

Court of Appeal, First Appellate District, Division Four - No. A168483

S285035

IN THE SUPREME COURT OF CALIFORNIA

En Banc

SUPREME COURT
FILED

LISA WASHINGTON, Plaintiff and Appellant,

JUL 17 2024

Jorge Navarrete Clerk

v.

JOSEPH LEE WASHINGTON, Defendant and Respondent.

Deputy

The petition for review is denied.

GUERRERO

Chief Justice

Filed 4/11/24

NOT TO BE PUBLISHED IN OFFICIAL REPORTS

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION FOUR

LISA WASHINGTON,
Plaintiff and Appellant,
v.
JOSEPH LEE WASHINGTON,
Defendant and Respondent.

A168483

(Alameda County Super.
Ct. No. RP20083718)

MEMORANDUM OPINION¹

Lisa Washington (Washington) appeals the probate court's approval of final distributions and payments from the estate of her aunt, who died intestate. Washington's brother, Joseph Lee Washington, was the estate's administrator. He filed a "First and Final Account and Report of Administrator, Petition for Approval of Statutory Commissions, Attorney Fees, Extraordinary Fees and Final Distribution," to which Washington objected. At the conclusion of a hearing in July 2023 at which Washington did not appear, the court entered the challenged order approving the distributions and fees requested.

¹ We resolve this case by a memorandum opinion pursuant to the California Standards of Judicial Administration, section 8.1.

EXHIBIT A

Although Washington does not have a lawyer representing her in this appeal, "the rules apply to a party appearing in propria persona as to any other party." (*Flores v. Department of Corrections & Rehabilitation* (2014) 224 Cal.App.4th 199, 205.) Much of the fact section of Washington's opening brief consists of unsupported allegations of a conspiracy involving, among others, the administrator's counsel, probate court judges, clerks and justices of this court, the justices of the California Supreme Court, an insurance company, the military, the Department of Homeland Security, the CIA, the FBI, two federal judges, the California Highway Patrol, and the police departments of several East Bay cities. The argument section alleges that some or perhaps all of these people and entities violated the federal Racketeer Influenced and Corrupt Organizations Act (RICO), 18 U.S.C. § 1961 et seq., and obstructed justice; it also cites Penal Code statutes on attempt and aiding and abetting. We are required to presume that the result in the probate court was correct, and Washington's allegations do not amount to a legal argument, supported by citations to the record and appropriate authority, that could satisfy her burden of showing error. (See *Singman v. IMDB.com, Inc.* (2021) 72 Cal.App.5th 1150, 1151; *United Grand Corp. v. Malibu Hillbillies, LLC* (2019) 36 Cal.App.5th 142, 153; *Paterno v. State of California* (1999) 74 Cal.App.4th 68, 106; Cal. Rules of Court, rule 8.204(a)(1)(B), (C).)

The fact section also contains an assertion that the probate court lacked jurisdiction because, when it held the hearing on the administrator's Petition and issued the order approving it, Washington had a petition for review pending before the California Supreme Court in her prior appeal of the order confirming the sale of her aunt's real property. (See *Washington v. Washington* (May 30, 2023, No. A166079) [2023 Cal. App. Unpub. Lexis

3118].² An argument made only in passing in an opening brief's statement of facts is forfeited. (*Doe v. McLaughlin* (2022) 83 Cal.App.5th 640, 653.) Even if we were to consider it, what Washington offers is insufficient. When there is a stay pending appeal, "the trial court is divested of" subject matter jurisdiction over any matter embraced in or affected by the appeal during the pendency of that appeal." (*Varian Medical Systems, Inc. v. Delfino* (2005) 35 Cal.4th 180, 196–197.) But Washington's briefing does not address whether there was a stay in the prior appeal (see Prob. Code § 1310), and it appears from the record that her aunt's house had already been sold pursuant to the court's order weeks before Washington filed her notice of appeal on August 16, 2022, of which we take judicial notice.³ As a result, any stay would have been ineffective, and Washington does not identify a mechanism by which the prior appeal could undo a sale that had already occurred. Because Washington has not addressed how, under these circumstances, the order at issue in this appeal could have affected the prior order approving the sale, she has not carried her burden to show that the court lacked jurisdiction to enter it. (See *Varian*, at p. 189.)

² The Supreme Court did not deny the petition for review until September 2023, and the remittitur from this court could not issue until after it had done so. (*Washington v. Washington* (Sept. 13, 2023, No. S280890) [2023 Cal. Lexis 5234]; Cal. Rules of Court, rule 8.272(b)(1)(A).)

³ For the first time at oral argument, Washington asserted that the probate court granted a motion to stay pending appeal, but no such motion or order granting it appears in the record. We were subsequently able to locate an ex parte motion to stay the sale pending appeal (which bears a stamp from the clerk indicating that it was filed on August 19, 2022) in the record filed with her prior appeal, and although no order on the motion is included, the register of actions appended to that record appears to show that it was granted on August 25, 2022. By then, however, the sale had already been completed, and we do not know whether the probate court was ever made aware of that fact.

DISPOSITION

The probate court's order is affirmed. The parties shall bear their own costs on appeal.

GOLDMAN, J.

WE CONCUR:

STREETER, Acting P. J.
HITE, J. *

* Judge of the Superior Court of the City and County of San Francisco, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.



FILED
ALAMEDA COUNTY

JUL 10 2023

By [Signature]

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SUPERIOR COURT OF CALIFORNIA
COUNTY OF ALAMEDA

In re

ESTATE OF SARAH A. DANIELS.

Case No.: RP20083718

ORDER ON FIRST AND FINAL
ACCOUNT AND REPORT OF
ADMINISTRATOR, PETITION FOR
APPROVAL OF STATUTORY
COMMISSIONS, ATTORNEY FEES,
EXTRAORDINARY FEES AND FINAL
DISTRIBUTION

[Prob. Code §§ 1060, 10800, 10810, 11640,
et seq]

Date:
Time:
Dept:

Petitioner, JOSEPH WASHINGTON, as administrator of the estate of SARAH A. DANIELS, the deceased, had his First and Final Account and Report of Administrator, Petition for Approval of Statutory Commissions, Attorney Fees, Extraordinary Fees and for Final Distribution heard on 7-10-2023 in Department 702 before the Honorable C. Don Clay Judge, presiding.

After said hearing, the Court makes the following findings and orders:

1. **Date of Death:** SARAH A. DANIELS died intestate on 11/20/2020, at Modesto, CA. The decedent was a resident of Alameda County in California.
2. **Appointment of Administrator:** Petitioner qualified and was duly appointed the administrator of decedent's estate on 5/25/2021.
3. **Independent Administration of Estates Act:** Petitioner was granted full authority to administer this estate under the Independent Administration of Estates Act.
4. **Administration Completed:** Petitioner has performed all duties required of him.

as administrator of the estate of the decedent. All debts of the estate and costs of administration incurred to date have been paid. The estate is in condition to be closed.

5. **Creditor Claims**: Petitioner complied with Probate Code Sections 9050 and 9200 *et seq.* by executing the requisite notices and making all reasonable efforts to ascertain creditors.

6. **Character of Estate Property**: The property which is proposed to be distributed is the separate property of the decedent.

7. **Period of Account**: This first and final account covers the period from the date of death through 8/31/2022.

8. **Inventory & Appraisal**: All inventories and appraisals filed in this case represented all the assets that Petitioner knew about and of which came into his possession.

9. **Real and Personal Property Taxes**: All real and personal property taxes due and payable by the estate have been paid.

10. **Federal or State Estate Tax**: The estate is not of sufficient value to require the filing of a federal or a state estate tax return.

11. **California and Federal Income Taxes**: No personal income taxes from the State of Federal government were owed by decedent. All federal and California taxes due and payable by the estate have been or will be paid prior to Order for Final Discharge.

12. **Notice to the Department of Health Services**: Notice of these proceedings was given to the Department of Health Services as required by law. No claim was filed by the Department of Health Services and the time to file a claim against the estate has expired.

13. **Notice to the Franchise Tax Board**: Notice of these proceedings was given to the Franchise Tax Board as required. No claim was filed by the Franchise Tax Board and the time to file a claim against the estate has expired.

14. **Notice to the Victim Compensation Board**: Notice of these proceedings was given to the Victim Compensation Board for all known heirs that have been known to have been incarcerated, which were none. No claim was filed by the Victim Compensation Board.

15. **Notice to Public Entities**: Petitioner has no knowledge of any public entity to which notice is required under Probate Code section 9201(a).

16. **Preliminary Distributions**: No preliminary distributions were made.

17. **Beneficiaries/Heirs**: The following heirs and interested parties are entitled to notice as follows:

Name and Relationship	Address
Evelyn Washington, Sister	708 Maul Rd, Chandler Arkansas 71701
Joseph Washington, Nephew	6000 Morse Drive, Oakland CA 94605
Wanda Hudson, Niece	8120 Power Inn Rd, #203 Sacramento CA 95828
Karah Jackson, Niece	11225 N. 112th East Ave., Owasso OK 74055
Naomi Washington, Niece	1412 Sycamore Spring Ct, Las Vegas NV 89128
Kathy Washington, Niece	4508 Laura Way, Union City CA 94717
Lisa Washington, Niece	2342 Shattuck Ave Berkeley CA 94704
Paul A. Thompson, Great Nephew	1077 Oakwood Ave #4 Vallejo CA 94591
Kimberly Thompson, Great Niece	518 E. 600 th St Apt B-2 Salt Lake City UT 84102
Nyisha Thompson, Great Niece	708 Sycamore St., Oakland CA 94612
Pamela Thompson, Niece	2312 Yorkton Ave, Apt 1 Modesto CA 953504
Carl Paschal, Great Nephew	644 Porter St., Vallejo CA 94590
Sjvarr Paschal, Great Nephew	644 Porter St. Vallejo CA 94590
Tygin Paschal, Great Nephew	644 Porter St., Vallejo CA 94590
Laishia Pascha, Great Niece	644 Porter St Vallejo CA 94590
Brommia Paschal, Great Niece	644 Porter St., Vallejo CA 94590
Zion Paschal, Great Nephew	644 Porter St., Vallejo CA 94590

18. Request for Special Notice: The Department of Health filed a request for Special Notice but subsequently withdrew it.

19. Relationship: There was no family or affiliate relationship between petitioner and any person hired to render services on behalf of the estate.

20. Assets on Hand and Remaining Distribution: The calculation of asset value available for distribution between the heirs at the end of the accounting period, is listed below in the following chart:

+/-	Description	Amount
+	Cash on Hand (Includes Schedule A Receipts)	\$137,506.89
	Personal Property	N/A
	Compensation to Petitioner	\$15,335.30
	Compensation to Attorney	\$15,335.30
	Extraordinary Services	\$4,630.00
	Reimbursement	\$399.00
	Reserve Fund	\$9,545.40
	Available Value Distribution to Heirs	\$92,261.89

IT IS HEREBY ORDERED, DECREED, AND ADJUDGED that:

I. The administration of this estate is closed, and the first and final account of the petitioner as administrator is allowed and approved as filed;

- A 1/6 split share to Zion Paschal in the amount of \$1,708.55

VIII. Any other property of the estate of the estate not now known, or later discovered, that the estate has an interest in, shall be distributed, without further court order as follows:

One share to Eveyln Washington;

One share to the heirs of Joseph Washington Sr. as follows:

- A 1/6 split share to Joseph Washington
- A 1/6 split share to Wanda Hudson
- A 1/6 split share to Karah Washington
- A 1/6 split share to Kathy Washington
- A 1/6 split share to Naomi Washington
- A 1/6 split share to Lisa Washington

One share to the heirs of Paul Thompson Sr. as follows:

- A 1/3 share to Pamela Thompson
- A 1/3 split share to the heirs of Paul Thompson Jr. as follows:

- A 1/3 split share to Paul Thompson
- A 1/3 split share to Kimberly Thompson
- A 1/3 split share to Nyisha Thompson

- A 1/3 split share to the heirs of Nancy Thompson as follows:

- A 1/6 split share to Carl Paschal
- A 1/6 split share to Sjvarr Paschal
- A 1/6 split share to Tygin Paschal
- A 1/6 split share to Laisha Paschal
- A 1/6 split share to Brommia Paschal
- A 1/6 split share to Zion Paschal

IT IS SO ORDERED.


Judge of the Superior Court


Date

C. Don Clay