

TENTATIVE RULINGS

FOR: July 13, 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. Rodney Stone, Dept. C (Historic Courthouse)

Conservatorship of Jerold R Duncan

16PR000015

FIRST ACCOUNT AND REPORT OF CONSERVATOR; PETITION FOR ALLOWANCE OF FEES TO CONSERVATOR OF PERSON AND ESTATE AND ATTORNEY FOR CONSERVATOR

TENTATIVE RULING: The Court notes the petition lists the ending date of the accounting period as May 18, 2017, while the schedules list the ending date as May 22, 2017. The May 22, 2017, date appears to be an error. GRANT petition, including fees as prayed. After a review of the matter, the Court finds the conservator is acting in the best interest of the conservatee. Thus, the matter is set for a biennial review hearing and an accounting in two years, on July 11, 2019, at 8:30 a.m. in Dept. 2. All accounting documents must be filed at least 30 days prior to the hearing. 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 Alan Pena

16PR000049

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 July 11, 2019 at 8:30 a.m. in Dept. 2. The court investigator shall prepare a biennial investigator report for the next hearing date.

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Conservatorship of Henry N. May

PR20703

REVIEW HEARING REGARDING TRANSFER TO OREGON, AND ACCEPTANCE OF RESIGNATION OF THE CO-CONSERVATORS AND TRUSTEES

TENTATIVE RULING: The Court has received the transfer order from the Oregon court. The review hearing is taken off-calendar. The Court accepts the resignation of the co-conservators and trustees. The clerk is directed to vacate the review hearing and accounting set for January 30, 2019.

PROBATE CALENDAR – Hon. Diane Price, Dept. F (Criminal Courts Bldg.-1111 Third St.)

Conservatorship of Nissim Landyadoo

17PR000072

PETITION FOR APPOINTMENT OF PROBATE CONSERVATOR OF THE PERSON AND ESTATE

APPEARANCE REQUIRED

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In the Matter of Keenan Lake

17PR000112

PETITION FOR ORDER AUTHORIZING COMPROMISE OF MINOR'S CLAIM

TENTATIVE RULING: The matter is continued to July 27, 2017, at 8:30 a.m. in Dept. F.

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Estate of Peter Eugene Orzalli

17PR000132

PETITION TO DETERMINE SUCCESSION TO REAL PROPERTY (ESTATES \leq \$150,000)

TENTATIVE RULING: GRANT Petition.

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

Cessna Barrett v. Alexander Barrett

17CV000246

PLAINTIFF’S MOTION FOR APPOINTMENT OF REFEREE

TENTATIVE RULING: Defendant’s Request of Judicial Notice is GRANTED. Plaintiff’s Motion is GRANTED and partition is ordered. Plaintiff has an absolute right to partition. (*DeRoulet v. Mitchel* (1945) 70 Cal.App.2d 120, 124.) Provision 2.h. of the Agreement to Wind-Up and Dissolve Lot 905, LLC lapsed on or about May 10, 2017. Pursuant to Code of Civil Procedure section 873.010, subdivision (a), the Court will appoint a referee to sell the property. The Court will sign Plaintiff’s proposed order, with the modification that Plaintiff’s attorney’s fees directly related to this Motion shall be paid by Defendant as an offset at close of escrow, subject to review and approval by the Court. **The parties are to appear to discuss selection of the referee.**