

SUPERIOR COURT OF CALIFORNIA, CONTRA COSTA COUNTY
PR - MARTINEZ-WAKEFIELD TAYLOR COURTHOUSE
COURT CALENDAR FOR FEBRUARY 18, 2025
DEPARTMENT 30
JUDICIAL OFFICER: VIRGINIA M GEORGE

PROBATE EXAMINER NOTES-SUBJECT TO REVISION AFTER REVIEW BY
THE JUDGE

Counsel and parties are encouraged to appear remotely through Zoom videoconferencing,
unless otherwise ordered by the Court. Department 30 is open for in person appearances.

Please note the following contact information for your reference:

Zoom videoconferencing for Department 30, Judge George:

<https://www.cc-courts.org/calendars/court-calendars.aspx>

IF YOU HAVE MATTERS IN BOTH
DEPARTMENT 30 AND DEPARTMENT 33,
PLEASE NOTIFY THE BAILIFFS
THE MORNING OF YOUR APPEARANCE.

THANK YOU.

SUPERIOR COURT OF CALIFORNIA, CONTRA COSTA COUNTY
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1A.
9:00 AM

MSP16-00979 ESTATE OF HAROLD SMITH

HEARING ON PETITION IN RE: MOTION TO VACATE OR SET ASIDE ORDER FOR PROBATE DATED 10/04/16 AND MINUTE ORDER DATED 10/04/16 FILED ON 06/12/23 BY HAROLD SMITH

Need:

1. Appearances
2. Proof of mailing to Franchise Tax Board who requested special notice
3. Issuance of Citation. PrC § 8500(b)
4. Proposed Order

Notes:

- a. Letters of Administration issued to Callie Green 10-4-2016.
- b. Opposition filed by Callie Green 8-25-2023.
- c. Per 10-12-2023 minute order, court ordered atty. Yonano to file and serve an Inventory and Appraisal and Status Report by 1-12-2024. I&A filed 1-11-2024.
- d. Per 7-25-2024 minute order, court order atty. Yonano to file the first and final account by 10-4-2024.
- e. See related Case # P23-01070 which is set for continued hearing 2-18-2025 at 9:00 a.m. in Dept. 38.

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1B.

MSP16-00979 ESTATE OF HAROLD SMITH

9:00 AM

HEARING IN RE: FIRST ACCOUNT AND REPORT FILED ON 09/13/24 BY CALLIE GREEN

Need:

1. Appearances
2. Verified declaration by petitioner to state current addresses and relationships of all persons entitled to receive notice. LR 7.112
3. Proof of mailing to all persons entitled to receive notice, including Franchise Tax Board who requested special notice
4. Declaration whether all known creditors received notice &/or were paid. PrC § 10900, LR 7.309(a)
5. Declaration addressing creditor claim filed by Franchise Tax Board on 5-7-2025 for \$31,051.53. PrC § 10900; CRC § 7.403.
6. Verified declaration by petitioner to state whether notice was given, or needed, to Dept. of Health Care Services as to decedent and predeceased spouse. PrC § 215, 9202(a); i.e., did decedent or predeceased spouse receive Medi-Cal benefits?
7. Verified declaration by petitioner to state whether notice was given, or needed, to the Director of the California Victim Compensation Board, i.e., does petitioner have any reason to believe any heir is confined, or has previously been confined, in any prison or other correctional facility. PrC §§ 216, 9202(b)
8. Verified declaration by petitioner to show that notice of administration was given to the Franchise Tax Board. PrC § 9202(c)(1)
9. Compliance with CRC 7.250 regarding any acts taken under IAEA w/notice of proposed action. (Specifics needed or statement that no action was taken)
10. Verified declaration of petitioner showing compliance with Probate Code § 11005
11. Proposed Order

Note: Objections of Harold Smith filed 12-9-2024.

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3. 9:00 AM	MSP19-00623 ESTATE OF JOSEPH HARDY HEARING IN RE: PETITIONER FOR FINAL DISTRIBUTION / STATUS HEARING ORDERED BY JUDGE ON EX PARTE 03/21/24 AND 05/16/2024 HEARING Need appearances to report status Note: Orders (3) Authorizing Withdrawal of Funds From Blocked Account sent to legal processing 2-4-2025. Need orders filed.
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4. MSP21-00341 ESTATE OF TONI L FULSCHER

9:00 AM HEARING ON PETITION IN RE: FOR INJUNCTION AND FOR ORDER PROTECTING ESTATE REAL
PROPERTY FROM CLAIM FROM CREDITOR FILED ON 2/13/24 BY TROY A. FULSCHER

Need appearances to report status

Notes:

- a. Order on Ex Parte Petition for Temporary Restraining Order and Order to Show Cause Re: Preliminary Injunction filed 2-13-2024.
- b. Truist Bank's Response and Opposition filed 3-4-2024.
- c. Letters of Special Administration issued to atty. Jonathan Kurniadi 4-26-2024.
- d. Reply filed 4-30-2024.
- e. Decl. of Jonathan Kurniadi Joining Petition filed 5-20-2024.

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5. MSP22-00413 IN RE WALTERS FAMILY REVOCABLE TRUST AGREEMENT
9:00 AM HEARING IN RE: AMENDED ACCOUNTING OF TRUSTEE FILED ON 9/16/2024 BY KAREN D. MOURA

Need:

1. Appearances
2. Verified declaration by petitioner to state names, current addresses and relationships of all persons entitled to receive notice. LR 7.112
3. Proof of mailing Judicial Council Form Notice of Hearing to all persons entitled to receive notice. PrC § 17203
4. Statement regarding bond per LR 7.111(b).
5. Verified declaration in support of attorney's fees paid as reported at schedule of disbursements. Statement showing services rendered, hours and rates charged so ct. can evaluate attorney fees reported. LR 7.450
6. Verified declaration by petitioner to include itemized list of securities in Fidelity brokerage account #8436. 2nd account reflects gain on sale of \$8,981.26; however, specific gains are not reported.
7. Proposed Order

Note: Related motions are set for continued hearing 3-18-2025.

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6. **P22-01020** **ESTATE OF SCOTT N. ELLIOTT**
9:00 AM HEARING IN RE: FIRST AND FINAL ACCOUNT AND REPORT OF EXECUTOR AND PETITION FOR ITS SETTLEMENT, AND PETITION FOR FINAL DISTRIBUTION AND FOR ALLOWANCE OF COMPENSATION TO EXECUTOR AND ATTORNEY FOR ORDINARY SERVICES FILED ON 9/12/2024 BY DIANE ROGERS

Need:

1. Verified declaration by petitioner to state names, current addresses and relationships of all persons entitled to receive notice. LR 7.112
2. Proof of mailing to all persons entitled to receive notice. LR 7.300
3. Verified declaration by petitioner to state whether notice was given, or needed, to the Director of the California Victim Compensation Board, i.e., does petitioner have any reason to believe any heir has previously been confined in any prison or other correctional facility. PrC §§ 216, 9202(b)
4. Compliance with CRC 7.250 regarding any acts taken under IAEA w/notice of proposed action. (Specifics needed or statement that no action was taken)
5. Verified declaration by petitioner to clarify account period. Accounting should begin at date of death, not 12-14-22 as indicated at page 3, line 15.
6. Verified declaration by petitioner to specify payee of each disbursement. PrC § 1062(b)
7. Verified declaration of petitioner showing compliance with Probate Code § 11005
8. Proposed Order

Note: Court will re-review accounting, fee calculation and plan of distribution upon filing of Inventory and Appraisal.

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7.

9:00 AM

P22-01245

ESTATE OF: SCOTT CAVANAUGH

HEARING IN RE: FIRST AND FINAL REPORT OF ADMINISTRATOR ON WAIVER OF ACCOUNT AND PETITION FOR FINAL DISTRIBUTION AND FOR ALLOWANCE OF ORDINARY STATUTORY COMPENSATION TO ATTORNEY FILED ON 9/15/2024 BY RETTA CAVANAUGH

Need:

1. Satisfaction of Toni Johnson's Creditor's claim as indicated at ¶7
2. Declaration addressing creditor claim filed by Chase on 2-23-2023 for \$3,664.58. PrC § 10900; CRC § 7.403.
3. Spouse did not file an election to subject any inheritance to formal administration so therefore court lacks jurisdiction to order distribution to spouse or fees thereon. Need petition (may be *ex parte*) showing good cause for allowing late election, and order. Otherwise you will need amended petition eliminating spouse's portion and a recalculation of statutory fees. Proposed election must comply with LR 7.305. See PrC §§ 13500, 13501, 13502
4. Verified declaration by petitioner to clarify how attorney's fees will be paid. There is insufficient cash on hand.
5. Verified declaration by petitioner to specify whether all charges for legal advertising, bond premiums, probate referee's services and costs of administration have been paid. LR 7.317
6. Proposed Order

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| 8.
9:00 AM | P23-00960 ESTATE OF: JOEL MCDANIEL
HEARING IN RE: FIRST AND FINAL REPORT; PETITION FOR FINAL DISTRIBUTION; COMPENSATION;
REIMBURSEMENT OF COSTS FILED ON 09/13/24 BY DANA E. MCDANIEL

Need: <ol style="list-style-type: none">1. Verified declaration by petitioner to clarify whether shares of MetLife Inc. were sold. They do not appear on hand for distribution. If sold, need sale price so court can determine whether there was a loss on sale that should be included in statutory fee calculation.2. Verified declaration by petitioner to show calculation of statutory fee base as required by CRC § 7.705. Specifically, must state any loss on sale as relates to maximum statutory fees allowable, if any.3. Verified declaration by petitioner to specify whether all charges for probate referee's services have been paid. LR 7.3174. Proposed Order |
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9.

9:00 AM

P23-01975

ESTATE OF: SHARON FAIN

HEARING IN RE: PETITION FOR FINAL DISTRIBUTION, WAIVER OF ACCOUNTING AND FOR
ALLOWANCE OF STATUTORY FEES FILED ON 9/16/2024 BY FREDERICK L. FOWLER

Need:

1. Compliance with CRC 7.250 regarding any acts taken under IAEA w/notice of proposed action. (Specifics needed including date notice was given and to whom)
2. Verified declaration by petitioner to include sale price of each asset sold, including vehicle, furniture, furnishings and personal belongings, paintings, sculptures and electronics so court can determine whether there were any additional losses on sale that should be included in statutory fee calculation
3. Verified declaration by petitioner to show calculation of statutory fee base as required by CRC § 7.705. Specifically, must state any additional losses on sale as relates to maximum statutory fees allowable.
4. Revised, proposed Order as needed in resolution of above

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10A.

9:00 AM

P23-02170

ESTATE OF FLORRIE P. RILEY

HEARING IN RE: AMENDED PETITION FOR LETTERS OF ADMINISTRATION FILED ON 10/15/24 BY TROY
AND VALERIE RILEY

Petition Approved
Proposed Order Submitted
No Appearance Required

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10B.

P23-02170

ESTATE OF FLORRIE P. RILEY

9:00 AM

HEARING IN RE: PETITION FOR PROBATE OF LOST WILL FILED ON 12/19/23 BY TROY AND VALERIE RILEY PETITION FOR PROBATE OF WILL FILED

Superseded by Line 10A.

If to proceed, Petitioners would need to do the following:

1. Appear at the hearing
2. Verified declaration by petitioner to include a complete copy of will as Attachment 3.f.(2). Copy of will attached to petition is not signed. PrC § 8002
3. Lodge Original Will (w/legal process). PrC § 8200
4. Submit Order for Probate Form DE-140

If Original Will cannot be located, will also need:

5. Evidence to overcome presumption of revocation by the fact that the originals cannot be located. PrC § 6124
6. Proof of mailing notice that will is lost. PrC § 1202
7. Proof of Subscribing Witness Form DE-131. PrC § 8220.
8. Proposed Order for Probate Form DE-140 with copy of Will attached, if lost will is to be admitted

Notes:

1. Letters of Special Administration issued to Troy Riley expired 12-31-2024.
2. Declaration filed 5-7-2024 indicates will was handwritten, then typed. A copy of the holographic will is not attached to petition and declaration indicates it cannot be located.

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12.

P24-01521

ESTATE OF: BRIAN BAIRD

9:00 AM

HEARING IN RE: PETITION FOR LETTERS OF ADMINISTRATION WITH IAEA FILED BY DAVID HANKS ON
8/30/24

Petition Approved
Proposed Order Submitted
No Appearance Required

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13. 9:00 AM	P24-01639 HEARING IN RE: PETITION FOR ORDER DETERMINING TRUST'S TITLE TO PROPERTY FILED ON 09/16/24 BY JOANNE LABRADOR ANDERSON	MATTER OF: THE ANDERSON LIVING TRUST, DATED JULY 28, 2021
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Petition Approved
Proposed Order Submitted
No Appearance Required

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14.

9:00 AM

P24-01640

MATTER OF: THE STEPHEN T. LARSEN REVOCABLE TRUST

HEARING IN RE: PETITION FOR FINANCIAL ELDER ABUSE; CONVERSION; UNDUE INFLUENCE; RETURN OF TRUST PROPERTY; ATTORNEYS' FEES AND COSTS FILED ON 09/16/24 BY ERIC T. LARSEN

Need:

1. Appearances
2. Proof of service in the manner provided in CCP § 415.10 (30 days personal service) or CCP § 415.30 (30 days proof of mailing with Notice and Acknowledgment of Receipt) on each person having title to or possession of, the property. PrC § 851(a)(2)
3. Proof of mailing Judicial Council Form Notice of Hearing to trust beneficiaries. PrC § 17203
4. Proposed Order

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15.	P24-01651	MATTER OF: THE KENNETH D. SALOMAN SEPARATE PROPERTY TRUST UNDER DECLARATION OF TRUST DATED FEBRUARY 10, 2015
9:00 AM	HEARING IN RE: PETITION FOR ORDER TO CONFIRM TRUST ASSETS FILED BY LAURA MCDERMOTT ON 9/17/24	
Need:		
<ol style="list-style-type: none">1. Proof of mailing Judicial Council Form Notice of Hearing to all persons entitled to receive notice. PrC § 172032. Verified declaration by petitioner to include exhibits, not attached as indicated3. Proposed Order		

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16. 9:00 AM	P24-01653 HEARING IN RE: PETITION TO TRANSFER REAL PROPERTY FILED BY MICHAEL GUTIERREZ ON 9/18/24	MATTER OF: THE JUAN MANUEL GUTIERREZ REVOCABLE LIVING TRUST
	Need: Proposed Order	

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17.	P24-01663	MATTER OF: THE DIANNE L. HEITMAN TRUST UNDER DECLARATION OF TRUST DATED DECEMBER 19, 2005
9:00 AM	HEARING IN RE: PETITION FOR ORDER TO MODIFY TRUST OR AMEND IRREVOCABLE TRUST FILED ON 09/18/24 BY CHRISTINE LOPEZ	
	Need: Proposed Order	

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18.

10:30 AM

MSP17-00784 MATTER OF 1994 AKIRA NAKAMURA & RURIE NAKAMURA TRUST

HEARING IN RE: PETITION FOR APPROVAL OF FINAL ACCOUNTINGS AND FINAL DISTRIBUTION PLAN
FILED ON 08/31/23 BY RICHARD NAKAMURA AND MICHAEL NAKAMURA (RETURN FROM PROBATE
ACCOUNTING REFEREE)

Need:

1. Appearances to report status, including 10-3-2024 order to meet and confer
2. Summary of Account that complies with PrC § 1061(b). Summary must balance. Summary of Account for the Akira Nakamura Family Bypass Trust does not balance.

The Court is waiting for these items:

1. Appearance by Dennis Nakamura, pursuant to 10-22-2024 minute order

Notes:

1. Objections filed by Dennis Nakamura 1-3-2024.
2. Reply filed 1-11-2024.
3. Decl. of Dennis Nakamura re: Jury Duty filed 11-5-2024.

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19. **P23-01302**

1:30 PM

Need appearances