

DEPARTMENT TEN
JUDGE CHRISTINE DONOVAN
707-207-7310

TENTATIVE RULINGS
AND
PROBATE PREGRANTS

CALENDAR DATE: MARCH 13, 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

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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 ESTATE OF TINA THOMPSON, DECEASED
FPR045402**

Petition for Removal of Administrator and Appointment of Person [Prob. Code § 8503, subd. (a)]

Order to Show Cause

PREGRANT ORDER

Merrinese Thompson Mellion and her attorney of record, Thomas R. Healy shall appear (remote appearances are approved) to show cause why Ms. Mellion should not be removed as personal administrator for her failure to administer the estate since November 1, 2012.

As to the petition for removal, the court on its own motion continues this hearing to April 26, 2024 at 10:00 a.m. in Department 10. Pending the continued hearing, the petitioner shall resolve the following issues as it relates to the petition filed by Vernica Thompson:

1. Petition, Item 1: The petition states Tina Thompson died August 12, 2021. If this is the same person as the decedent, the date of death must be corrected. Further, the petition refers to a Kathleen Everette Thompson. The original petition for probate filed in 2012 did not list a Kathleen Everette Thompson. It is unclear how she is connected to the decedent.
2. Petition, item 2: The petitioner states that she is the sole heir of the decedents, which the court understands to refer to Tina Thompson and Kathleen Thompson. Given that Tina Thompson was survived by two siblings, it is unclear how Vernica Thompson is the sole heir to the estate.
3. Petition, item 3: It is unclear how the Order Determining Succession to Real Property for the Estate of Kathleen Everette Thompson relates to the decedent's estate before the court.
4. The Notice of Hearing filed on September 13, 2023 indicates the hearing date in the past as November 15, 2022. In addition, the notice was signed by the petitioner and is not acceptable. The documents are to be served by a person who is not a party to the action. (Civ. Proc. §§ 1012; 1013a) The proof of service also does not include the attorney for the personal administrator, Merriness Thompson Mellion. It also does not include Diana P. Evans, who requested special notice on March 22, 2013.
5. The petitioner seeks letters of administration. Letters of administration may not be sought in this manner. The petitioner is encouraged to seek legal advice.

LINE

2

**IN RE MATTER OF THE BRANDY ORTIZ SPECIAL NEEDS
FPR046158**

Petition for Approval of Sixth Account Current of Trustee for the Period of October 1, 2021 to September 30, 2023; Approval of Trustee's Fees; Approval of Trust Advisory Fees; Approval of Attorney's Fees; Declaration of Randolph M. Sharon

PREGRANT ORDER

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

LINE

3

IN RE ESTATE OF CASSIE ESTOISTA SANTOS, DECEASED
FPR050724

Order to Show Cause

Spousal Property Petition

PREGRANT ORDER

Reynaldo Santos, Jr. and counsel for the Public Administrator to appear. Remote appearances are approved.

Reynaldo Santos, Jr. shall be prepared to address the following issues with his spousal property petition as amended on January 9, 2024:

1. The Notice of Hearing includes a proof of service, but it does not say that a copy of the petition was served on those individuals along with the Notice of Hearing.
2. The attached Exhibit B does not provide proof that the petitioner contributed to the down payment on the real property. Instead, all deposits in escrow are in the decedent's name. What other proof does the petitioner have that he contributed to the down payment?
3. To the extent that the petitioner is claiming a community property interest based on community property paydown of the decedent's separate property mortgage principal, the petitioner must provide the appropriate calculation of that interest. No such calculation has been provided.
4. Probate Code section 6401 states that a surviving spouse's share of the decedent's separate property is one-half when there are surviving parents. The petitioner shall explain why this property which was purchased before marriage in the sole name of the decedent and which remained titled solely in the decedent's name should not be distributed through the existing probate matter to the petitioner and the decedent's parents pursuant to Probate Code section 6401.

LINE

4

IN RE ESTATE OF LOUIS DOLEMAN, DECEASED
FPR051830

Petitioner Leslie D. Knecht's Verified Final Report of Administrator and Petition for Order:

- (1) Approving Report of Administrator;

- (2) Approving Waiver of Accounting;
- (3) Allowing Statutory Attorney's Compensation;
- (4) Waiving Statutory Administrator's Compensation, and;
- (5) Final Distribution

PREGRANT ORDER

The court on its own motion continues this hearing to May 1, 2024, at 10:00 a.m. in Department 10. Pending the continued hearing, the petitioner shall resolve the following issues:

1. A creditor claim was filed by Capital One in the amount of \$5,469.53. No Allowance or Rejection of Creditor's Claim (form DE-174) was filed for this claim. The petitioner shall explain.

Petition, item 6: Please provide a copy of the seller's settlement statement provided to the personal representative at the end of escrow. (Prob. Code § 10901.)

LINE

5

IN RE MATTER OF THE CAROL ADELE LEONARD LIVING TRUST
PR23-00447

Petition for Order Confirming That Asset is Property of Trust

[Probate Code §§ 850; 17200(b)(1)]

PREGRANT ORDER

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

LINE

6

IN RE IN THE MATTER OF THE DARLENE REED LIVING TRUST
PR24-00052

Petition for Order Determining Title to Real Property

PREGRANT ORDER

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

LINE

7

IN RE ESTATE OF JULIA SOWELL LONG, DECEASED
PR24-00074

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

PREGRANT ORDER

Counsel to appear (remote appearances are approved) and shall be prepared to address the following:

Petition, item 8: The predeceased spouse's name and date of death must be provided.
(Solano County Local Rules, Rule 7.51(b).)

If the court is satisfied, 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.

The will of Julia S. Long dated February 24, 2022 is ordered admitted to probate.

The court appoints Adreanna Campbell and Julian Campbell as co-executors with full authority under the Independent Administration of Estates Act.

Bond is waived.

The court appoints Paul Miller as probate referee.

The personal representatives 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 14, 2024 at 11:00 a.m. in Department 10.** The personal representatives or their counsel shall attend this compliance hearing. Appearances are excused if the appropriate documents are on file prior to the hearing.

The personal representatives 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 14, 2025 at 11:00 a.m. in Department 10.** The personal representatives or their counsel shall attend this compliance hearing. Appearances are excused if the appropriate documents are on file prior to the hearing.

10:00 CALENDAR

LINE

8

**IN RE ESTATE OF DOYLE FRANKLIN MCCLUSKY, DECEASED
FPR051422**

Order to Show Cause

Objection to Appointment of Public Administrator as Administrator of Estate; Declaration of Counsel

PREGRANT ORDER

On September 15, 2023, the court issued an OSC to personal administrator Margaret Velasco to appear on December 4, 2023 and show cause as to why a Petition for Final Distribution has not

yet been filed and/or what if any disposition of creditor's claims has occurred. Margaret Velasco was present in court when the OSC issued.

Margaret Velasco did not appear on December 4, 2023. At that hearing, the court issued another OSC to personal administrator Margaret Velasco as to why the court should not suspend her powers or remove her for her failure to appear, her failure to respond to the court's OSC, her failure to file a petition for final distribution, and her failure to address the disposition of the creditor claims.

On February 9, 2024, the court reissued the court's December 4, 2023 OSC and directed that the clerk of the court give notice to the Solano County Public Administrator of this hearing and that Solano County Counsel appear on their behalf at this hearing.

The court has reviewed the Objection filed by County Counsel and will grant a short continuance to allow counsel to appear and argue why they should not be appointed to complete an administration that has been open for nearly two years. There is personal property and creditor claims that need to be resolved and no one who has stepped forward to replace the prior administrator.

The court on its own motion continues this hearing to May 1, 2024, at 10:00 a.m. in Department 10.

LINE

9

IN RE ESTATE OF EDGAR RODAS, DECEASED
FPR051947

Petition for Approval of First and Final Accounting and Distribution

PREGRANT ORDER

The court continued this matter from March 7, 2024 to allow counsel for the beneficiary Erick Rodas to review the second verified supplement and the proposed order.

Counsel and parties to appear. Remote appearances are approved.

LINE

10

IN RE ESTATE OF ROGELIO ESCOBEDO, DECEASED
PR23-00465

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

PREGRANT ORDER

This matter was previously continued from January 19, 2024 to allow the petitioner to address issues with the petition. The court has reviewed the Proof of Service filed February 8, 2024 and the Proof of Publication filed February 27, 2024 which resolved only one of the outstanding issues.

The court on its own motion continues this hearing to May 2, 2024 at 10:00 a.m. in Department 10. Pending the continued hearing, the petitioner shall resolve the following issues:

1. Petition, item 5.a: Either (3) or (4) must be checked.
2. Petition, item 8: The predeceased spouse's name and date of death must be provided. (Solano County Local Rules, Rule 7.51(b).)
3. The Waiver of Bond by Heir or Beneficiary forms on file do not specify for whom bond is being waived.
4. Notice of Petition, item 2: This item must be completed.

The Proof of Service lists a Nicholas Escobedo. This person is not listed in the will or on the petition at item 8. The petitioners shall clarify who this person is and why they are entitled to notice.