

## **June 6, 2025 Probate Tentative Rulings**

### **1. P14-15589 In the Matter of JOHANNA PEASE**

No appearances are required. The court has not received the investigation review report for biennial review. The court continues this matter for receipt of the report to August 8, 2025, at 9:00 a.m. in Department 6. The clerk shall provide a copy of the minutes to the court investigator. The clerk shall also telephonically notify the court investigator.

The sixth account and report of conservators, petitioner for approval of fund transfers, and petition for allowance of attorney compensation is granted as prayed.

### **2. P14-15598 In the Matter of KEVIN TAYLOR WESTPHALEN**

No appearances are required. The court has not received the investigation review report for biennial review. The court continues this matter for receipt of the report to August 8, 2025, at 9:00 a.m. in Department 6. The clerk shall provide a copy of the minutes to the court investigator. The clerk shall also telephonically notify the court investigator.

### **3. P16-15924 In the Matter of KYLE M. LYNCH**

No appearances are required. The court has not received the investigation review report for biennial review. The court continues this matter for receipt of the report to August 8, 2025, at 9:00 a.m. in Department 6. The clerk shall provide a copy of the minutes to the court investigator. The clerk shall also telephonically notify the court investigator.

### **4. P18-16328 In the Matter of CODY PORTERFIELD**

No appearances are required. The court has not received the investigation review report for biennial review. The court continues this matter for receipt of the report to August 8, 2025, at 9:00 a.m. in Department 6. The clerk shall provide a copy of the minutes to the court investigator. The clerk shall also telephonically notify the court investigator.

### **5. P20-16664 In the Matter of SANDRA ROBINSON**

No appearances are required. The court has not received the investigation review report for biennial review. The court continues this matter for receipt of the report to August 8, 2025, at 9:00 a.m. in Department 6. The clerk shall provide a copy of the minutes to the court investigator. The clerk shall also telephonically notify the court investigator.

### **6. P22-17034 In the Matter of DIANNA LYNN JEFFREY**

No appearances are required. The court has not received the investigation review report for biennial review. The court continues this matter for receipt of the report to August 8, 2025, at 9:00 a.m. in Department 6. The clerk shall provide a copy of the minutes to the court investigator. The clerk shall also telephonically notify the court investigator.

### **7. PR0000426 In the Matter of RENEE S. MARSHALL**

No appearances are required. The conservatorship of the person and estate shall continue. The conservatorship still appears to be warranted. The conservator is acting in the best interests of the conservatee regarding the conservatee's placement and quality of care, including physical and

mental treatment and finances. The next biennial review is set for March 12, 2027, at 9:00 a.m. in Department 6. The court investigation fee for this biennial review is due forthwith.

The court grants conservator's request for waiver of accountings pursuant to Probate Code section 2628. Further accountings are not required absent further order of the court pursuant to section 2628(b) or otherwise.

**8. PR0000430 In the Matter of ISAIAH SCHNEIDER**

No appearances are required. The court has not received the investigation review report for biennial review. The court continues this matter for receipt of the report to August 8, 2025, at 9:00 a.m. in Department 6. The clerk shall provide a copy of the minutes to the court investigator. The clerk shall also telephonically notify the court investigator.

**9. PR0000597 In the Matter of the JOSHUA CAMBERLAN SPECIAL NEEDS TRUST #2**

No appearances are required.

The 10 April 2024 unopposed petition for confirmation of appointment of trustee, for determination of bond, to determine construction of trust and to whom property shall pass, and for instructions, is granted as follows:

Confirmation of Trustee

In the instant case, Barry Richards and Paige Millard, the then-serving limited conservators for Joshua Camberlan, sought to remove CAPS OF SANTA BARBARA ("CAPS") as trustee, and took preliminary action to do so; however, CAPS ultimately resigned on December 18, 2023. Under these circumstances, Section 4.2 of the trust mandated the procedure for selection of a successor: "a majority of the current income Beneficiaries (or their guardians, if minors) of any trusts created hereunder shall elect one or more Successor Trustees."

As of January 13, 2025, a majority of the then-current income beneficiaries, namely: conservatee Joshua Camberlan (through his conservators), CAPS (the PROVIDER OF EXPERT ADVICE) and MOMENTUM/WORK INC. (the DAY HABILITATION SERVICES PROVIDER), have either appointed Matthew Quentmeyer to serve as successor trustee or confirmed, ratified and consented to the same. Matthew Quentmeyer is confirmed to be the valid and currently serving successor trustee pursuant to Section 4.2 of the trust. In the alternative, he is appointed as trustee pursuant to the court's discretionary authority under Probate Code section 15660.

Bond

Pursuant to Probate Code section 15602(c), the court sets bond at \$5,185,000.00. Successor trustee shall secure a bond and file proof of the same with the court.

Construction of Charitable Service Provider Distribution Provision

Upon the death of the conservatee, the trust requires the trustee to distribute fifty percent (50%) of the remaining balance of the trust to the Nature Conservancy and "fifty percent (50%) to local charitable service providers that have been of assistance to [the conservatee] during his lifetime...." Trust, Article 3, ¶ m. The "portion of the Trust representing the DISTRIBUTION TO LOCAL SERVICE AGENCIES shall be allocated as follows[:]"

80% of this share is to be distributed among JOSHUA'S SUPPORTED LIVING SERVICES PROVIDERS serving from 2007 through the term of the Trust. Each year of incumbency will count as a Credit Year and the distribution to each SUPPORTED LIVING SERVICES PROVIDER will be based on its proportion of the sum of Credit Years.

15% of this share is to be distributed among JOSHUA'S DAY HABILITATION SERVICES PROVIDERS serving from 2007 through the term of the Trust. Each year of incumbency will count as a Credit Year and the distribution to each DAY HABILITATION SERVICES PROVIDER will be based on its proportion of the sum of Credit Years.

5% of this share is to be distributed among PROVIDERS OF EXPERT ADVICE TO THE TRUSTEE serving from 2007 through the term of the Trust.

Each year of incumbency will count as a Credit Year and the distribution to each PROVIDER OF EXPERT ADVICE TO THE TRUSTEE will be based on its proportion of the sum of Credit Years.

Ibid.

The trust requires "service providers" to have 501(c)3 tax status (as a not-for-profit organization) to "be designated as an incumbent provider," to be included on the trust's "Schedule of Planned Distributions," and ultimately to receive distributions. See *ibid.* Entities which lack such status do not qualify as local service agency beneficiaries under the trust. NURSECORE and/or NURSECORE OF SANTA BARBARA are ineligible to meet the designation of incumbent service provider and are not local service agency beneficiaries. BRIGHTSTAR and/or BRIGHTSTAR OF SANTA BARBARA are similarly ineligible to meet the designation of incumbent service provider and are not local service agency beneficiaries. The rights and interests of NURSECORE and/or NURSECORE OF SANTA BARBARA and BRIGHTSTAR and/or BRIGHTSTAR OF SANTA BARBARA in the trust terminate based on these findings of ineligibility. The court need not interpret and construct the term "local" in light of these findings.

With respect to the SUPPORTED LIVING SERVICES PROVIDERS, DEVEREUX-CALIFORNIA was the only designated incumbent service provider and had credit years from 2007–2016. There was no other incumbent provider with earned credit years; hence the pro-rata provision is inapplicable. This entity is entitled to the full 80% share of the 50% distribution to local service agencies.

With respect to the DAY HABILITATION SERVICES PROVIDERS, MOMENTUM/WORK, INC. formerly UCP/WORK, INC. was the only designated incumbent service provider from 2007–2025. There was no other incumbent provider with earned credit years; hence the pro-rata provision is inapplicable. This entity is entitled to the full 15% share of the 50% distribution to local service agencies.

With respect to the PROVIDERS OF EXPERT ADVICE TO THE TRUSTEE, CAPS was the designated incumbent service provider for 2007–2023. There was no other incumbent provider with earned credit years; hence the pro-rata provision is inapplicable. This entity is entitled to the full 5% share of the 50% distribution to local service agencies.

Petitioner shall prepare and lodge an appropriate order after hearing and shall serve a copy of the final order on all interested parties with an appropriate proof of service.

**10. PR0000667 In the Matter of CYNTHIA E. DELL**

Appearances are required. The parties shall be prepared to confirm the June 17, 2025 hearing regarding petitioner/administrator Morgan's February 14, 2025, petition to identify heirs (alleged heirs Roloff, Long and Webb) and his February 14, 2025 petition for instructions (regarding an alleged real property lease/purchase agreement with Roloff). Petitioner has presented a witness list with time estimates. Any other party presenting evidence shall be prepared to identify all witnesses and time estimates for the same.

**11. PR0000754 In the Matter of BONITA A. BRAND**

No appearances are required. The petition to administer the estate is granted as prayed. The court, upon reconsideration, concludes that notice to Grant Pitchess or any potential heir(s) of the same is not required. The will includes a provision that all beneficiaries must survive decedent for 45 days to receive property under the will. Given this expression of "contrary intention," any issue of Grant Pitchess, a deceased transferee, would not take in the transferee's place. See Probate Code section 2110 (b).