

**SUPERIOR COURT, STATE OF CALIFORNIA  
COUNTY OF SANTA CLARA**

**Department 1, Honorable Le Jacqueline Duong, Presiding**

191 North First Street, San Jose, CA 95113  
Telephone 408-882-2110

**ADVANCE CASE STATUS REPORT (“ACSR”)  
(Local Probate Rule 1)**

**GENERAL PROBATE CONTINUANCE CALENDAR – Dept. 1**

**DATE: Friday, December 20, 2024**

**TIME: 9:02am**

**\*\*\*NOTICE\*\*\***

**APPEARANCES MAY BE IN PERSON OR REMOTE THROUGH  
MICROSOFT TEAMS**

**To find the appropriate remote appearance links please go to:  
<https://santaclara.courts.ca.gov/online-services/remote-hearings>**

**“PREAPPROVED” matters are those reviewed and found satisfactory. Personal appearance by the petitioning party is not required. Pre-approved matters to which objections are made may be continued. Orders for preapproved matters will be signed upon calling of the calendar and may be picked up for filing at that time.**

**“PROBATE EXAMINER NOTES” - If a matter is not preapproved, then the Probate Examiner will list procedural defects. Parties may file additional documents to correct procedural deficiencies, and the Court, in its discretion, may consider such filings in making its order. The Court may order a matter off calendar, grant it subject to additional filings, or order a continuance.**

**TROUBLESHOOTING**

If you do not see the appropriate calendar’s ACSR, then it has either not been posted yet or your web browser cache (temporary internet files) is accessing a prior calendar. “REFRESH” or “QUIT” your browser and reopen it, or adjust your internet settings to see only the current version of the web page. Your browser may access old information from old cookies even after the current calendar has been posted.

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<b>LINE #</b>	<b>CASE #</b>	<b>CASE TITLE</b>	<b>ACSR/Examiner notes</b>
<a href="#">LINE 1</a>	21PR190754	<i>Estate of Susan E. Koitmaa</i>	Click line #1 or scroll below to line #1 for probate examiner's notes.
<a href="#">LINE 2</a>	23PR194402	<i>Estate of Christopher Ray Doss</i>	Click line #2 or scroll below to line #2 for probate examiner's notes.
<a href="#">LINE 3</a>	22PR192460		
<a href="#">LINE 4</a>		<i>Lynne O. Zee Trust dtd 7/19/18</i>	No Probate Examiner noted deficiencies; Parties to appear for Court's ruling
<a href="#">LINE 5</a>	24PR197286	<i>Estate of Armando Garza Guajardo</i>	Click line #5 or scroll below to line #5 for probate examiner's notes.
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<a href="#">LINE 30</a>			

## Calendar line 1

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### 21PR190754 Estate of Susan E. Koitmaa

1. The Final Inventory and Appraisal filed 5/7/2024 included 3 vehicles 2015 Mazda Miata (appraised at \$15,000), 2008 Dodge Winnebago (appraised at \$30,000), and a 2003 GMC Sierra 1500 (appraised at \$1,200). What was the disposition of these vehicles? ***This issue has not been addressed.***
2. The omnibus clause in the Proposed Order reads “Distribution of the Estate of Decedent Susan E. Koitmaa (“Decedent”) in petitioner’s hands and any other property of Decedent or the Estate not now known or discovered be made to the persons entitled to it, set forth as follows; Mark T. Koitmaa \$407,572.04, Joel P. Koitmaa \$407,572.02, Andrew T. Koitmaa \$407,572.02. **Defers to Court, typically the omnibus clause is presented by a percentage for each beneficiary.**
3. With the filing of supplemental I & A for the mobile home, paragraph 9 of the petition stating that the inventory and appraisal showing a value of \$1,273,263.53 contains all assets of the decedent’s estate, is not true because such value does not include the mobile home.
4. Fee base value used for calculation of statutory fees is \$1,273,263.53, which does not include value of the mobile home. Defers to Court if will require corrected computation of statutory compensation. If the value of the mobile home will be added, fee base value will increase to \$1,513,263.53, and statutory compensation will go up to \$28,132.64. Atty had agreed to a 15% reduction from the original amount. Are both personal representative and atty agreeable to the same lower statutory compensation?
5. The assets on hand include non-cash assets. Petition did not provide fair market value of assets on hand. Local Probate Rule 9A(1)e

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**23PR194402 Estate of Christopher Ray Doss**

1. POS of notice sent to heir/son Adam Nathan Doss at address “99 N. 9th Street, San Jose.”
  - a. But that was the real property sold during administration. Petition #26 states the administrator made relocation payments to Adam Doss under The Ellis Act.
2. Real Property was sold, but no notice of proposed action with POS on file. Probate C §§10510, 10511  
Local Probate Rule 6(D): “Filing Notice of Proposed Action with Court. A copy of any Notice of Proposed Action must be filed with the Court together with the proof of service”
3. Petition #25 states, in part: “the Administrator took out a loan from Gary and Constance Gerlach on December 14, 2023, for \$40,000.00 at an annual interest rate of 7%. (See Attachment G) This loan and the accrued interest was then paid off on May 24, 2024, upon the sale of the real property of the Estate. Except for the loan obtained to pay off the tenants to vacate the real property, the Administrator would not have been able to prepare the house for sale, thus the loan has benefited the Estate.”
  - a. There is no Attachment G.
  - b. Petitioner used IAEA authority to obtain a loan and negotiate its terms, but no notice of proposed action with POS on file. Probate C §§10510, 10514
4. Exhibit B - Statutory compensation calculation includes total receipts of \$59,278.65. But \$40,000 of that total was the loan obtained by the administrator. Examiner calculates statutory fee less the loan = \$24,261.86. *Defer to the Court.*
5. Petition #32 – “The Administrator contacted the beneficiaries of the Estate and made available to them the personal property of the Estate. No response was received by the beneficiaries. The Administrator determined to credit all personal property to Adam Doss and to provide the other beneficiaries the equivalent money value to equalize the distribution of the Estate.”
  - a. Defer to the Court re: non pro rata distribution of tangible personal property since all heirs were contacted.  
Local Probate Rule 9(I): “Agreements For Distribution Of Assets - If distribution is to be other than according to... the laws of intestate succession, there must be on file a written agreement signed by all parties affected by the distribution.”
6. No proposed order submitted on the amended petition.

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**24PR197286 Estate of Armando Garza Guajardo**

1. Petition - No separate Attachment #7 with facts upon which the petitioner bases the allegation that property be passed and confirmed to the surviving spouse. However, Attachment 7a and 7b provides “The real property located at 2961 Almond Drive, San Jose, CA 95128 was purchased by Armando Garza Guajardo and Lupe Guajardo, husband and wife, with community funds”. Defer to Court if this is sufficient.
2. No Proof of Service of Notice on 2<sup>nd</sup> amended spousal petition. California Rules of Court 7.53
  - a. Note: No Proof of Service of Notice on prior petitions either.

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