### 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, September 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. Preapproved 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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LINE #	CASE #	CASE TITLE	ACSR/Examiner notes
<u>LINE 1</u>	19PR186590	Gonzales Family Trust	Click line #1 or scroll below to line #1 for probate examiner notes.
LINE 2	2012-1-PR-171353	Jerome Kielty 2012 SNT	Click line #2 or scroll below to line #2 for probate examiner notes.
LINE 3	23PR195309	Estate of Howard Hudson Harton	Parties to appear for the Court's ruling.
<u>LINE 4</u>	24PR197286	Estate of Armando Garza Guajardo	Click line #4 or scroll below to line #4 for probate examiner notes.
LINE 5	24PR197465	Herbert P. Haase Revocable Trust	Click line #5 or scroll below to line #5 for probate examiner notes.
LINE 6			
LINE 7			
LINE 8			
LINE 9			
<u>LINE 10</u>			
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<u>LINE 28</u>		
<u>LINE 29</u>		
LINE 30		

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#### 19PR186590 Gonzales Family Trust

1. POS of notice on form DE-120 filed 8/30/2024 reflects a date of mailing (8/23/2024) that is less than 30 days before the current 9/20/2024 hearing.

Probate Code §17203, in part: "(a) At least 30 days before the time set for the hearing on the petition, the petitioner shall cause notice of hearing to be delivered..."

- 2. Petition filed 10/19/23. Supplement filed 3/29/24. Amendment filed 4/11/24. Declaration filed 6/26/24.
  - a. Filings fail to include the *addresses* of each person entitled to notice. Probate Code §17201, in part: "The petition shall also state the grounds of the petition and the names *and addresses* of each person entitled to notice of the petition."

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2012-1-PR-1713543 Jerome Kielty 2012 Special Needs Trust

- 1. First Supplement states, PTR, "is willing to update the schedules to remove the negative interest from Schedule A (Receipts) and include the negative interest in a separate schedule(Schedule C1) listed under Credits." However, revised Schedule continues to include negative entries i.e. Altria Group Inc., American Tower REIT, Anheuser Busch, Appalachian Pwr, AT&T Inc.,etc. Petition does not explain if these are accrued interest for purchase of bond. Defers to Court if will require more information.
- 2. Still no proposed order submitted.

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### 23PR195309 Estate of Howard Hudson Harton

Parties to appear for the Court's ruling.

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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.
- 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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### 24PR197465 Herbert P. Haase Revocable Trust

# **Procedural Deficiency**

1. No Proposed Order.

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