

TENTATIVE RULINGS

FOR: December 7, 2017

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. These proceedings include civil law and motion hearings. If counsel want their civil law and motion hearing reported, they must arrange for a private court reporter to be present. 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. F (Criminal Courts Bldg.-1111 Third St.)

Conservatorship of David Strachan

16PR000145

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 December 6, 2019, at 8:30 a.m. in Dept. F. 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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Estate of Roger Humble

17PR000223

PETITION FOR LETTERS OF ADMINISTRATION AND AUTHORIZATION TO ADMINISTER UNDER THE INDEPENDENT ADMINISTRATION OF ESTATES ACT

TENTATIVE RULING: GRANT Petition.

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Matter of Charles Wignall Marital and Exemption Trusts

26-17787

PETITION FOR SETTLEMENT OF ACCOUNT AND APPROVAL OF TRUSTEE, ATTORNEY, AND BOND FEES

TENTATIVE RULING: GRANT petition, including fees as prayed.

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Conservatorship of Wendy D. Helfrich

26-34436

FIFTH ACCOUNT AND REPORT OF TRUSTEES AND PETITION FOR APPROVAL OF ACCOUNT; FOR ATTORNEY FEES; AND FOR CONTINUATION OF TRUST

TENTATIVE RULING: GRANT Petition, including fees as prayed. After a review of the matter, the court finds the conservators are 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 can communicate a desire to participate in the voting process, and therefore orders Conservatee's right to register to vote shall be restored, pursuant to Elections Code section 2209, subdivision (b). The matter is set for a biennial review hearing and trust accounting in two years, on December 5, 2019 at 8:30 a.m. in Dept. F. The court investigator shall prepare a biennial investigator report for the next hearing date.

CIVIL LAW & MOTION CALENDAR – Hon. Diane Price, Dept. F (Criminal Courts Bldg.-1111 Third St.)

Estate of Elena Duke Benedict v. Patricia Benedict

17CV000948

MOTION TO VACATE SISTER-STATE JUDGMENT OR, IN THE ALTERNATIVE STAY ENFORCEMENT OF SISTER-STATE JUDGMENT

TENTATIVE RULING:

Defendant Patricia Benedict's (aka Patricia Benedict Ryan) 12 evidentiary objections are **OVERRULED IN PART AND SUSTAINED IN PART**. Objection numbers 1-7 are overruled. Objection numbers 8-12 are sustained.

Benedict's motion to vacate the sister-state judgment entered on August 21, 2017 is **DENIED**. (Code Civ. Proc., § 1710.40.)

Benedict's motion to stay enforcement of the sister-state judgment pending the finality of the pending appeal is **GRANTED** subject to the posting of an undertaking in the amount of \$4,529,722.71. The Court must grant a stay of enforcement when an appeal from the sister-state judgment is pending. (*Id.*, § 1710.50, subd. (a)(1).) Benedict's appeal in New York remains pending. (Kissane Decl., ¶¶ 1-4, Exs. 1-2.) The amount of the undertaking is "just" in light of the amount of the underlying judgment. (Code Civ. Proc., § 1710.50, subd. (c)(1).)