

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

Department 2, Honorable Daniel T. Nishigaya, Presiding
Audrey Nakamoto, Courtroom Clerk

191 North First Street, San Jose, CA 95113
Telephone 408-882-2120

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

**ADMINISTRATION OF ESTATES CONTINUANCE CALENDAR –
Department 2**

DATE: Thursday, January 09, 2025

TIME: 9:03 AM

*****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 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
LINE 1	24PR197552	<i>Estate of Paul Heckler</i>	Click line #1 or scroll below to line #1 for probate examiner's notes.
LINE 2	24PR197803	<i>Estate of Angela C. Alvarado</i>	Parties to Appear for Court's ruling
LINE 3	24PR197937	<i>Estate of Michael Vu</i>	Click line #3 or scroll below to line #3 for probate examiner's notes.
LINE 4	24PR197955	<i>Estate of Victoria G. Espinoza</i>	Continued to 2/10/25 @ 9:03am
LINE 5	24PR198239	<i>Estate of Jennifer Lendl</i>	Click line #5 or scroll below to line #5 for probate examiner's notes.
LINE 6	24PR198241	<i>Estate of Roy Kenneth Jones</i>	Click line #6 or scroll below to line #6 for probate examiner's notes.
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LINE 28			
LINE 29			
LINE 30			

Calendar line 1

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24PR197552 Estate of Paul Heckler

Previously noted Procedural issues:

1. The Proof of Publication filed 10/10/2024 is a notice to creditors and has language regarding the “Matter of the Survivor’s Trust of the Paul Thomas Heckler Living Trust Agreement by Paul Thomas Heckler, dated December 2, 2022”. – The proof of publication is not Code compliant. What needs to be published is the notice of petition to administer estate. PrC section 8120.
2. Petition Caption is incomplete. Petition only mark box requesting appointment as administrator but did not select box for Independent Administration of Estate Act. But the Petition requests full authority. CRC Rule 7.102 – Defers to Court.
3. No selection was made in petition item #2d regarding bond. Petitioner is in Pro Per, but a bond of \$2,200,000.00 is needed. Prob. Code §8480 and §8487-
4. Petition item #5(a) does not mark either (3) registered domestic partner or (4) no registered domestic partner. Or (7) issue of predeceased child or (8) no issue of a predeceased child.
5. There is a Proof of Service of the Notice of Petition, but it indicates that the person who mailed the Notice is in Boulder, Colorado. Defers to Judge.
6. No Proposed Order on file or pending in e-file.

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24PR197803 Estate of Angela Cornejo Alvarado

Parties to Appear for Court's ruling

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Calendar line 3

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24PR197937 Michael Vu Estate

Previously noted procedural Deficiencies

1. No Proof of Service of Notice of hearing on the decedent's two children Michael-Chinh Hung Vu, Jr. and Jonathan-Chinh Hung Vu. Prob. Code §8110(a).
2. Petition caption is incomplete. Petition only mark box requesting appointment as administrator with will annexed, but did not select box for Independent Administration of Estate Act. CRC Rule 7.102
3. Petition item #3d, character and estimated value of the estate, petitioners wrote "TBD". Prob. Code §8002(a)(4)
4. Petition #3e(2) states "all beneficiaries are adult and have waived bond, and the will does not require a bond". There are no bond waivers from contingent beneficiaries Michael-Chinh Hung Vu Jr. and Jonathan-Chinh Hung Vu. Also, the will waives bond for "any executor nominated in this will". The proposed personal representative was nominated by the executor and alternate executor.
5. Petition #3f(2) instruction to affix Attachment 3f(2), copy of the will to the petition. A copy of the will is not attached to the petition.
6. The will attestation clause - both subscribing witnesses are the stepchildren Dan Pham Johnson (1st named executor/contingent beneficiary) and Trang Thu Le (alternate named executor)

Prob. Code 6112(c) Unless there are at least two other subscribing witnesses to the will who are disinterested witnesses, the fact that the will makes a devise to a subscribing witness creates a presumption that the witness procured the devise by duress, menace, fraud, or undue influence. This presumption is a presumption affecting the burden of proof. This presumption does not apply where the witness is a person to whom the devise is made solely in a fiduciary capacity.

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24PR197955, Estate of Victoria G. Espinoza

Continued to 2/10/25 @ 9:03am for amended petition.

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24PR198239 Estate of Jennifer Lendl

Previously noted procedural issues:

1. Petition #8 instruction to include name, relationship to decedent, ages, and address of all persons listed in #2, 5, 6, and 7.
 - a. Missing name, relationship to decedent, ages, and address of proposed personal representative listed in petition #2b.
 - b. Missing relationship to decedent for Julia Lendl-Celotto. *per attachment 3g(2)(b) she is decedent's sister. Defer to Court.
2. Petition #3e(3) selected for all heirs waived bond. Instruction to attach waivers as Attachment 3e(3). Missing mandatory judicial bond waivers (Form DE-142) for both Janine and Julia.
3. Petition #3g(2)(b) selected for petitioner is a nominee of person entitled to Letters. Only Julia Lendl-Celotto nominates petitioner. Defer to Court if a nomination is needed by Janine Lendl.
4. Attorney signed the petition, but did not write in the date.
5. The Proposed Order (DE-140) is not in the File and is not pending in E-File.
6. The Proposed Letters (DE-150) is not in the File and is not pending in E-File

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24PR198241 Estate of Roy Kenneth Jones

**Amended Petition for Probate of Will and for Letters Testamentary with Full IAEA.
Filed 12/12/2024.**

Procedural Deficiencies:

1. The two witnesses to the 9/16/2022 Will did not print their names. The individuals are not identifiable by their signatures alone.
2. Petition #8 – Missing relationships to the decedent (adult children). Probate Code §8002(a)(3)
 - a. De minimis
3. Proposed order lists the petitioner's name in the caption.
4. Letters of Personal Representative (form DE-150) is now eligible for e-filing.

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