



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

Reset: Petition to Determine Succession to Real Property (Prob. C. 13151)

DOD: 7/26/2000	MARY MCGEE, RITA JONES, EARL LOCKHART, JR., EVERLENER SMITH, JACKIE LOCKHART, ARTHUR LOCKHART, DAVID LOCKHART, RICKY LOCKHART, JAMES LOCKHART, grandchildren, are petitioners.	NEEDS/PROBLEMS/COMMENTS: Minute order dated 2/25/15 states Mr. Krbechek represents that he only needs to obtain one signature. The court grants one last continuance and will rule on 4/8/15. Please see additional page.
Cont. from 010714, 082814, 120314, 011415, 022515	40 days since DOD.	
<input type="checkbox"/> Aff.Sub.Wit.	No other proceedings.	
<input checked="" type="checkbox"/> Verified	Decedent died intestate.	
<input type="checkbox"/> Inventory	I & A - \$110,000.00	
<input type="checkbox"/> PTC	Petitioners request court confirmation that Decedent's 25% interest in real property located at 962 75 th Ave Oakland, CA pass to 1/9 to each of them pursuant to intestate succession.	
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail w/		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: KT
		Reviewed on: 4/3/15
		Updates:
		Recommendation:
		File 7 – Raymond

As of 2/20/15 the following issues remain:

1. A Petition to Determine Succession to Real Property was previously filed for this decedent (that petition was denied on 1/31/13). In the previously filed petition the petitioners were requesting a 50% interest pass to petitioners. (This decedent had a 25% interest in the real property and her sister had another 25% interest. The petition alleged that decedent's sister's 25% interest belonged to this decedent because the sister had died and decedent was her sole heir). The Inventory and Appraisal in the first filed petition listed the value of the property (50%) at \$110,000.00. This petition includes a copy of the same inventory and appraisal valued (25%) at \$110,000. How can the 50% interest alleged in the first filed petition and 25% interest as alleged in this petition both be valued at \$110,000? – **Declaration of Attorney states** the property is appraised at 100% therefore a 25% interest would be \$27,500.00. This petition only concerns a 25% interest in the estate. **Examiner note:** Pursuant to Probate Code 13152(b) and Probate Code §8802 the property listed shall state the fair market value of the property at the time of the decedent's death. **Therefore need amended inventory and appraisal showing the value of decedent's interest in the property as of her date of death.**
2. Decedent was also survived by a 10th grandchild, Opal White. Opal White died on 5/25/05 (after this decedent) therefore her estate is entitled to a 1/10 share of this estate. Petition states her son, Danny Brown has filed an Affidavit Re: Real Property of Small Value to pass Opal's interest in the real property to him. However, Opal's interest must first pass to her. In addition, someone (a special administrator?) will need to sign this petition on her behalf. Note: A special administrator cannot be appointed in this estate for Opal. A special administrator will need to be appointed in a new case for Opal's estate. – Petitioner contends that the issue of the 2.5% interest passing to the heirs of Opal White is not before the Court. Danny Brown has filed an Affidavit Re: Real Property of Small Value to claim the final 2.5% interest from the estate of Opal White. Danny Brown is not a petitioner herein, and seeks no relief in this petition. – **Examiner note:** The problem is that before the property can pass to Danny Brown the property must first pass to Opal White's estate. Therefore a Special Administrator would need to be appointed (in a separate proceeding) to be able to sign this Petition to Determine Succession on Opal's behalf in order to pass Opal's interest in this estate to her estate. After the property is in Opal's estate then Danny Brown can file the Affidavit Re: Real Property of Small Value.

Declaration of Randolph Krbechek filed on 8/27/14 states he cannot attend the hearing on 8/28/14 because he is required to be in Redwood City for closing arguments. Mr. Krbechek requests a continuance of 90 days to address the examiner notes.

Declaration of Randolph Krbechek filed on 11/26/14 states he cannot attend the hearing on 12/6/14 because he is required to be in Dept. 401 at the same time for a pending court trial. Mr. Krbechek requests a continuance.

Declaration of Attorney Krbechek filed on 1/12/15 states he has not been able to complete the required Petition to Determine Succession to Real Property due to the holidays and family matters. Based thereon, Mr. Krbechek respectfully requests the court continue the matter for 30 days.

Declaration of Attorney Krbechek filed on 2/25/15 states he has come down with a cold, and requests that the matter be continued. He will appear telephonically so he does not spread his cold to anyone in the courtroom.