

November 24, 2025 Truckee Probate Tentative Rulings

7. PR0000554 In Re Rogers, Auctaviah Marie Davis

No appearances required. Guardianship remains necessary, appropriate, and in the best interest of the minor. The next annual review of the guardianship is hereby set for November 23, 2026 at 1:30 p.m. in Department A. Co-guardians shall file an updated Status Report thirty (30) days prior to the review hearing.

8. PR0000699 In the Matter of MARCIA K. MARKS

No appearances are required. The First and Final accounting with waiver is approved. The Petition for final distribution and for payment attorney fees is granted as prayed.

9. PR0000914 In the Matter of James William Ness

Petitioner James William Ness filed a “Petition to Invalidate Trust Based on Undue Influence; And For Damages For Elder Abuse; And For Petition To Reclaim Property” on October 21, 2025, and a “1st Errata” to the Petition with attachment of Exhibit 1 (Declaration of Trust) to the Verified Petition was filed on October 22, 2025. The Petition seeks a determination from the Court that certain properties in the Trust be reclaimed by Petitioner.

Although this Petition has not received objection, Petitioner did not use form DE-115 to notice the hearing, and notice of the hearing was not provided at least 30 days prior to the day of the hearing. Therefore, Due Process outlined in Probate Code section 851 is defective.

This notice defect prevents the Petition from being ripe for adjudication at the time of hearing. Therefore, the Court orders the Petition and 1st Errata be re-served with proper Notice of Hearing. The hearing is continued to January 12, 2026 at 1:30 p.m. in Dept. A to allow Petitioner time to re-notice and serve.