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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

Estate of SUN MI CHOI, Deceased.	B298467 (Los Angeles County Super. Ct. No. 19STPB01790)
ALBERT LEE, Petitioner, v. BRIAN HOYSUNG PARK, Objector and Appellant; JODI PAIS MONTGOMERY et al., Real Parties in Interest and Respondents.	

APPEAL from orders of the Superior Court of Los Angeles County, Elizabeth A. Lippitt, Judge. Affirmed.

Lurie, Zepeda, Schmalz, Hogan & Martin, Steven L. Hogan and M. Damien Holcomb for Objector and Appellant.

No appearance for Petitioner.

Weinstock Manion, Diane Y. Park; Greines, Martin, Stein & Richland, Cynthia E. Tobisman and Laurie J. Hepler for Real Parties in Interest and Respondents.

Objector Brian Hoysung Park (Park) appeals from May 14 and May 21, 2019 probate court orders appointing two private professional fiduciaries as general administrators for the estate of Sun Mi Choi (Decedent). Park asserts he was Decedent's fiancé and business partner. He contends the court erred in overruling his objections to the professional fiduciaries, who after their initial appointment placed Park on unpaid leave based on evidence he engaged in fiscal and potentially criminal wrongdoing at the Decedent's businesses. Park asserts the errors include the probate court not considering his objections to the appointment, the failure to hold an evidentiary hearing on his objections, and a lack of evidence supporting the appointment.

Respondents, professional fiduciaries Jodi Pais Montgomery (Montgomery) and David Berrent (Berrent), argue that Park does not have standing to object to their appointment. They further assert Park forfeited any right to an evidentiary hearing by failing to request one before the probate court, that any failure to hold an evidentiary hearing was harmless given the immateriality of the purportedly contested issues to the appointment, and that sufficient evidence exists supporting the appointment.

Because we find no error, we affirm.

BACKGROUND

A. The Estate

Decedent died intestate on February 9, 2019. She is survived by three minor children, who live with her ex-husband, Albert Lee (Lee).

Decedent's estate includes ownership interests in two clothing companies, Chas Group, Inc. (Chas) and Amberboa, Inc. (Amberboa) (collectively, the Businesses). The estate also includes a house in Hancock Park (the Residence), where Decedent lived with Park.

The parties agree that between 2014 and 2018, Decedent owned one hundred percent of the Businesses. Park contends that in or about January 2017, he began working as a consultant to the Businesses and increased their revenues by 200 to 300 percent. Park claims that because he "had helped [to] build [the Businesses] to the successful operation it was becoming and [his] future involvement was crucial to its success," Decedent gave Park 50 percent of the Businesses, effective January 1, 2018. Park acknowledges this purported ownership interest is not reflected in the corporate books and records of Chas or Amberboa.

Park asserts that he and Decedent agreed Park would serve as chief financial officer and secretary of Chas, and chief executive officer of Amberboa, and that he would be a director of both companies. After transitioning from consultant to chief executive officer and chief financial officer, Park asserts he was in charge of the day-to-day operations of the Businesses, and their approximately 30 employees.

As to the Residence, Park claims he and Decedent purchased the home together in 2018. An October 2018 grant deed conveys the Residence to "Park and [Decedent], husband

and wife as Community Property," although it is undisputed that Park and Decedent were never married. In the probate court, the professional fiduciaries disputed Park's ownership in the Residence, contending that "in late 2018, about $1.3 million was transferred from Chas to Amberboa to escrow for the purchase of the [Residence;] . . . all [the] funds for the purchase of the [Residence] came from the Businesses, of which the Decedent was 100 [percent] owner, and the subject deed has no survivorship right. In fact, the [Residence] in all likelihood belongs entirely to the [e]state."

B. Lee and Park Agree to the Professional Fiduciaries' Appointment as Special Administrators

On February 25, 2019, Lee initiated probate proceedings by filing a petition to be appointed as special administrator of Decedent's estate. "A special administrator is a person appointed to administer a decedent's estate until a general personal representative—an executor, an administrator, or an administrator with the will annexed—can be appointed." (Gold, et al., Cal. Civil Practice: Probate and Trust Proceedings, § 8:1.) Park and Lee filed numerous pleadings relating to Lee's petition, including Park's preliminary opposition, Lee's supplement to his petition, Park's supplement to his objection, Lee's second supplement to his petition, and evidentiary objections to declarations filed in support of each party's papers. As part of those objections, Park requested that if the court was inclined to appoint a special administrator, it should not be Lee but instead a neutral professional fiduciary.

At the hearing on Lee's petition to appoint a special administrator, the probate court acknowledged the parties' factual disputes about Lee's fitness to serve as special

administrator could require an evidentiary hearing; it accordingly inquired whether the parties would consider the more expedient alternative of appointing professional fiduciaries Montgomery and Berrent as special administrators instead of Lee. Park and Lee then stipulated to the appointment of Montgomery and Berrent as special administrators.

Accordingly, on March 25, 2019, the court issued an order (the March 25 order) appointing Montgomery and Berrent as special administrators until the hearing for the appointment of a general administrator, which was scheduled for May 14, 2019. The March 25 order also enumerated the professional fiduciaries' powers as special administrators, to which the parties had agreed. As pertinent here, they included having the sole power on behalf of the estate to operate and manage the Businesses, unlimited access to records of the Businesses, and the authority to engage persons to assist in the management of the Businesses. The special administrators were not to deny any person with current access to business records continued access to such records in the ordinary course of business "without cause."

C. Park Is Placed on Investigative Leave

On or about April 20, 2019, Berrent informed Park via letter that Park was "placed on immediate, unpaid investigative leave" from the Businesses "based on credible evidence obtained in the course of an ongoing investigation of financial activities in connection with Chas and Amberboa, . . . indicating substantial, improper financial transactions conducted by [Park], authorized by [Park], or with [Park's] knowledge." Park was also denied access to the Businesses' bank accounts, computer systems, and physical premises. Berrent stated the investigative leave and related orders while the investigation continued were "a prudent

and necessary action in the interest of maintaining the financial viability of Chas and Amberboa."

D. Park Responds By Seeking to Suspend the Powers of the Special Administrators

On April 30, 2019, Park filed an ex parte application for, inter alia, an order suspending the powers of the special administrators under Probate Code section 9614 (section 9614 petition).[1] In his section 9614 petition, Park argued that the professional fiduciaries exceeded their authority under the March 25 order when they denied Park access to viewing the Businesses' banking transactions and security system videos, placed Park and other employees on unpaid investigative leave, "broke into Park's . . . private office" at the Businesses, hacked into his computer and personal email account, acted beyond what he asserted was Decedent's 50 percent shareholder interest in the Businesses, engaged in acts that only directors or officers should perform, and hired legal counsel and a new chief executive officer for the Businesses. Park also argued the professional fiduciaries wasted the estate's assets by opining as to Park's ownership claims, accusing Park of committing accounting irregularities, and placing Park on investigative leave.

Lee and the professional fiduciaries/special administrators filed objections to the section 9614 petition. They argued, inter alia, that (1) Park lacked standing under section 9614 to seek an order suspending the special administrators; and (2) the special administrators' actions fell squarely within their powers

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[1] All unspecified statutory references are to the Probate Code.

enumerated in the court's March 25 order, to which Park had stipulated.

Further, Berrent swore in his declaration that neither he, Montgomery, nor any of their agents accessed or hacked Park's personal email account; rather, they only secured the business computer Park used. Additionally, the professional fiduciaries advised the probate court they would provide the security video to Park after the footage had been downloaded.

The professional fiduciaries also set forth in detail that since their appointment as special administrators, they uncovered that the Businesses violated customs laws, undervalued inventory in tax returns, and violated labor laws under Park's management. Further, they "discovered evidence that Park likely has embezzled funds belonging to the Businesses, and likely ha[d] engaged in money laundering," as well as engaging in other harmful acts against the Businesses.

At the May 8, 2019 hearing on the section 9614 petition, the court determined that "the issue of [Park's] standing need[ed] to be addresse[d] prior to any additional matters."[2] Thus, the court set a briefing schedule and set a hearing concerning Park's standing for May 20, 2019.

E. The Appointment of General Administrators

On April 15, 2019, Lee amended his pending petition for appointment of general administrators to request that the court

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[2] Although a court reporter was present, the record does not include any reporter's transcript for the May 8, 2019 hearing; the record does, however, contain the minute order from that hearing reflecting the court's determinations.

appoint Decedent's sister in addition to Montgomery and Berrent as general administrators (the General Administrator Petition).

On May 10, 2019, Park filed objections to the General Administrator Petition. Park did not object to the appointment of Decedent's sister. Rather, Park objected to the professional fiduciaries' appointment as general administrators, making the same arguments and attaching the same 74 pages of declarations and exhibits that made up his section 9614 petition. The evidence submitted with the objections included a declaration from Park that did not deny any of the wrongdoing identified by the special administrators. Park's objections did not include any request for an evidentiary hearing.

On May 13, 2019, Lee filed evidentiary objections to one declaration (from an accountant and tax preparer) that Park had submitted as part of his objections to the General Administrator Petition. Lee did not file a reply to Park's pleading.

At the May 14, 2019 hearing on the General Administrator Petition, Park requested an opportunity to be heard out of concern that the probate court had not reviewed his written objections, which had been filed four days earlier: "Our objection that was filed on Friday hasn't been integrated into the probate notes . . . . There are also probate note[s] [that need] to be cleared . . . . So we need [an] opportunity to be heard on our objections . . . . We just need to have the petitioner clear [his] probate note[s], and we need to have a probate attorney process our objections. So we need to—so then our client can be heard."

Upon the court's indication that it was ready to go forward on the merits of the appointment request, Park's attorney again expressed concern "our objection[s] haven't been reviewed by the court, the probate attorney. We request a continuance so that the

court would have argument [on] points and issues that are raised in our objections, your honor. I think there would be a due process violation to appoint the general administrator without having our client [being] given the opportunity to be heard."

In response, the court indicated it understood counsel's point about the need to consider the objections, accessed Park's objections online, and indicated it was looking at them. Responding to arguments from Lee's counsel that Park's employment issues were for an employment case and not within the probate court's bailiwick, Park's attorney stated the probate court would eventually need to address those issues. She argued that the issue of whether it was Park or the Decedent who committed the alleged wrongful acts required evidence and a trial: "Whether or not [Park objecting to the General Administrator Petition] is a retaliation [for being placed on investigative leave], there should be a hearing. We cannot determine without any evidence, and all the wrongdoing—money laundering, all these things—those are the conduct done by the Decedent. . . . So we will find out when there is a trial, but there should be discovery. There should be [a] final status conference. There should be a trial, trial setting conference. It's a long way[ ] from today." Park's counsel then clarified that while "[t]here will be—there should be a trial setting conference whether or not who is doing wrong, but we are solely talking about the appointment issue today, your honor."

Thereafter, the probate court appointed Decedent's sister and the professional fiduciaries as general administrators, finding "that sufficient evidence has been provided to grant the matter on calendar this date based upon the reading of the moving papers and consideration of all presented evidence." The

court also stated for the record that it had reviewed Lee's five evidentiary objections to the declaration of the accountant/tax preparer submitted as part of Park's objections to the General Administrator Petition, and sustained each of those evidentiary objections.

On May 15, 2019, Park withdrew as moot his section 9614 petition to suspend the powers of the special administrators because the special administrator appointment expired on May 14, 2019, and the hearing scheduled on that petition was taken off calendar.

On May 21, 2019, the probate court filed its order appointing Montgomery and Berrent, as well as Decedent's sister, as general administrators.

This timely appeal of the May 14 and May 21, 2019 orders appointing the professional fiduciaries as general administrators followed.

DISCUSSION

A. Park's Standing to Object

As the parties to this appeal contest it, we discuss first the threshold issue of Park's standing to object to the professional fiduciaries' appointment as general administrators. Under the Probate Code, an "interested person" has standing to object to the appointment of administrators. (§ 1043, subds. (a), (b).) An " 'interested person' " is defined as "[a]n heir, devisee, child, spouse, creditor, beneficiary, and any other person having a property right in or claim against a trust estate or the estate of a decedent which may be affected by the proceeding." (§ 48, subd. (a)(1).)

"The meaning of 'interested person' as it relates to particular persons may vary from time to time and shall be

determined according to the particular purposes of, and matter involved in, any proceeding." (§ 48, subd. (b).) Section 48 gives the probate court flexibility in determining whether to permit a party to participate as an interested party. (*Estate of Sobol* (2014) 225 Cal.App.4th 771, 782.) " 'Subdivision (b) [of section 48] allows the court to determine the sufficiency of that party's interest for the purposes of each proceeding conducted. Thus, a party may qualify as an interested person entitled to participate for purposes of one proceeding but not for another.' " (*Ibid.*)

Here, the trial court implicitly determined that Park had standing to object to the appointment of the professional fiduciaries as general administrators. The court permitted Park to file objections and for his counsel to be heard at the hearing. The court considered Park's objections (which included declarations and other evidence) and argument from counsel, and it sustained evidentiary objections to some of the evidence Park presented. Had the court believed Park did not have standing to contest the appointment, it would not have done any of these things.

We review the probate court's finding of standing under section 48 for abuse of discretion. (*Estate of Sobol*, *supra*, 225 Cal.App.4th at p. 782.) The professional fiduciaries demonstrate no such abuse here. A person who makes a prima facie showing that he is an "interested person" should be given an opportunity to be heard, even if that person may ultimately not receive any part of the estate. (*Estate of Lind* (1989) 209 Cal.App.3d 1424, 1435.) " 'Prima facie evidence is that which suffices for the proof of a particular fact, until contradicted and overcome by other evidence.' " (*Meyer v. Glenmoor Homes, Inc.* (1966) 246 Cal.App.2d 242, 251; see also *Estate of Woodson* (1939) 36

Cal.App.2d 77, 80 ["Prima facie evidence is not conclusive evidence; it simply denotes that the evidence may suffice as proof of a fact until or unless contradicted and overcome by other evidence" (italics omitted)].)

The professional fiduciaries argue Park does not have standing because (1) Park did not file a formal claim of ownership in the Businesses under section 850 prior to the probate court's general administrator appointment order, and (2) Park does not cite anything in the record to support his claim of ownership in the Businesses. The professional fiduciaries do not direct us to any authority requiring that a party must file a section 850 petition to be deemed an interested person. Given a probate court's "flexibility in determining whether to permit a party to participate as an interested party" (*Estate of Sobol*, *supra*, 225 Cal.App.4th at p. 782), the probate court was within its discretion not to require a section 850 petition as a prerequisite here.

Nor is it correct that Park supplied no evidence of his alleged interest in the Businesses.[3] Park submitted a declaration in which he swore Decedent gave him 50 percent of the Businesses, a tax voucher indicating his role in paying taxes for one of the Businesses, and text messages between himself and Decedent discussing Park's potential ownership in the

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[3] Although Park also claimed an ownership interest in the Residence, his objections to the appointment of the general administrators pertained solely to issues with the Businesses. As Park's asserted interest in the Residence did not necessarily confer standing to participate in aspects of the probate proceeding unrelated to the Residence, we focus only on the prima facie evidence related to his alleged interest in the Businesses.

Businesses. The trial court therefore did not abuse its discretion in conferring standing upon Park to object to the appointment of the professional fiduciaries as general administrators, and Park similarly has standing to argue on appeal his objections to that appointment.[4]

B. The Court Did Not Err in Rejecting Park's Objections

We review the decision to appoint an administrator for an abuse of discretion. (*Estate of Sapp* (2019) 36 Cal.App.5th 86, 103.) We review the court's findings of fact underlying its discretionary decision for substantial evidence. (*Id.* at p. 104.) "A judgment or order of a lower court is presumed to be correct on appeal, and all intendments and presumptions are indulged in favor of its correctness." (*In re Marriage of Arceneaux* (1990) 51 Cal.3d 1130, 1133.) It is Park's " ' "responsibility to affirmatively demonstrate error." ' " (*Target Corp. v. Golden State Ins. Co. Ltd.* (2019) 41 Cal.App.5th 13, 19.)

1. *Purported Failure to Consider Objections*

Park first suggests the probate court may have failed to consider the objections he filed to the professional fiduciaries' appointment as general administrators. We reject this suggestion. The record reflects that the probate court considered Park's objections; indeed, it explicitly referenced during the hearing that it was reviewing them. Further, the court's minute order reflects that its appointment decision was based on

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[4] As "[t]he meaning of 'interested person' . . . may vary from time to time and shall be determined according to the particular purposes of, and matter involved in, any proceeding" (§ 48, subd. (b)), we do not opine whether Park has standing for any purpose beyond the single hearing at issue in this appeal.

"consideration of all presented evidence," which included Park's objections and the evidence attached to them. Park essentially implies the court spent insufficient time reviewing his pleading. Putting aside that Park's objections contained the same arguments and included the same exhibits as the section 9614 petition that the court had considered just the week prior, a similarity that can be quickly observed, we will not presume the court's review was insufficient.

2. *The Court Did Not Err By Not Holding an Evidentiary Hearing*

Park next argues the court improperly denied him an evidentiary hearing. He argues we should review that issue de novo because it raises due process concerns. Park acknowledges, however, that case law states the denial of an evidentiary hearing is reviewed under an abuse of discretion standard. (E.g., *Estate of Lensch* (2009) 177 Cal.App.4th 667, 676.) Given the absence of persuasive authority that we should depart from the established standard of review, we follow *Estate of Lensch* and review for an abuse of discretion.

Park argues an evidentiary hearing was required because the proceeding at issue was contested, and he requested one. A party's right to an evidentiary hearing in a contested probate proceeding flows from section 1022, which provides that "[a]n affidavit or verified petition shall be received as evidence when offered in an uncontested proceeding." (§ 1022.) The Probate Code does not include a provision "authorizing the substitution of affidavits for oral evidence in a contested probate proceeding." (*Estate of Fraysher* (1956) 47 Cal.2d 131, 135.) "Thus when challenged in a lower court, affidavits and verified petitions may not be considered as evidence at a contested probate hearing."

(*Evangelho v. Presoto* (1998) 67 Cal.App.4th 615, 620.) "However, where the parties do not object to the use of affidavits in evidence, and where both parties adopt that means of supporting their positions, the parties cannot question the propriety of the procedure on appeal." (*Estate of Nicholas* (1986) 177 Cal.App.3d 1071, 1088.)

We consider Park's conduct to determine whether it indicated an intent to rely on verified pleadings and affidavits, or to request an evidentiary hearing. (*Estate of Lensch*, *supra*, 177 Cal.App.4th at pp. 672, 677 [error not to hold evidentiary hearing where appellant expressly requested an evidentiary hearing three times]; *McMillian v. Stroud* (2008) 166 Cal.App.4th 692, 705-706 [no error in failing to hold evidentiary hearing where appellant neither expressly requested an evidentiary hearing nor made an offer of proof establishing the necessity for such a hearing]; *Estate of Bennett* (2008) 163 Cal.App.4th 1303, 1309-1310 [error to deny evidentiary hearing where appellant requested evidentiary hearing both in his written objections and during oral argument]; *Estate of Baldwin* (1973) 34 Cal.App.3d 596, 606-607 [party waived right to evidentiary hearing because it neither filed written objections to opponent's evidence nor requested an evidentiary hearing].)

Park's objections did not request an evidentiary hearing, nor did they object to the admissibility of Lee's verified petition seeking appointment of general administrators. Lee, for his part, objected to consideration of a portion of one declaration submitted by Park on hearsay and other grounds, but did not request an evidentiary hearing. At the hearing itself, Park's counsel requested an opportunity to argue the written objections submitted to the court to make sure the court fully considered

them—in other words, urging the court to consider and rely on the declarations and other evidence submitted as part of those declarations. Park did not ask to present further evidence, cross-examine Lee on his verified petition, or otherwise to have an evidentiary hearing. In requesting the opportunity for further attorney argument, counsel stated: "There are also probate note[s] [that need] to be cleared . . . . So we need [an] opportunity to be heard on our objections. . . . We just need to have the petitioner clear [his] probate note[s], and we need to have a probate attorney process our objections. So we need to—so then our client can be heard"; and "our objection haven't [*sic*] been reviewed by the court, the probate attorney. We request a continuance so that the court would have argument [on] points and issues that are raised in our objections, your honor. I think there would be a due process violation to appoint the general administrator without having our client [be] given the opportunity to be heard."

In response, the court acknowledged its need to review Park's objections, and did so. Park's counsel then disputed Park was involved in wrongdoing, blamed the misconduct uncovered by the professional fiduciaries on the Decedent, and said the ultimate issues concerning wrongdoing would be resolved at trial which is "a long way[ ] from today." She then reiterated such a trial was a separate issue from appointment and "we are solely talking about the appointment issue today, your honor." These statements cannot reasonably be read, nor could the trial court reasonably have interpreted them, as requesting an evidentiary hearing.

Park accordingly forfeited any right to an evidentiary hearing by not objecting to the verified petition, adopting his own

affidavits as the basis for his objections, and not requesting an evidentiary hearing. We further note that there were no factual issues in dispute material to the determination of the petition that necessitated a hearing. Park did not suggest that the wrongful acts, which include violations of customs laws, tax laws, and labor laws, did not occur. Nor did his declaration dispute his role in such activity. At the hearing, the only additional fact Park's counsel suggested could be established beyond the facts set forth in his papers was that Decedent was responsible for these violations. Even if we assume that Park's counsel would be able to establish this fact in an evidentiary hearing, it was not relevant to the appointment of the general administrators.

Park stated, and filed statements of information evidencing, that as of August 2018, he became the chief executive officer of Amberboa and chief financial officer and secretary of Chas. Park also stated he is a director of each of the Businesses, and was involved in their day-to-day operations for at least eight months before the professional fiduciaries were appointed as special administrators. The reason Park was placed on investigative leave was that improper financial transactions were conducted under Park's watch—either by Park or by someone else. Thus, even if Park established Decedent alone committed the wrongful acts, his unrebutted failure to detect and prevent widespread wrongdoing during his tenure as the chief executive officer and chief financial officer demonstrates the professional fiduciaries did not exceed their authority, and acted reasonably, when they suspended Park and took other steps to prevent further wrongdoing pending further investigation.

3. *Purportedly Insufficient Evidence*

Park lastly contends there was insufficient evidence to support the appointment order. As discussed above, Lee's verified petition constituted evidence before the court. (*Evangelho v. Presoto*, *supra*, 67 Cal.App.4th at p. 620.) Lee filed the petition as the temporary guardian of Decedent's three minor children, and thus had first priority to nominate a general administrator of his choosing. (§§ 8461, 8465, subd. (b).) Park did not object to the admissibility of the verified petition, and a probate court may base its ruling on a verified pleading when the parties do not object to the use of such evidence. (*Estate of Bennett*, *supra*, 163 Cal.App.4th at p. 1309; *Evangelho v. Presoto*, *supra*, 67 Cal.App.4th at p. 620.)

Nor did Park show grounds for disqualifying the professional fiduciaries from serving as general administrators.[5] A probate court may appoint an administrator absent a showing of a reason for disqualification, which may include one or more of the grounds for removal enumerated in section 8502, such as waste, fraud, or neglect of the estate. (§§ 8402, 8502.) The thrust of Park's objections is that the professional fiduciaries exceeded their authority under the March 25 order when they placed him on investigative leave and that they committed waste.[6]

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[5] After appointment, an interested party may petition the court to remove a general administrator. (§ 8500.) Our opinion is limited to Park's objections to the appointment of the professional fiduciaries as general administrators, and we express no opinion as to any request for removal.

[6] While Park made this argument in his written objections to the petition, he never raised these issues during the May 14, 2019 hearing.

As to whether the professional fiduciaries exceeded their authority, their powers under the March 25 order—to which Park stipulated—were broad enough to allow Park to being placed on investigative leave and denied access to bank accounts and business records. The first paragraph of that order provides that the professional fiduciaries have "the sole power and authority on behalf of [the estate] to continue the operation and management of the [Businesses]." That includes authority over personnel decisions.

As to whether the professional fiduciaries committed waste, Park asserted they did so " 'by causing expensive and needless legal conflicts, hiring full-time security guards, firing key employees when they have done no wrong, denying Park's executive compensation, [and] accusing him of "irregularities" though he was not an officer until August 2018.' " The probate court was permitted, in weighing the evidence, to discount these conclusory assertions backed by little to no accompanying evidence. Each of these alleged actions was within the professional fiduciaries' specified authority to manage and continue the Businesses in a legal manner (especially following their discovery of potential violations of tax, customs and labor laws), and to hire others to assist them in those responsibilities. Further, Park failed to show how any of the acts he complains constituted waste.

Our power as an appellate court begins and ends with determining whether there is any substantial evidence supporting the court's order. (*Road Sprinkler Fitters Local Union No. 669 v. G & G Fire Sprinklers, Inc.* (2002) 102 Cal.App.4th 765, 781.) The probate court had sufficient evidence before it to appoint the professional fiduciaries as general administrators

and was entitled to give Park's evidence the weight it thought the evidence deserved. We may not second guess that weighing. (*Ibid.*)

DISPOSITION

The probate court's orders appointing Montgomery and Berrent as general administrators of the estate are affirmed. Montgomery and Berrent are awarded their costs on appeal.

NOT TO BE PUBLISHED

WEINGART, J.*

We concur:

CHANEY, Acting P. J.

BENDIX, J.

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* Judge of the Los Angeles Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.