

TENTATIVE RULINGS

FOR: March 14, 2019

The Court may exercise its discretion to **disregard** a late filed paper in law and motion matters. (Cal. Rules of Court, rule 3.1300(d).)

Unlawful Detainer Cases – Pursuant to the restrictions in Code of Civil Procedure section 1161.2, no tentative rulings are posted for unlawful detainer cases and appearances are required.

Court Reporting Services – The Court does not provide official court reporters in proceedings for which such services are not legally mandated. Parties are responsible for either making the appropriate request in advance or arranging for their own private court reporter. Go to <http://napacountybar.org/court-reporting-services/> for information about local private court reporters. Attorneys or parties must confer with each other to avoid having more than one court reporter present for the same hearing.

PROBATE CALENDAR – Hon. Victoria Wood, Dept. A (Historic Courthouse) at 8:30 a.m.

Conservatorship of Jeffrey Monroe

26-67844

ACCOUNTING AND BIENNIAL REVIEW

TENTATIVE RULING: Hearing on the matter is CONTINUED to April 30, 2019. Conservator to file Accounting with the Court no later than 30 days prior to continued hearing date.

PROBATE CALENDAR – Hon. Monique Langhorne, Dept. B (Historic Courthouse) at 8:30 a.m.

Conservatorship of William C. Whitt

17PR000135

PETITION FOR ORDER APPROVING ATTORNEY'S FEES FOR COUNSEL FOR CONSERVATEE

TENTATIVE RULING: The petition is GRANTED IN PART in the amount of \$7,160. This amount represents the hours attorney Richard Day worked as presented in paragraphs 6 (4.8 hours for \$1,920), 7 (2.8 hours for \$1,120), and 8¹ (\$3,320) of his second amended declaration as well as \$800 for the 2.0 hours he spent preparing the current petition. Day also requests \$1,160 for 2.9 hours he worked as requested in paragraph 5 of his second amended declaration. However, Day already was awarded compensation for this claimed period of time. In its November 2, 2017 Minute Order, and as confirmed in the November 3, 2017 Order Appointing a

¹ Incorrectly labeled as paragraph 6.

Probate Conservator of the Person and Estate at Box 21, the Court (Hon. Stone) awarded Day \$1,560 for 2.4 hours of work. Day has not explained why there is a 0.5 difference in time after the Court awarded fees for this time period. The Court finds Day has been adequately compensated for the period of time when he met with the conservatee and reviewed the pleadings, prepared the Report of Court-Appointed Counsel, and oversaw the establishment of the conservatorship.

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Estate of David Kincaid

19PR000003

PETITION TO DETERMINE TITLE TO AND REQUIRE TRANSFER OF REAL AND PERSONAL PROPERTY TO ESTATE; FOR DETERMINATION OF ELDER ABUSE; AND FOR DAMAGES

TENTATIVE RULING: The notice of hearing does not comply with Probate Code section 851. There is no description of the subject property in the notice of hearing sufficient to provide adequate notice to any party who may have an interest in the property under subdivision (c). The notice also does not contain a statement advising any person interested in the property that they may file a response to the petition. The matter is continued to April 24, 2019, at 8:30 a.m. in Dept. B to provide proper notice under Probate Code section 851.

CIVIL LAW & MOTION CALENDAR – Hon. Monique Langhorne, Dept. B (Historic Courthouse) at 8:30 a.m.

In the Matter of Kimberly Werle

19CV000139

PETITION FOR CHANGE OF NAME

TENTATIVE RULING: Petitioner needs to amend the petition to list the name of the father in Item 6(e)(1). Moreover, pursuant to Code of Civil Procedure section 1277, the non-petitioning parent must be personally served with the petition and given 30 days' notice of the hearing. The court file contains no proof of service on the minor's father. Petitioner needs to make a reasonable attempt to locate the father. If petitioner is unable to locate the father, she needs to file a declaration of due diligence detailing her efforts to find him. The matter is continued to April 30, 2019, at 8:30 a.m. in Dept. B to allow petitioner to remedy these issues.

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In the Matter of Carol Lynn Pyner

19CV000199

PETITION FOR CHANGE OF NAME

TENTATIVE RULING: Notice has been properly published and no written objections have been filed. The petition is GRANTED without need for appearance.