

TENTATIVE RULINGS

FOR: September 6, 2018

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. Diane Price, Dept. I (Criminal Courts Bldg.-1111 Third St.) at 2:00 p.m.

Conservatorship of Jeraldeen A. Butler

16PR000217

CONSERVATEE’S REQUEST TO ACCEPT THE ACCOUNTING, TO DISMISS THE CONSERVATORSHIP, OR TO AUTHORIZE THE TRANSFER OF THE CONSERVATORSHIP TO VERMONT

TENTATIVE RULING: The accounting petition and the supplement to the first petition is GRANTED, including fees as prayed. The request to dismiss/terminate the conservatorship is GRANTED on the condition the conservatee executes a Springing Durable Power of Attorney in favor of Cynthia (daughter) to provide for financial management assistance. A status review hearing is set for September 19, 2018, at 2:00 p.m. in Dept. I to confirm filing of the Springing Durable Power of Attorney. If the document is filed, the hearing will be vacated. If the document is not filed, it is the Court’s intent to keep the conservatorship in place and transfer it to Vermont.

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Conservatorship of Frank S Palagi, Jr.

17PR000099

ACCOUNT AND REPORT OF CONSERVATOR AND PETITION FOR ITS SETTLEMENT AND FOR FEES

TENTATIVE RULING: The matter is continued to October 4, 2018, at 2:00 p.m. in Dept. I. The conservator did not file the Inventory and Appraisal (Judicial Council forms GC-040 and GC-042) before the hearing as instructed in the August 21, 2018 Minute Order. Moreover, it is unclear whether conservator fees are being requested. Paragraph 8 states \$1,500 is a reasonable fee, but then goes on to state “no fee is requested by the Conservator.” Yet the prayer asks for \$1,500. There is no proposed order to confirm what is being sought. The

conservator should clarify in a declaration or the request for conservator fees will be denied. If fees are being sought, under California Rules of Court, rule 7.756, a declaration supporting the amount requested is required. Finally, the conservator should consider withdrawing the bank statements since the account numbers were not redacted in accord with California Rules of Court, rule 1.201. If withdrawn, the redacted versions need to be filed. The clerk is directed to send notice to the parties.

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Conservatorship of Alonso Obrien Uribe

17PR000147

REVIEW HEARING

TENTATIVE RULING: The court investigator's report is not on file. The review hearing is continued to September 20, 2018, at 2:00 p.m. in Dept. I to allow time for completion of the court investigator's report.

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Estate of Deborah L. Calvin

17PR000189

PETITION FOR CANCELLATION OF REVOCABLE TRANSFER ON DEATH DEED (PROBATE CODE § 5690); FOR DETERMINATION OF OWNERSHIP OF REAL PROPERTY (PROBATE CODE § 850); AND FOR FINANCIAL ELDER ABUSE (PROBATE CODE § 859; WELF. & INST.CODE §§ 15610, ET SEQ.)

APPEARANCE REQUIRED

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Conservatorship of Duenas, Janelli

26-47375

REVIEW HEARING

TENTATIVE RULING: After a review of the matter, the Court finds the Conservator is acting in the best interest of the Conservatee. Based on the report of the court investigator, the Court determines by clear and convincing evidence that Conservatee cannot communicate, with or without reasonable accommodation, a desire to participate in the voting process, and therefore orders Conservatee disqualified from voting pursuant to Elections Code section 2208. The case is set for a biennial review hearing in two years, on September 3, 2020 at 8:30 a.m. in Dept. I. The court investigator shall prepare a biennial investigator report for the next hearing date. The clerk is directed to send notice to the parties.

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Conservatorship of Neller, Adam Thomas

26-52441

REVIEW HEARING

TENTATIVE RULING: After a review of the matter, the Court finds the Conservators are acting in the best interest of the Conservatee. The case is set for a biennial review hearing in

two years, on September 3, 2020 at 8:30 a.m. in Dept. I. The court investigator shall prepare a biennial investigator report for the next hearing date. The clerk is directed to send notice to the parties.

PROBATE CALENDAR – Hon. Victoria Wood, Dept. C (Historic Courthouse) at 2:00 p.m.

Conservatorship of Anna-Claire Emily DeWitt

17PR000124

REVIEW HEARING

TENTATIVE RULING: After a review of the matter, the Court finds the conservator is acting in the best interest of the conservatee. Thus, the case is set for a biennial review hearing in two years, on September 8, 2020, at 8:30 a.m. in Dept. C. The court investigator shall prepare a biennial investigator report for the next hearing date. The clerk is directed to send notice to the parties.

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Conservatorship of Donald E. Willett

26-67296

SECOND AMENDED FINAL ACCOUNT AND REPORT OF CONSERVATOR OF THE PERSON AND ESTATE AND PETITION FOR APPROVAL OF ACCOUNT; AND FOR TERMINATION OF CONSERVATORSHIP

TENTATIVE RULING: The Petition is GRANTED.

CIVIL LAW & MOTION CALENDAR – Hon. Victoria Wood, Dept. C (Historic Courthouse) at 2:00 p.m.

Asset Capital Recovery Group, LLC v. Danielle Grady

18CV000232

MOTION FOR JUDGMENT ON THE PLEADINGS

TENTATIVE RULING: Plaintiff Asset Capital Recovery Group, LLC's motion for judgment on the pleadings is GRANTED. Defendant Danielle Grady did not oppose the motion. The Court will sign the proposed judgment. The September 20, 2018 Case Management Conference is vacated. A Court's Motion to Dismiss is set for October 5, 2018, at 2:00 p.m. in Dept. C.