

SUPERIOR COURT OF CALIFORNIA, CONTRA COSTA COUNTY
PR - MARTINEZ-WAKEFIELD TAYLOR COURTHOUSE
COURT CALENDAR FOR JUNE 10, 2025
DEPARTMENT 38
JUDICIAL OFFICER: BARBARA C. HINTON

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

Unless the Court directs otherwise, appearances by counsel and parties in
Department 38 may be made as follows:

- In Person
- Remotely through Zoom Videoconferencing

Zoom videoconferencing for Department 38, Judge Hinton:

<https://www.zoomgov.com/j/1615175497?pwd=aXQ0em5MT0VGdG5rZ0dHSFFiN1ZRZz09>

IF YOU HAVE MATTERS IN BOTH
DEPARTMENT 30 AND DEPARTMENT 38,
PLEASE NOTIFY THE BAILIFFS
THE MORNING OF YOUR APPEARANCE.

THANK YOU.

SUPERIOR COURT OF CALIFORNIA, CONTRA COSTA COUNTY
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- | | |
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| 1.
9:00 AM | MSP15-00936 ESTATE OF: GIAN NGUYEN
HEARING IN RE: MOTION TO CALENDAR AND RESET PROBATE MATTER FILED ON 05/03/24 BY MYTHE LARAMIE

Need
1. Appearances
2. Proof of service on all persons entitled to notice

Note:
a. Petition to Determine Intentional Interference with Expected Inheritance filed by Mythe Larmie 02/18/2022 was dismissed without prejudice, pursuant to 10/16/2023 minute order. |
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2. MSP17-01666 ESTATE OF JAMES RADER LEWIS

9:00 AM HEARING IN RE: STATUS REPORT / FILING OF PETITION FOR FINAL DISTRIBUTION

Need appearances to report status of filing Petition for final Distribution

Notes:

Letters Testamentary issued to Kent Christianson 07/09/2019

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3A. MSP21-00867 ESTATE OF EDDIE WILLIAMS SR

9:00 AM HEARING IN RE: SPOUSAL PROPERTY PETITION FILED ON 02/15/22 BY RUTH WILLIAMS

Need appearances to report status, including mediation ordered 05/07/2024

Note: Objection filed by Eddie Williams 08/02/2022.

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3B.

9:00 AM

MSP21-00867 ESTATE OF EDDIE WILLIAMS SR

HEARING IN RE: FOR ORDER SETTING ASIDE PROBATE HOMESTEAD FILED ON 07/31/23 BY RUTH WILLIAMS.

Need:

1. Appearances to report status, including mediation ordered 05/07/2024
2. Verified declaration by petitioner to state names, current addresses and relationships of all persons entitled to receive notice so court can confirm mailing. LR 7.112
3. Proof of mailing to anyone added by verified declaration, not already served
4. Proposed Order

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5. **P22-01266** **ESTATE OF: ROBERTA PORTER**
9:00 AM HEARING IN RE: FIRST AND FINAL REPORT OF PERSONAL REP, PETITION FOR FINAL DISTRIBUTION
FILED ON 12/14/23 BY MARIE BORGIO

Need:

1. Appearances
2. Verified declaration by petitioner to state names, current addresses and relationships of all persons entitled to receive notice so court can confirm mailing. LR 7.112
3. Verified declaration by petitioner to clarify loss on sale. Loss is \$420,000.00, not \$648,930.00 as indicated at page 4, line 4.
4. Verified declaration by petitioner showing calculation of interest to pecuniary devisee at 7% starting one year after date of death to be calculated at per day rate with estimated amount of interest owed. PrC § 12003
5. Property tax certificate. Inventory & Appraisal is incomplete at Item # 5. PrC § 8800(d)
6. Authority for payment to Roxanne Eliscu as indicated at page 4, lines 12-17.
7. Revised, proposed Order if needed in resolution of above

Notes:

- a. Distributions were made to beneficiaries without a court order as indicated at ¶ 24.
- b. Statutory fees were paid to petitioner without a court order. See page 4, line 12.
- c. Correspondence received from Colonial Surety Company regarding non-payment of bond premium.

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6A.

9:00 AM

P23-00717

MATTER OF: AEN ONE ASSOCIATES TRUST

HEARING ON ORDER TO SHOW CAUSE IN RE: NOTICE OF PETITIONER'S DEMURRER AND DEMURRER TO RESPONDENT/CROSS-COMPLAINANT'S CROSS-COMPLAINT FILED ON 9/23/2024 BY MARGARET SAMPSEL AND ALBERT NORMAN, III

--continued on next page--

Need appearances to show cause as to why the Court should not, on its own motion, strike the Cross-Complaint in this matter under CCP 436(b) for failing to obtain leave of Court before filing, as required by CCP 428.50

On July 16, 2024, this court entered an "Order re: Motion to Strike Sonia Carrera-Vanek's Objection and Response to petition for Return of Trust Property Wrongfully Taken; Breach of Contract; Fraud; Undue Influence; and Financial Elder Abuse" (the "Order"). On Page 6 of the Order, the court stated the following:

Rather, the court admonishes Sonia [Carrera-Vanek] and her counsel in the strongest possible terms that such conduct will not be tolerated in the future. They are directed and ordered to strictly observe all deadlines and directives established by statute, Rule of Court, Local Rule and court order. Counsel is reminded they are to observe at all times the Contra Costa County Bar Association's Standards of Professional Courtesy that are incorporated in Local Rules 2.90 et seq. Any failure by Sonia or her counsel to adhere to all deadlines and civility rules without sufficient good cause may result in consequences, including but not limited to sanctions pursuant to Section 128.5 and/or 128.7.

The Objection to the original Petition in this matter was filed on January 23, 2024. The Cross-Complaint in this matter was filed on July 3, 2024. Code of Civil Procedure section 428.50(a) states that a cross-petition against a petitioner must be filed before or at the same time an answer to the petition is filed. After an answer is filed, leave of court is required before filing a cross-petition against a petitioner. Code of Civ. Proc. § 428.50(c).

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The Cross-Complaint in this matter was filed after Sonia Carrera-Vanek's answer to the original Petition was filed. There was no court order authorizing the filing of the Cross-Complaint.

Under Code of Civil Procedure section 436, the court on its own motion may strike a pleading "not drawn or filed in conformity with the laws of this state". In light of the above-quoted language from the Order, it is especially appropriate for the court to consider striking the Cross-Complaint for failure to obtain leave of court before filing, as required by Code of Civil Procedure section 428.50.

Therefore, on its own motion, the court hereby orders Sonia Carrera-Vanek, individually and as trustee of the Vanek-Carrera Trust, to appear on **June 10, 2025, at 9:00 a.m. in Department 38** and show cause as to why the court should not on its own motion strike the Cross-Complaint in this matter under Code of Civil Procedure section 436(b) for failing to obtain leave of court before filing, as required by Code of Civil Procedure section 428.50. Ms. Carrera-Vanek shall file a response to this Order to Show Cause not later than **May 20, 2025**. No further briefing on this Order to Show Cause is authorized.

Finally, the court notes that no Opposition to the Demurrer to the Cross-Complaint has been filed, nor has any amended Cross-Complaint been filed as allowed by Code of Civil Procedure section 472(a). Briefing that that Demurrer is now closed and no further briefing on the Demurrer is authorized.

Notes:

Motion to be Relieved as Counsel for Sonia Carrera-Vanek filed 05/15/25 by Vernon C. Goins II, set 10/02/25

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6B.

9:00 AM

P23-00717

MATTER OF: AEN ONE ASSOCIATES TRUST

HEARING IN RE: FIRST AMENDED CROSS-COMPLAINT FOR DAMAGES FILED ON 1/27/2025 BY SONIA CARRERA-VANEK

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. Proposed Order

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6C.

9:00 AM

P23-00717

MATTER OF: AEN ONE ASSOCIATES TRUST

HEARING IN RE: PETITION FOR RETURN OF TRUST PROPERTY WRONGFULLY TAKEN, BREACH OF CONTRACT, FRAUD, UNDUE INFLUENCE & FINANCIAL ELDER ABUSE FILED ON 04/19/23 BY MARGARET SAMPSEL AND ALBERT NORMAN III

Need:

1. Appearances
2. Proposed Order

Notes:

- a. Court will dispense with further formal service on Sonia Carrera-Vanek who appeared 09-07-2023.
- b. Per 09-07-2023 minute order, court ordered Sonia Carrera-Vanek to file and serve a response by 11-30-2023.
- c. Respondents Sonia Carrera and Jiri Kristopher Vanek's Objection and Response filed 1-23-2024.

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6D.

9:00 AM

P23-00717

MATTER OF: AEN ONE ASSOCIATES TRUST

HEARING IN RE: CROSS-COMPLAINT FOR BREACH OF CONTRACT, BREACH OF GOOD FAITH AND FAIR DEALING, BREACH OF FIDUCIARY DUTY, QUIET TITLE, DECLARATORY RELIEF, INDUCING BREACH OF CONTRACT, BREACH OF CONTRACT-THIRD PARTY BENEFICIARY, QUANTUM MERUIT, COMMON COUNTS FILED ON 07/03/24 BY SONIA CARRERA-VANEK AND VANEK-CARRERA TRUST

Need:

5. Appearances
6. Verified declaration by petitioner to state names, current addresses and relationships of all persons entitled to receive notice. LR 7.112
7. Proof of mailing Judicial Council Form Notice of Hearing to all persons entitled to receive notice. PrC § 17203
8. Proposed Order

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10.

9:00 AM

P23-01002

ESTATE OF: MALLU MOORE

HEARING IN RE: AMENDED PETITION FOR LETTERS OF ADMINISTRATION FILED BY HYJOA A MOORE
ON 7-3-23

Petitioner, mother, still must do the following:

1. Appear at the hearing
2. File a verified declaration to clarify whether decedent owned real property at time of death. Item # 3.d. states "unknown." If so, need fair market value so court has sufficient facts to fix bond.
3. File Waiver of Bond by Heir or Beneficiary on mandatory Judicial Council Form DE-142 by registered domestic partner Daniel Neveu. PrC § 8481

Note: Per 9-19-2024 minute order, court ordered any and all objections to be filed in writing under penalty of perjury and served by 1-10-2025. Failure to file and serve objections by that date may constitute a waiver of all objections pursuant to CRC 7.801.

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11A.
9:00 AM

P24-00048 ESTATE OF: BRENDJOLAE ALHAMBRA
HEARING IN RE: PETITION FOR LETTERS OF ADMINISTRATION WITH IAEA FILED ON 01/08/2024 BY
RICHARD MILLER

Need:

1. Appearances
2. Verified declaration by petitioner to include current addresses of all persons listed in Item # 8 so court can confirm mailing. PrC § 8002
3. Verified declaration by petitioner to include names and dates of death of decedent's parents and sibling Kathy Alhambra. LR 7.151(d)
4. Order for Probate Form DE-140

Notes:

- a. Lynda Kariz Alhambra's Objection filed 04/23/2024.
- b. Ex Parte Order for Approval of Settlement Agreement filed 02/04/2025
- c. Amended Petition for appointment of Oliver Greenwood as administrator filed 02/14/25 by Lynda Kariz Alhambra, set 07/01/2025
- d. Letters of Special Administration issued on 03/07/25 to Oliver Greenwood expire 11/27/2025

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11B.

9:00 AM

P24-00048

ESTATE OF: BRENDJOLAE ALHAMBRA

HEARING IN RE: PETITION FOR LETTERS OF ADMINISTRATION W/IAEA FILED ON 4/23/2024 BY LYNDA KARIZ ALHAMBRA

Need:

1. Appearances
2. Verified declaration by petitioner to include names and dates of death of decedent's parents and sibling Kathy Alhambra. LR 7.151(d)
3. Verified declaration by petitioner to address petition Item # 5.a.(7) or 5.a.(8) (whether decedent is survived by issue of a predeceased child)

Notes:

Declaration of Richard Miller filed 09/16/2024 includes an "Objection to Petition of Lynda Kariz Alhambra" and "Response to Objection of Lynda Kariz Alhambra and Chester Alhambra." Declaration is not properly captioned. See CRC § 7.102.

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13.

9:00 AM

P24-01805

ESTATE OF EVAN EPSTEIN

HEARING IN RE: PETITION FOR PROBATE OF WILL AND FOR LETTERS TESTAMENTARY FILED BY
KATELYN EPSTEIN ON 10/11/24

Petitioner, spouse, still must do the following:

1. Appear at the hearing
2. Have a Notice of Petition to Administer Estate Form DE-121 and copy of petition mailed to Drew Epstein, Aaron Epstein and anyone added by verified declaration not already served, and file a Proof of Service with court. PrC § 8100; LR 7.151(e)