

JUDGE SUSANNE M. FENSTERMACHER

Date: 10/14/21

Dept.: 15

Room: 320

GENERAL HEARINGS - CIVIL

1. MSP18-00475 ESTATE OF THELMA LEVELS
9:00 HEARING RE: PETITION FOR STATUTORY AND EXTRAORDINARY FEES FOR
ATTORNEY FILED ON 07/29/21 BY STEPHEN J KENNEDY

2. MSP18-01477 CONS. OF GERALDINE ROSINE
9:00 HEARING RE: PTN FOR PMT OF ATTY FEES, REIMBURSE FEES&COSTS FILED
ON 07/29/21 BY MATTHEW B TALBOT

3. MSP19-01088 ESTATE OF JUDITHANN DAVID
9:00 SPECIAL SET HEARING ON: REVIEW RE: STATUS OF BLOCKED ACCOUNTS
SET BY DEPT. 15 ON 04/08/21

4. MSP19-01546 MATTER OF ROSINE FAMILY EXEMPT
9:00 HEARING RE: PETITION FOR PAYMENT OF ATTORNEY FEES AND
REIMBURSEMENT OF COSTS FILED ON 07/29/21 BY MATTHEW B TALBOT

5. MSP20-00085 ESTATE OF YEVGENIY LYUBIN
9:00 HEARING RE: 1ST & FINAL RPT OF ADMIN ON WVR OF ACCT & PTN FOR
FINAL FILED ON 07/15/21 BY MAKSIM LYUBIN

6. MSP20-00275 ESTATE OF MARGERY E JAMISON
9:00 HEARING RE: 1ST & FINAL RPT OF EXECUTRIX ON WVR OF ACCT & PTN
FOR STLMNT FILED ON 07/16/21 BY KATHLEEN R JAMISON

7. MSP20-00487 ESTATE OF DANIEL I BERNIE
9:00 HEARING RE: PTN FOR PROBATE, LTRS OF ADMIN W/WILL ANNEXED, IAEA
FILED ON 05/13/21 BY GARY BERNIE, ROBERT BERNIE, KEVIN BERNIE,
ANNE ELLE

8. MSP21-00158 RE THE C. RAYMOND SMITH TRUST
9:00 HEARING RE: PTN FOR CRT ORDER INVALIDATING 2ND AMNDMNT TO TRUST,
ETC. FILED ON 01/29/21 BY SUN CHANG

9. MSP21-00995 ESTATE OF: RUTH CRANSTON
9:00 HEARING RE: PTN FOR PROBATE OF LOST WILL & LTRS OF ADMIN W/WIL
ANXD & W/IAEA FILED ON 07/28/21 BY ANTHONY DUNCAN

JUDGE SUSANNE M. FENSTERMACHER

Date: 10/14/21

Dept.: 15

Room: 320

GENERAL HEARINGS - CIVIL

10. MSP21-01107 MATTER OF THE LIVING TRUST OF
9:00 HEARING RE: PETITION FOR ORDER CONFIRMING TRUST TITLE TO REAL
PROPERTY FILED ON 07/27/21 BY LEXI TAYLOR PEREZ, GILLIAN ELISE
ESPINOSA
11. MSP21-01149 ESTATE OF EDWARD STECCONE
9:00 HEARING RE: PTN FOR LTRS OF ADMIN W/GENERAL POWERS FILED ON
07/13/21 BY MARINELLA STECCONE
12. MSP21-01167 ESTATE OF BABE SMITH
9:00 HEARING RE: PETITION FOR LETTERS OF ADMINISTRATION, NO WILL,
IAEA FILED ON 07/29/21 BY BRITTNEY SMITH
13. MSP21-01168 ESTATE OF ROISE LEE EBELLE POS
9:00 HEARING RE: PTN FOR LETTERS OF ADMINISTRATION, NO WILL, IAEA
FILED ON 07/29/21 BY JOHN HALCOMB
14. MSP21-01178 ESTATE OF WILLIAM ANTHONY
9:00 HEARING RE: PTN FOR PROBATE OF WILL & LTRS FOR TEST FILED ON
07/14/21 BY GERALDINE JONES
15. MSP21-01179 ESTATE OF DOUGLAS LEE
9:00 HEARING RE: PTN FOR PROBATE OF WILL & LTRS FOR TEST & W/IAEA
FILED ON 07/15/21 BY MARION DIANNE LEE
16. MSP19-00038 CONS OF EVA B JORDEN
1:30 PROBATE COURT TRIAL RE: MTN FOR OSC RE: CONTEMPT (BY A.J.) FILED
ON 11/14/19
17. MSP21-00318 ESTATE OF MASON RAFIK
1:30 SPECIAL SET HEARING ON: PRETRIAL CONFERENCE RE: SPOUSAL PROP.
PETN SET BY DEPT. 15 ON 08/17/21

CONTRA COSTA SUPERIOR COURT

725 COURT STREET; DEPT. 15

MARTINEZ, CALIFORNIA

JUDGE SUSANNE M. FENSTERMACHER

PROBATE CALENDAR AND TENTATIVE RULINGS

DATE: 10/14/2021

PROBATE EXAMINER NOTES-SUBJECT TO REVISION
AFTER REVIEW BY THE JUDGE

Unless the Court directs otherwise, appearances by counsel and parties in Department 15 may be made as follows:

- **In Person**
- **Remotely through Zoom Videoconferencing**
- **Remotely through CourtCall**

Please note the following contact information for your reference:

CourtCall: (888) 882-6878

Parties are to call CourtCall in advance of the hearing to arrange for the telephonic court appearance, not on the day of the hearing.

Zoom videoconferencing for Department 15, Judge Fenstermacher:
<http://www.cc-courts.org/zoom/dept15.aspx>

*IF YOU HAVE MATTERS IN BOTH
DEPARTMENT 30 AND DEPARTMENT 15,
PLEASE NOTIFY THE BAILIFFS
THE MORNING OF YOUR APPEARANCE.*

THANK YOU.

1. **TIME: 9:00**

CASE # MSP18-00475

ESTATE OF THELMA LEVELS

RE: PET'N FOR STATUTORY AND EXTRAORDINARY FEES FOR ATTORNEY

FILED ON 07/29/21 BY STEPHEN J KENNEDY

Need:

1. Appearances
2. Itemized schedules of receipts and gains if they are to be included in statutory fee calculation. CRC § 7.550(b)(6)
3. Proof of mailing to all persons entitled to receive notice
4. Proposed Order

Notes:

1. Letters of Administration issued to Denise Hill 11-26-2018.
2. Court will set a review hearing as to filing a Status Report and/or Petition for Final Distribution.

Parties:

DENISE HILL
EARL V LEVELS SR
MYRIS JOHNSON-MAHER
STEPHEN J KENNEDY
THELMA LEVELS

Attorneys:

STEPHEN J KENNEDY

TIMOTHY J CHAMBERS
STEPHEN J KENNEDY

2. TIME: 9:00

CASE # MSP18-01477

CONS. OF GERALDINE ROSINE

RE: PET'N FOR PMT OF ATTY FEES, REIMBURSE FEES&COSTS

FILED ON 07/29/21 BY MATTHEW B TALBOT

-- See also Line # 4 --

Need:

1. Appearance to report status, including filing of 2nd account. 1st account approved 7-13-20 was for the period ending 3-31-19. Court prefers to approve fee petitions at the time of an accounting. LR 7.65
2. Proof of mailing to persons entitled to notice
3. Proposed Order

DEBRA A. JOHNSON
DEBRA JOHNSON
GERALDINE ROSINE
LESLIE ROSINE
LESLIE ROSINE
MATTHEW B TALBOT

KIMBERLY F. LEDING
KIMBERLY F. LEDING

MATTHEW B TALBOT
MATTHEW TALBOT
MATTHEW B TALBOT

3. TIME: 9:00

CASE # MSP19-01088

ESTATE OF JUDITHANN DAVID

RE: REVIEW RE: STATUS OF BLOCKED ACCOUNTS SET BY DEPT. 15 ON 04/08/21

Drop.

Notes:

1. Acknowledgments of Receipt of Order And Funds For the Deposit of Money In Blocked Account Form MC-356 were filed 9-1-2021.
2. Ex Parte Petition for Final Discharge is lodged in court file. Order of Final Distribution filed 4-9-2021 authorized Administrator to retain a \$2,500 reserve. Court cannot authorize discharge without an informal accounting of reserve funds, and receipts filed if any distributions were made from reserve funds. See LR 7.316.

JAMES HUDSON
JUDITHANN DAVID

4. TIME: 9:00

CASE # MSP19-01546

MATTER OF ROSINE FAMILY EXEMPTION SUBTRUST

RE: PET'N FOR PAYMENT OF ATTORNEY FEES AND REIMBURSEMENT OF COSTS
FILED ON 07/29/21 BY MATTHEW B TALBOT

-- See also Line # 2 --

Need:

1. Appearances
2. Verified declaration by petitioner to include an itemized list of expenses for which he is seeking reimbursement
3. Proof of mailing Judicial Council Form Notice of Hearing to all persons entitled to receive notice. PrC § 17203
4. Proposed Order

DEBRA JOHNSON
LESLIE ROSINE
MATTHEW B TALBOT
ROSINE FAMILY EXEMPTION SUBTRU

MARK D PONIATOWSKI
MATTHEW B TALBOT
MATTHEW B TALBOT

5. TIME: 9:00

CASE # MSP20-00085

ESTATE OF YEVGENIY LYUBIN

RE: 1ST & FINAL RPT OF ADMIN ON WVR OF ACCT & PET'N FOR FINAL
FILED ON 07/15/21 BY MAKSIM LYUBIN

Need:

1. Declaration whether all known creditors received notice &/or were paid. PrC § 10900, LR 7.309(a)
2. Verified declaration by petitioner to clarify how attorney's fees and reserve will be paid. There is insufficient cash on hand.
3. Revised, proposed Order to specify how attorney's fees and reserve will be paid, and to include affirmative statements. A judgment, decree or order must be complete in itself. LR 7.110

MAKSIM LYUBIN
YEVGENIY LYUBIN

WALTER JOHNSON

ESTATE OF MARGERY E JAMISON

RE: 1ST & FINAL RPT OF EXECUTRIX ON WVR OF ACCT & PET'N FOR STLMNT
FILED ON 07/16/21 BY KATHLEEN R JAMISON

Need:

1. Verified declaration by petitioner to state names, current addresses and relationships of all persons entitled to receive notice. LR 7.112
2. Proof of mailing to all persons entitled to receive notice. LR 7.300
3. Compliance with CRC 7.250 regarding any acts taken under IAEA w/notice of proposed action. (Specifics needed or statement that no action was taken)
4. Accounting that complies with PrC § 1060 *et seq.* or waiver of accounting by personal representative of Estate of William Jamison
5. Verified declaration of petitioner showing compliance with Probate Code § 11005, unless account is waived
6. Verified declaration by petitioner to clarify plan of distribution. Will authorizes distribution to spouse who survived decedent.
7. Spouse did not file an election to subject any inheritance to formal administration so therefore court lacks jurisdiction to order distribution to spouse or fees thereon. Need petition (may be *ex parte*) showing good cause for allowing late election, and order. Otherwise you will need amended petition eliminating spouse's portion and a recalculation of statutory fees. Proposed election must comply with LR 7.305. See PrC §§ 13500, 13501, 13502
8. Verified declaration by petitioner to include a list of assets on hand for distribution. LR 7.301
9. Inventory and Appraisal filed
10. Property tax certificate filed, if needed. PrC § 8800(d)
11. Verified declaration by petitioner to specify whether all charges for probate referee's services and costs of administration have been paid. LR 7.317
12. Proposed Order

KATHLEEN R JAMISON
MARGERY E JAMISON

DENISE EATON-MAY

7. TIME: 9:00

CASE # MSP20-00487

ESTATE OF DANIEL I BERNIE

RE: PET'N FOR PROBATE, LTRS OF ADMIN W/WILL ANNEXED, IAEA

FILED ON 05/13/21 BY GARY BERNIE, ROBERT BERNIE, KEVIN BERNIE, ANNE ELLE

Need:

1. Appearances
2. Proof of Publication. PrC § 8120
3. Verified declaration by petitioner to include dates of death of Steven Bernie and Stephen Valencia. LR 7.151(d)
4. Proof of mailing Notice of Petition to Administer Estate and copy of petition to all heirs and beneficiaries. PrC § 8110; LR 7.151(e)
5. Proof of Subscribing Witness Form DE-131. PrC § 8220.
6. Order for Probate Form DE-140

Notes:

1. Letters of Special Administration issued to Adam Hinh 7-21-2020.
2. Trial date set for 11-2-2021 was vacated, pursuant to Request for Dismissal of Will Contest.

ADAM HINH

ANNE ELLE
DANIEL I BERNIE
FRANK BRONCO HINEK
GARY BERNIE
JOSEPH VALENCIA
KEVIN BERNIE
ROBERT BERNIE
STEPHEN E VALENCIA
STEPHEN VALENCIA
STEVE BERNIE

JENNIFER E McGUIRE
NATHAN D. PASTOR

NEIL S TURNER
NATHAN D. PASTOR
ANDREW R VERRIERE
NATHAN D. PASTOR
NATHAN D. PASTOR

ANDREW R VERRIERE
NATHAN D. PASTOR

8. TIME: 9:00

CASE # MSP21-00158

RE THE C. RAYMOND SMITH TRUST

RE: PET'N FOR CRT ORDER INVALIDATING 2ND AMNDMNT TO TRUST, ETC.

FILED ON 01/29/21 BY SUN CHANG

Need appearances

Notes:

1. Objection filed 5-21-21 by Kathleen Stepp, Carolyn Smith and Brenda LeRoy.
2. "Notice of Motion and Motion for Order Compelling Contra Costa County Adult Protective Service to Produce Documents..." filed by Sun Chang is set for hearing 11-18-2021.

BRENDA SUE LEROY
CAROLYN SMITH
CONTRA COSTA COUNTY
KATHLEEN ANN WHITEHEAD
KATHLEEN SMITH STEPP
SUN CHANG
THE C. RAYMOND SMITH TRUST,

MICHAEL J. LOW
MICHAEL J. LOW
MARY ANN McNETT MASON

MICHAEL J. LOW
TIMOTHY D.F. BARTEAU

9. TIME: 9:00

CASE # MSP21-00995

ESTATE OF: RUTH CRANSTON

RE: PET'N FOR PROABTE OF LOST WILL & LTRS OF ADMIN W/WIL ANXD & W/IAEA
FILED ON 07/28/21 BY ANTHONY DUNCAN

Need:

Proof of mailing Notice of Petition to Administer Estate and copy of petition to all heirs and beneficiaries. PrC § 8110; LR 7.151(e)

ANTHONY DUNCAN
ERIK HOFFMAN
RUTH CRANSTON

ADRIANA QUINTERO
ADRIANA QUINTERO

10. TIME: 9:00

CASE # MSP21-01107

MATTER OF THE LIVING TRUST OF HECTOR ESPINOSA

RE: PET'N FOR ORDER CONFIRMING TRUST TITLE TO REAL PROPERTY
FILED ON 07/27/21 BY LEXI TAYLOR PEREZ, GILLIAN ELISE ESPINOSA

Petition Approved
Proposed Order Submitted
No Appearance Required

GILLIAN ELISE ESPINOSA
LEXI TAYLOR PEREZ
THE LIVING TRUST OF HECTOR ESP

RICHARD HOBIN
RICHARD HOBIN

11. TIME: 9:00

CASE # MSP21-01149

ESTATE OF EDWARD STECCONE

RE: PET'N FOR LTRS OF ADMIN W/GENERAL POWERS

FILED ON 07/13/21 BY MARINELLA STECCONE

Need:

1. Adoption of the petition by petitioner's counsel (signed only by petitioner)
2. Verified declaration by petitioner to include relationship of Edward William Steccone. PrC § 8002
3. Verified declaration by petitioner to add deceased spouse with date of death to petition Item # 8. LR 7.151(d)
4. Verified declaration by petitioner to complete petition item # 3.a.(1) or 3.a.(2) (whether decedent was a resident of the county)
5. Verified declaration to set forth the anticipated liabilities of the decedent so court can determine minimum bond amount. Although heirs waive bond, petitioner is a non-resident of California. LR 7.154
6. Order for Probate Form DE-140

EDWARD P. STECCONE
MARINELLA STECCONE

DAVID S. GREENSEID

12. TIME: 9:00

CASE # MSP21-01167

ESTATE OF BABE SMITH

RE: PET'N FOR LETTERS OF ADMINISTRATION, NO WILL, IAEA
FILED ON 07/29/21 BY BRITTNEY SMITH

Need:

Waiver of Bond by Heir or Beneficiary on mandatory Judicial Council Form DE-142 or bond will be fixed at \$550,000.00. PrC § 8481

BABE SMITH

BRITTNEY SMITH

SUMMER SUMMERALL

13. TIME: 9:00

CASE # MSP21-01168

ESTATE OF ROISE LEE EBELLE POST

RE: PET'N FOR LETTERS OF ADMINISTRATION, NO WILL, IAEA
FILED ON 07/29/21 BY JOHN HALCOMB

Need:

1. Proof of Publication. PrC § 8120
2. Proof of mailing Notice of Petition to Administer Estate and copy of petition to all heirs and beneficiaries. PrC § 8110; LR 7.151(e)
3. Order for Probate Form DE-140

JOHN HALCOMB

ROISE LEE EBELLE POST

CRISTINA C PEREZ-ABELSON

14. TIME: 9:00

CASE # MSP21-01178

ESTATE OF WILLIAM ANTHONY

RE: PET'N FOR PROBATE OF WILL & LTRS FOR TEST
FILED ON 07/14/21 BY GERALDINE JONES

Need:

1. Verified declaration by petitioner to include decedent's father in Item # 8 or if deceased, to include his name and date of death. PrC § 8002; LR 7.151(e)
2. Verified declaration by petitioner to address petition Item # 5.a.(3) or 5.a.(4) (whether decedent is survived by a registered domestic partner)
3. Lodge Original Will (w/legal process). PrC § 8200
4. Evidence to overcome presumption of revocation by the fact that the original cannot be located. PrC § 6124
5. Proof of mailing notice that will is lost. PrC § 1202
6. Proof of Subscribing Witness Form DE-131. PrC § 8220.
7. Revised, proposed order with copy of Will attached, if lost will is to be admitted

GERALDINE JONES
WILLIAM JOSEPH ANTHONY

ROBERT J BROCKMAN

15. TIME: 9:00

CASE # MSP21-01179

ESTATE OF DOUGLAS LEE

RE: PET'N FOR PROBATE OF WILL & LTRS FOR TEST & W/IAEA

FILED ON 07/15/21 BY MARION DIANNE LEE

Need:

Corrected proof of mailing to include complete address in Item # 2 of Proof of Service attached to Notice filed 8-8-2021.

DOUGLAS M. LEE
MARION DIANNE LEE

JULIE GLOSSON ISHII

16. **TIME: 1:30**

CASE # MSP19-00038

CONS OF EVA B JORDEN

PROBATE COURT TRIAL RE: MTN FOR OSC RE: CONTEMPT (BY A.J.)

FILED ON 11/14/19

Need appearances

APRIL JORDEN
EVA BERNICE JORDEN

STEFON A JONES
TRACY S REGLI

17. **TIME: 1:30**

CASE # MSP21-00318

ESTATE OF MASON RAFIK

RE: PRETRIAL CONFERENCE RE: SPOUSAL PROP. PET'N SET BY DEPT. 15 ON

08/17/21

Need appearances to report status, including mediation

Note: Objections filed by Shannell Rafik 7-23-21.

MASON M. RAFIK
SALMA RAFIK
SHANNELL RAFIK

DEVANAND J SINGH