The petitioner shall clarify. There is also a future fee of \$78.00 for "Ex Parte final discharge", which is unclear as the court does not appear to charge a fee for this.

5. The proposed order is missing the address for the sole heir and whether she is an adult or a minor. (Solano Local Rule 7.66.d(1).)
6. The petition did not include a legal description of the real property. (Cal. Rules of Court, Rule 7.651(b)(3).)

LINE

14

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**IN RE ESTATE OF ROBERT S. WINNIE, DECEASED**  
**PR23-00057**

Petition with Waiver of Final Account and Report of Executor; with Waiver of Executor's Fees; For Payment of Statutory Attorney's Fees and Costs; and for Final Distribution

PREGRANT ORDER

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

1. The waivers of accounting attached to the petition do not comply with Solano County Local Rule 7.71. The petitioner may use the optional Local Form 7001-PR.
2. Petition, ¶27: The proposed distribution does not list all of the property listed on the Inventory and Appraisal. The petitioner must account for the disposition of all of the assets. The vehicles are all missing and some of the bank accounts. If some assets were sold, the petitioner must state so and indicate if there was a gain or a loss. If some of the accounts changed as to their form, the petitioner shall also state. The petition also states that there are no liquid assets, but the assets list a checking account with sufficient liquid assets to pay any debts of the estate, statutory fees and costs. It is unclear why the petitioner seeks to pay the attorney out their own personal assets.
3. The specific details of the proposed distribution must be provided. A description by reference to the inventory is not acceptable. (Local Rule 7.66b.) The proposed distribution must also include the names, addresses and state whether they are adult or minors. It is unclear what the summary of the estate on hand is before and after fees and costs remaining to be distributed after the fees requested. The petitioner shall provide a summary showing the value of the estate for each distribution, the type of asset and the total to each heir and the total to be distributed to each heir and the total of the estate. If any of the assets to be distributed are securities, then the complete description of each individual security held in "street name" in security brokers' account must be included. (Cal. Rules of Court, Rule 7.651(b).) The petition must also include the complete legal description, street address (if any) and assessor's parcel number of real property.
4. The decedent's will in article "Fifth" devised his business to his two sons'. However, there was no mention of this asset in the inventory and appraisal and the disposition of it.
5. The decedent's will in article "Eighth" devised the residue of his estate to his two sons only to be distributed "in trust" if they are under the age of 32. While the petition states



that they are adults, there was no specific information whether they are over the age of 32. The petitioner shall clarify.

6. A personal representative is required to file an Inventory and Appraisal within four months after letters are first issued to a general representative. (Prob. Code §8800(b).) The general Letters were issued on May 24, 2023; thus, the Inventory and Appraisal was due by September 24, 2023 but the first Inventory was not filed until February 5, 2024. The delay was unexplained.

LINE

15

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**IN RE ESTATE OF DENIECE DELANE PRESCOTT, DECEASED**  
**PR23-00530**

Amended Petition for Letters of Administration

PREGRANT ORDER

The court continued this matter from January 26, 2024 to allow the petitioner to address the issues with the petition. However, an amended petition was filed on February 9, 2024.

The court on its own motion continues this hearing to May 15, 2024 at 10:00 a.m. in Department 10. Pending the continued hearing, the petitioner shall resolve the following issues as they relate to the amended petition:

1. The Notice of Hearing does not indicate if it is for the Amended Petition and did not state if the petitioner is seeking full authority under the Independent Administration of Estates Act as stated in the petition.
2. Amended Petition - Caption: The caption did not state if the petitioner is seeking Authorization to Administer the estate Under the Independent Administration of Estates Act as stated in the body of the petition in item 2.c. The petitioner shall clarify.

LINE

16

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**IN RE MINOR'S COMPROMISE OF AMARI RHODES**  
**PR23-00564**

Petition for Approval of Compromise of Claim or Action or Disposition of Proceeds of Judgment for Minor or Person with a Disability

PREGRANT ORDER

The court finds all notices have been given as required by law. The petition as amended on February 23, 2024 is granted as prayed.

The court sets a compliance hearing for Friday, May 24, 2024 at 11:00 a.m. regarding the deposit of the funds into the blocked account. If an Acknowledgment of Receipt of Order and Funds for Deposit in Blocked Account (MC-356) is filed prior to the compliance hearing, appearances at the compliance hearing are excused.

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