

PROBATE

CLASSIFICATION 1
EXECUTOR &
TRUSTEE

DE-121



FORM VAULT

Notice of Petition
Form DE-121

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| ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO.: 173807 NAME: Brendan P. Brewer FIRM NAME: Law Office of Brendan P. Brewer STREET ADDRESS: 950 Northgate Drive, Suite 202 CITY: San Rafael STATE: CA ZIP CODE: 94903 TELEPHONE NO.: 415.492.0590 FAX NO.: E-MAIL ADDRESS: Brendan@BrewerLawOffices.com ATTORNEY FOR (name): Petitioner MICHELE TANNER | | FILED BY FAX DE-111 ALAMEDA COUNTY February 03, 2022 CLERK OF THE SUPERIOR COURT By Milagros Cortez, Deputy CASE NUMBER: RP22120370 | |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA STREET ADDRESS: 2120 Martin Luther King, Jr. Way MAILING ADDRESS: 2120 Martin Luther King, Jr. Way CITY AND ZIP CODE: Berkeley, California 94704 BRANCH NAME: Berkeley Courthouse | | | |
| ESTATE OF (name): ANN MARY TANNER <div style="text-align: right;">DECEDENT</div> | | | |
| PETITION FOR <input type="checkbox"/> Probate of <input type="checkbox"/> Lost Will and for Letters Testamentary <input type="checkbox"/> Probate of <input type="checkbox"/> Lost Will and for Letters of Administration with Will Annexed <input checked="" type="checkbox"/> Letters of Administration <input type="checkbox"/> Letters of Special Administration <input type="checkbox"/> with general powers <input checked="" type="checkbox"/> Authorization to Administer Under the Independent Administration of Estates Act <input type="checkbox"/> with limited authority | | CASE NUMBER: HEARING DATE AND TIME: DEPT.: | |

1. Publication will be in (specify name of newspaper): Berkeley Voice

- a. Publication requested.
 b. Publication to be arranged.

2. **Petitioner (name each):**
 MICHELE TANNER

requests that

- a. decedent's will and codicils, if any, be admitted to probate.
 b. (name): MICHELE TANNER be appointed
 (1) executor
 (2) administrator with will annexed
 (3) administrator
 (4) special administrator with general powers and Letters issue upon qualification.
 c. full limited authority be granted to administer under the Independent Administration of Estates Act.
 d. (1) bond not be required for the reasons stated in item 3d.
 (2) \$ bond be fixed. The bond will be furnished by an admitted surety insurer or as otherwise provided by law. (Specify reasons in Attachment 2 if the amount is different from the maximum required by Prob. Code, § 8482.)
 (3) \$ in deposits in a blocked account be allowed. Receipts will be filed. (Specify institution and location):

3. a. Decedent died on (date): December 13, 2021 at (place): Berkeley, CA

- (1) a resident of the county named above.
 (2) a nonresident of California and left an estate in the county named above located at (specify location permitting publication in the newspaper named in item 1):

b. Decedent was a citizen of a country other than the United States (specify country):

c. Street address, city, and county of decedent's residence at time of death (specify):
 2777 9th Street #216, Berkeley, CA 94710, Alameda County

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| ESTATE OF (name): | ANN MARY TANNER DECEDENT | CASE NUMBER: |
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3. d. **Character and estimated value of the property of the estate** (complete in all cases):

- (1) Personal property: \$200000.00
- (2) Annual gross income from
- (a) real property: \$ 0.00
- (b) personal property: \$ 0.00
- (3) **Subtotal** (add (1) and (2)): \$ 200000.00
- (4) Gross fair market value of real property: \$ 0.00
- (5) (Less) Encumbrances: (\$ 0.00)
- (6) Net value of real property: \$ 0.00

(7) **Total** (add (3) and (6)): \$ 200,000.00

- e. (1) Will waives bond. Special administrator is the named executor, and the will waives bond.
- (2) All beneficiaries are adults and have waived bond, and the will does not require a bond. (Affix waiver as Attachment 3e(2).)
- (3) All heirs at law are adults and have waived bond. (Affix waiver as Attachment 3e(3).)
- (4) Sole personal representative is a corporate fiduciary or an exempt government agency.
- f. (1) Decedent died intestate.
- (2) Copy of decedent's will dated: codicil dated (specify for each):

are affixed as Attachment 3f(2). (Include typed copies of handwritten documents and English translations of foreign-language documents.)

The will and all codicils are self-proving (Prob. Code, § 8220).

- (3) The original of the will and/or codicil identified above has been lost. (Affix a copy of the lost will or codicil or a written statement of the testamentary words or their substance in Attachment 3f(3), and state reasons in that attachment why the presumption in Prob. Code, § 6124 does not apply.)

g. **Appointment of personal representative** (check all applicable boxes):

- (1) Appointment of executor or administrator with will annexed:
- (a) Proposed executor is named as executor in the will and consents to act.
- (b) No executor is named in the will.
- (c) Proposed personal representative is a nominee of a person entitled to Letters. (Affix nomination as Attachment 3g(1)(c).)
- (d) Other named executors will not act because of death declination other reasons (specify):

Continued in Attachment 3g(1)(d).

- (2) Appointment of administrator:
- (a) Petitioner is a person entitled to Letters. (If necessary, explain priority in Attachment 3g(2)(a).)
- (b) Petitioner is a nominee of a person entitled to Letters. (Affix nomination as Attachment 3g(2)(b).)
- (c) Petitioner is related to the decedent as (specify):
- (3) Appointment of special administrator requested. (Specify grounds and requested powers in Attachment 3g(3).)
- (4) Proposed personal representative would be a successor personal representative.

h. Proposed personal representative is a

- (1) resident of California.
- (2) nonresident of California (specify permanent address):

- (3) resident of the United States.
- (4) nonresident of the United States.

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ESTATE OF (name):

ANN MARY TANNER
DECEDENT

CASE NUMBER:

4. Decedent's will does not preclude administration of this estate under the Independent Administration of Estates Act.
5. a. Decedent was survived by (check items (1) or (2), and (3) or (4), and (5) or (6), and (7) or (8))
- (1) spouse.
- (2) no spouse as follows:
- (a) divorced or never married.
- (b) spouse deceased.
- (3) registered domestic partner.
- (4) no registered domestic partner. (See Fam. Code, § 297.5(c); Prob. Code, §§ 37(b), 6401(c), and 6402.)
- (5) child as follows:
- (a) natural or adopted.
- (b) natural adopted by a third party.
- (6) no child.
- (7) issue of a predeceased child.
- (8) no issue of a predeceased child.
- b. Decedent was was not survived by a stepchild or foster child or children who would have been adopted by decedent but for a legal barrier. (See Prob. Code, § 6454.)
6. (Complete if decedent was survived by (1) a spouse or registered domestic partner but no issue (only a or b apply), or (2) no spouse, registered domestic partner, or issue. (Check the **first** box that applies):
- a. Decedent was survived by a parent or parents who are listed in item 8.
- b. Decedent was survived by issue of deceased parents, all of whom are listed in item 8.
- c. Decedent was survived by a grandparent or grandparents who are listed in item 8.
- d. Decedent was survived by issue of grandparents, all of whom are listed in item 8.
- e. Decedent was survived by issue of a predeceased spouse, all of whom are listed in item 8.
- f. Decedent was survived by next of kin, all of whom are listed in item 8.
- g. Decedent was survived by parents of a predeceased spouse or issue of those parents, if both are predeceased, all of whom are listed in item 8.
- h. Decedent was survived by no known next of kin.
7. (Complete only if no spouse or issue survived decedent.)
- a. Decedent had no predeceased spouse.
- b. Decedent had a predeceased spouse who
- (1) died not more than 15 years before decedent and who owned an interest in **real property** that passed to decedent,
- (2) died not more than five years before decedent and who owned **personal property** valued at \$10,000 or more that passed to decedent, (If you checked (1) or (2), check only the **first** box that applies):
- (a) Decedent was survived by issue of a predeceased spouse, all of whom are listed in item 8.
- (b) Decedent was survived by a parent or parents of the predeceased spouse who are listed in item 8.
- (c) Decedent was survived by issue of a parent of the predeceased spouse, all of whom are listed in item 8.
- (d) Decedent was survived by next of kin of the decedent, all of whom are listed in item 8.
- (e) Decedent was survived by next of kin of the predeceased spouse, all of whom are listed in item 8.
- (3) neither (1) nor (2) apply.
8. Listed on the next page are the names, relationships to decedent, ages, and addresses, so far as known to or reasonably ascertainable by petitioner, of (1) all persons mentioned in decedent's will or any codicil, whether living or deceased; (2) all persons named or checked in items 2, 5, 6, and 7; and (3) all beneficiaries of a trust named in decedent's will or any codicil in which the trustee and personal representative are the same person.

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| ESTATE OF <i>(name)</i> : | ANN MARY TANNER DECEDENT | CASE NUMBER: |
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8. Name and relationship to decedent Age Address
 Michele Tanner, daughter Adult 2777 9th Street #216, Berkeley, CA 94710

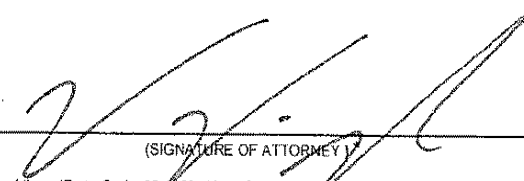
Continued on Attachment 8.

9. Number of pages attached: _____

Date: February 3, 2022

BRENDAN P. BREWER

 (TYPE OR PRINT NAME OF ATTORNEY)

▶ 

 (SIGNATURE OF ATTORNEY)

* (Signatures of all petitioners are also required. All petitioners must sign, but the petition may be verified by any one of them (Prob. Code, §§ 1020, 1021; Cal. Rules of Court, rule 7 103).)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: February 3, 2022

MICHELE TANNER

 (TYPE OR PRINT NAME OF PETITIONER)

▶ 

 (SIGNATURE OF PETITIONER)

 (TYPE OR PRINT NAME OF PETITIONER)

▶ _____
 (SIGNATURE OF PETITIONER)

Signatures of additional petitioners follow last attachment.

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| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): Brendan P. Brewer, SB#173807 Law Office of Brendan P. Brewer 950 Northgate Drive, Suite 202 San Rafael, CA 94903 TELEPHONE NO.: 415.492.0590 FAX NO. (Optional): E-MAIL ADDRESS (Optional): Brendan@BrewerLawOffices.com ATTORNEY FOR (Name): Petitioner MICHELE TANNER | FILED BY FAX ALAMEDA COUNTY February 03, 2022 CLERK OF THE SUPERIOR COURT By Milagros Cortez, Deputy CASE NUMBER: RP22120370 |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA STREET ADDRESS: 2120 Martin Luther King, Jr. Way MAILING ADDRESS: 2120 Martin Luther King, Jr. Way CITY AND ZIP CODE: Berkeley, California 94704 BRANCH NAME: Berkeley Courthouse | |
| ESTATE OF (Name): ANN MARY TANNER DECEDENT | CASE NUMBER: |
| DUTIES AND LIABILITIES OF PERSONAL REPRESENTATIVE and Acknowledgment of Receipt | |

DUTIES AND LIABILITIES OF PERSONAL REPRESENTATIVE

When the court appoints you as personal representative of an estate, you become an officer of the court and assume certain duties and obligations. An attorney is best qualified to advise you about these matters. You should understand the following:

1. MANAGING THE ESTATE'S ASSETS

a. Prudent investments

You must manage the estate assets with the care of a prudent person dealing with someone else's property. This means that you must be cautious and may not make any speculative investments.

b. Keep estate assets separate

You must keep the money and property in this estate separate from anyone else's, including your own. When you open a bank account for the estate, the account name must indicate that it is an estate account and not your personal account. Never deposit estate funds in your personal account or otherwise mix them with your or anyone else's property. Securities in the estate must also be held in a name that shows they are estate property and not your personal property.

c. Interest-bearing accounts and other investments

Except for checking accounts intended for ordinary administration expenses, estate accounts must earn interest. You may deposit estate funds in insured accounts in financial institutions, but you should consult with an attorney before making other kinds of investments.

d. Other restrictions

There are many other restrictions on your authority to deal with estate property. You should not spend any of the estate's money unless you have received permission from the court or have been advised to do so by an attorney. You may reimburse yourself for official court costs paid by you to the county clerk and for the premium on your bond. Without prior order of the court, you may not pay fees to yourself or to your attorney, if you have one. If you do not obtain the court's permission when it is required, you may be removed as personal representative or you may be required to reimburse the estate from your own personal funds, or both. You should consult with an attorney concerning the legal requirements affecting sales, leases, mortgages, and investments of estate property.

2. INVENTORY OF ESTATE PROPERTY

a. Locate the estate's property

You must attempt to locate and take possession of all the decedent's property to be administered in the estate.

b. Determine the value of the property

You must arrange to have a court-appointed referee determine the value of the property unless the appointment is waived by the court. You, rather than the referee, must determine the value of certain "cash items." An attorney can advise you about how to do this.

c. File an inventory and appraisal

Within four months after Letters are first issued to you as personal representative, you must file with the court an inventory and appraisal of all the assets in the estate.

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| ESTATE OF (Name): ANN MARY TANNER DECEDENT | CASE NUMBER: |
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d. File a change of ownership

At the time you file the inventory and appraisal, you must also file a change of ownership statement with the county recorder or assessor in each county where the decedent owned real property at the time of death, as provided in section 480 of the California Revenue and Taxation Code.

3. NOTICE TO CREDITORS

You must mail a notice of administration to each known creditor of the decedent within four months after your appointment as personal representative. If the decedent received Medi-Cal assistance, you must notify the State Director of Health Services within 90 days after appointment.

4. INSURANCE

You should determine that there is appropriate and adequate insurance covering the assets and risks of the estate. Maintain the insurance in force during the entire period of the administration.

5. RECORD KEEPING

a. Keep accounts

You must keep complete and accurate records of each financial transaction affecting the estate. You will have to prepare an account of all money and property you have received, what you have spent, and the date of each transaction. You must describe in detail what you have left after the payment of expenses.

b. Court review

Your account will be reviewed by the court. Save your receipts because the court may ask to review them. If you do not file your accounts as required, the court will order you to do so. You may be removed as personal representative if you fail to comply.

6. CONSULTING AN ATTORNEY

If you have an attorney, you should cooperate with the attorney at all times. You and your attorney are responsible for completing the estate administration as promptly as possible. **When in doubt, contact your attorney.**

NOTICE: 1. This statement of duties and liabilities is a summary and is not a complete statement of the law. Your conduct as a personal representative is governed by the law itself and not by this summary.
 2. If you fail to perform your duties or to meet the deadlines, the court may reduce your compensation, remove you from office, and impose other sanctions.

ACKNOWLEDGMENT OF RECEIPT

1. I have petitioned the court to be appointed as a personal representative.
2. My address and telephone number are (specify):
2777 9th Street #216, Berkeley, CA 94710
510.520.1324
3. I acknowledge that I have received a copy of this statement of the duties and liabilities of the office of personal representative.

Date: February 3, 2022

MICHELE TANNER
(TYPE OR PRINT NAME)

▶ 

(SIGNATURE OF PETITIONER)

Date:

(TYPE OR PRINT NAME)

▶ _____
(SIGNATURE OF PETITIONER)

CONFIDENTIAL INFORMATION: If required to do so by local court rule, you must provide your date of birth and driver's license number on supplemental Form DE-147S. (Prob. Code, § 8404(b).)