

**TENTATIVE RULINGS**

**FOR: October 18, 2016**

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** – No tentative ruling will be posted because access to records is not permitted until 60 days after the complaint is filed. Parties **must appear** for all unlawful detainer demurrers, motions to quash, and other matters. After 60 days, tentative rulings will be posted in accordance with the local rules.

**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. C (Historic Courthouse)**

**Conservatorship of Lisa M. Phillips**

**26-62464**

REVIEW HEARING

**TENTATIVE RULING:** 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).

Thus, the case is set for a biennial review hearing in two years, on October 18, 2018 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.



**Conservatorship of Cathy Cameron**

**16PR000146**

PETITION FOR APPOINTMENT OF PROBATE CONSERVATOR OF THE PERSON AND ESTATE

**TENTATIVE RULING:** The matter is continued to November 1, 2016, at 8:30 a.m. in Dept. C. Petitioner is instructed to prepare an order appointing the Public Defender to represent the proposed conservatee. (Prob. Code, § 2356.6, subd. (f)(1).)



**Conservatorship of Gary Chester Stewart**

**26-66646**

REVIEW HEARING

**TENTATIVE RULING:** Conservator is to file a Determination of Conservatee’s Appropriate Level of Care (GC355) (Pr.C. §2352.5(c)).

After a review of the matter, the court finds the Conservator is acting in the best interest of the Conservatee. Based on the reports 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 October 18, 2018 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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**Conservatorship of Janice Johnson**

**26-66918**

REVIEW HEARING

**TENTATIVE RULING:** The Court vacates the July 20, 2016 Order to the extent it granted pre-approval of future compensation. The request is not in accordance with Probate Code section 2942 and California Rules of Court, rule 7.750, et seq. 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 October 18, 2018, 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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**In the Matter of Susana Saucedo Hernandez**

**16CV000704**

PETITION FOR CHANGE OF NAME

**TENTATIVE RULING:** Pursuant to Code of Civil Procedure section 1277, the non-petitioning parent must be personally served with the petition for name change and given 30 days’ notice of the hearing. The court file contains no proof of service on the minor’s father. If a proper proof of service is filed before the hearing, the petition shall be granted. If no proof of service is filed, the matter will be continued to November 30, 2016 at 8:30 a.m. in Dept. C to allow time for proper service.

**CIVIL LAW & MOTION CALENDAR – Hon. Diane Price, Dept. C (Historic Courthouse)**

**Department Stores National Bank v. Carol J. Love**

**15CV00072**

MOTION FOR ORDER THAT MATTERS IN REQUEST FOR ADMISSION OF TRUTH OF FACTS BE ADMITTED

**TENTATIVE RULING:** The unopposed Motion is GRANTED.

**PROBATE CALENDAR – Hon. Rodney Stone, Dept. F (Criminal Courts Bldg.- 1111 Third St.)**

**In the Matter of Dorene Lillian McElvea**

**16CV000715**

PETITION FOR CHANGE OF NAME

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

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**Conservatorship of Lucette Sherwood**

**16PR000149**

PETITION FOR PROVISIONAL AND FINAL ORDER ACCEPTING TRANSFER OF CONSERVATORSHIP FROM ARIZONA; FOR MODIFICATION OF THE CONSERVATORSHIP TO CONFORM TO CALIFORNIA LAW; FOR APPOINTMENT OF COURT INVESTIGATOR; FOR APPOINTMENT OF CO-CONSERVATOR; FOR SUBSTITUTED JUDGMENT AND REQUEST FOR INSTRUCTIONS

**TENTATIVE RULING:** The matter is continued to November 2, 2016, at 8:30 a.m. in Dept. F. Petitioner is instructed to file a: (1) duties of conservator form (GC-348); (2) confidential supplemental information form (GC-312); and (3) proof of personal service of the petition and citation on the conservatee. A bond will be required. The Court will sign petitioner's proposed order appointing counsel.

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**Estate of Walter Leroy Quackenbush**

**16PR000173**

PETITION FOR PROBATE OF WILL AND FOR LETTERS TESTAMENTARY WITH WILL ANNEXED AND AUTHORIZATION TO ADMINISTER UNDER THE INDEPENDENT ADMINISTRATION OF ESTATES ACT

**TENTATIVE RULING:** Petitioner filed a petition for probate of will and for letters testamentary. Petitioner, however, is not named as the executor in decedent's will. The Court construes the petition as requesting probate of will and for letters of administration with will

annexed. Karen Quackenbush was named as executor in the will. She was not provided notice and her declination to serve as executor is not on file. The matter is continued to November 15, 2016, at 8:30 a.m. in Dept. F to allow petitioner to file the: (1) proof of publication; (2) Duties and Liabilities form (DE-147); (3) proposed order (DE-140) and letters (DE-150); (4) proof of service of notice on Karen Quackenbush; and (5) declination to serve as executor from Karen Quackenbush.