ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

Dept. 303, 9:00 a.m. Wednesday, January 6, 2016

1 **Elizabeth Ferguson (CONS/PE)** **Case No. 0375282**

Attorney **Kruthers, Heather H. (for Public Guardian – Successor Conservator)**

First Account Current and Report of Successor Conservator and Petition for Allowance of Compensation to Successor Conservator and Attorney

			See petition for details.	NEEDS/PROBLEMS/COMMENTS:
	Aff.Sub.Wit.			<u>Note</u>: The Court will set a status hearing for the filing of the next account as follows: • Wednesday, Sept. 27, 2017
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail	w		
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
✓	CI Report			
✓	2320(c)			
✓	Order			
	Aff. Posting			Reviewed by: skc
	Status Rpt			Reviewed on: 12/23/15
	UCCJEA			Updates:
	Citation			Recommendation:
	FTB Notice			File 1- Ferguson

Dept. 303, 9:00 a.m. Wednesday, January 6, 2016

2 **Wilma Ruth Manuel (Estate)** **Case No. 0609019**

Atty **Knudson, David N. (for Executor Cynthia Blackstock)**

Status Hearing Re: Filing of the Second Account and/or Final Account

DOD: 10-8-97	**CYNTHIA BLACKSTOCK**, daughter, is Executor.	**NEEDS/PROBLEMS/COMMENTS:**
	Executor's First Account was settled on 2-10-14.	**<u>Minute Order 11/18/15</u>: Counsel requests additional time; if the petition is not filed by 1/4/16, then Mr. Knudson and Ms. Blackstock are both ordered to be personally present in court or by CourtCall, and a status report verified by Ms. Blackstock must be filed.**
Cont. from 082914, 022515, 030415, 101415, 111815	At hearing on 2-10-14, the Court set this status hearing for the filing of the Second Account and/or Final Account.	**1. Need Second Account and/or Final Account or verified written status report pursuant to local rule.**
Aff.Sub.Wit.	**Status Report filed 2-24-15 states the following actions have transpired since the first account was settled:**	
Verified	• Executor obtained a loan from a private party secured by a first deed of trust against the residence in the approximate amount of $40,000.00 to cover the unpaid property taxes which were in default. As a result, a tax sale was avoided and the residence was retained.	
Inventory	• Executor continues to seek a loan on the property to pay the expenses of administration. It is anticipated that the residence will be distributed to Ms. Blackstock, who is the devisee of the residence, subject to such loan. She may qualify for a reverse mortgage to discharge debts and expenses of administration.	
PTC	• The creditor's claims remaining do not exceed $500 total and counsel is contacting claimants to determine whether the claims remain outstanding or have been satisfied.	
Not.Cred.	• The decedent's former spouse, Mickey Manuel, filed a claim alleging payment of property taxes, and a civil action was filed on the rejected claim. Executor filed an answer, but no further proceedings have occurred.	
Notice of Hrg	• Within 6-9 months, Executor anticipates being able to obtain a loan or make other arrangements for payment of fees and costs and satisfaction of outstanding claims and distribute the residence on waiver of accounting.	
Aff.Mail	It is respectfully requested that administration of the estate continue and that the court set further status as appropriate.	
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		**Reviewed by:** skc
Status Rpt		**Reviewed on:** 12/23/15
UCCJEA		**Updates:**
Citation		**Recommendation:**
FTB Notice		**File 2 - Manuel**

3 Darlene V. Mairena (CONS/PE) Case No. 06CEPR01043

Attorney Hiyama, Dean (for Maria Mairena – Mother – Conservator – Petitioner)
Fourth Account and Report of Conservator, Petition for Attorney's Fees, and Petition to Dispense with Further Accountings and Petition to Release Conservator From the Requirement of Filing of a Bond

Cont. from 082615, 111815

	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
✓	Notice of Hrg	
✓	Aff.Mail	w
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
✓	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
✓	CI Report	
✓	2620(c)	
✓	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

MARIA MAIRENA, Mother and Conservator with bond of $56,000.00, is Petitioner.

Account period: 9/18/11 – 4/17/15
Accounting: $367,309.18
Beginning POH: $245,823.15
Ending POH: $2,080.69 ($1,580.69 cash plus personal property valued at $500.00.)

Petitioner states the Court may dispense with accountings because this estate is a small estate as defined in Probate Code §2628(a).

Petitioner states the Conservator was authorized to stop mortgage payments on the Conservatee's home on 3/22/10. The home was foreclosed on 12/7/11. The Conservatee now resides in a home owned by her special needs trust and all accountings associated with that home are provided to the Court under the Trust accounting. All attorney fees granted in connection with this conservatorship are being paid out of the trust because of the insufficient funds in the conservatorship estate. Waiver of further accountings will assist in maintaining the trust corpus for the benefit of the Conservatee.

Conservator waives compensation during this account period.

Attorney: $4,957.50 for 34.3 attorney hours in preparation of this accounting, itemized at Exhibit C. Petitioner was previously represented by Attorney Gary Motsenbocker, and is now represented by Attorney Dean Hiyama, who purchased, Mr. Motsenbocker's practice.

Petitioner requests an order:
1. **Approving, allowing and settling the account and report of conservator as filed;**
2. **Dispensing with future accountings;**
3. **Releasing the conservator from the requirement of filing a bond in this matter; and**
4. **Other relief that the Court considers proper.**

NEEDS/PROBLEMS/ COMMENTS:

<u>Minute Order 11/18/15</u>: Matter is continued by the Court for additional review time; Maria Mairena is to be personally present in court or by CourtCall on 1/6/16.

<u>Minute Order 8/26/15</u>: Counsel is to file supplemental information at least four days prior to 11/18/15. The Court wants information with regard to who was eating at each of the restaurant meals that exceed $20, and itemization with regard to bulk expenditures such as Costco.

A declaration was filed 11/16/15.

<u>SEE PAGE 2</u>

Reviewed by: skc
Reviewed on: 12/23/15
Updates:
Recommendation:
File 3 – Mairena

NEEDS/PROBLEMS/COMMENTS:

1. **The Court may require clarification regarding Petitioner's request to dispense accountings and exonerate bond, with reference to Probate Code §2628(a)(3) – All income spent for benefit of Conservatee.**

   Examiner notes that the Conservatee's income, *exclusive of public benefit payments*, does appear to qualify for dispensing accounts. However, it is difficult to determine from this four-year account what the Conservatee's typical monthly expenses consist of, given the numerous listed payments and disbursements. As noted in review of prior accounts, the disbursements schedule reflects numerous restaurant meals and retail store purchases that are not otherwise explained, as well as expenses related to the home and vehicle not owned by the conservatorship estate.

A declaration was filed 11/16/15. See Declaration for details.

4 Dorothy Horton (Estate) Case No. 06CEPR01191

Attorney Rube, Melvin K. (for Administrator Mardell E. Stovall)
Probate Status Hearing for Failure to File the Inventory and Appraisal and Failure to File the First Account or Petition for Final Distribution

DOD: 1/31/1997		
Cont. from 091615		
	Aff.Sub.Wit.	
	Verified	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	
	Aff.Mail	
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

MARDELL E. STOVALL, daughter, was appointed Administrator with Full IAEA authority without bond on **1/12/2007**, and Letters issued on that date.

***Notice of Status Hearing* filed 7/16/2015** set a status hearing on 9/16/2015 for failure to file the inventory and appraisal and failure to file a fist account or petition for final distribution.

***Status Report of Melvin K. Rube* filed 9/3/2015 for the previous status hearing states:**

- At the time the petition for letters of administration was granted and letters were issued to Mardell E. Stoval, the estate contained no assets;
- The purpose of establishing an estate was to allow Mardell Stovall as Administrator of the estate to filed petition to determine succession to real property on North Avenue in Fresno, owned by **MOSES RANDOLPH** at his death but was never probated; Decedent was the sole surviving heir of Moses Randolph;
- He believes that Mardell Stoval developed cancer subsequent to the issuance of Letters to her on 1/12/2007, and did not want to deal with legal proceedings until after her treatment for the cancer was completed;

~Please see additional page~

NEEDS/PROBLEMS/COMMENTS:

Continued from 9/16/2015. *Minute Order* states Mr. Rube represents that no other family member is interested in acting as Administrator; he will file a Motion to be Relieved. The Court wants information with regard to the liens versus the current value of the property, and Mr. Rube is to include a report with his petition.

The following issues from the last hearing remain:

1. *Status Report* filed 9/3/2015 appears to be presented as a petition for relief, i.e., to be relieved as attorney of record, which would require payment of a filing fee.
2. A *Motion to be Relieved as Counsel* has not been filed by Attorney Rube. Probate Code § 10953(c) provides if a personal representative dies and no legal representative is appointed for the deceased personal representative, the court may compel the attorney for the deceased personal representative or the attorney of record in the estate proceeding to file an account of the administration of the deceased personal representative.

Reviewed by: LEG
Reviewed on: 12/22/15
Updates:
Recommendation:
File 4 – Horton

***Status Report of Melvin K. Rube* filed 9/3/2015, continued:**

- On 2/18/2008, he submitted an Inventory and Appraisal and cover letter to Probate Referee **STEVEN DIEBERT** for the purpose of attaching the completed inventory and appraisal to the petition to determine succession that Mardell Stoval was going to file in order to have the real property conveyed to the Estate of Dorothy Horton; for some reason, Steven Diebert did not return the inventory and appraisal *(copy of letter to Mr. Diebert attached);*
- From ~March 2008 through spring 2009, he was dealing with a recurrence of his wife's brain cancer and ultimate death in January 2009 and was not diligent in following up in this case, and he takes full responsibility for this inaction;
- On 7/7/2009, he followed up with Mr. Diebert and submitted another Inventory and Appraisal and cover letter to Mr. Diebert (copy attached), and the inventory and appraisal was immediately completed by Mr. Diebert and returned to his office;
- He prepared the petition to determine succession after receiving the inventory and appraisal from Mr. Diebert, and attempted to contact Mardell Stoval by telephone so that she could sign the petition;
- After numerous attempts to reach Mardell Stoval by telephone, he sent the petition to her and his letter dated 7/29/2009 (copy attached);
- On 8/20/2009, Mardell Stoval, as Administrator of the Estate of Dorothy Horton, filed a petition to determine succession in the Estate of Moses Randolph, Case #09CEPR00689, with an attached inventory and appraisal of the real property *(copy of inventory and appraisal attached*);
- On 10/2/2009, the Court granted the petition to determine succession in Case #09CEPR00689 (copy of order attached); he did not learn until several months later that Mardell Stoval had died;
- On 5/26/2011, he met with **ALEX WILLIAMS**, a child of Decedent Dorothy Horton, and sister of Mardell Stovall, and **CLIFTON FRANKLIN**, grandchild of Decedent Dorothy Horton, and discussed with them that they or someone else had to file a petition to become successor administrator and the estate brought to a close; neither one of them wanted to file, but told him they would get back to him, which they never did;
- On 10/10/2012, he sent a letter to all beneficiaries of the estate explaining one of them needed to become successor administrator and the estate brought to a close (copy of letter attached), and he received no response to that letter;
- He met with Alex Williams on 8/17/2015 in response to a phone call to him on 8/13/2015, and he was not inclined to become successor administrator; he sent another letter to all beneficiaries on 8/17/2015 with a copy of the Notice of Status Hearing *[filed 7/16/2015]*; as of the date of this status report [9/3/2015] he has received no response;
- This case is fraught with complications; the only asset of the estate is the real property on North Avenue in Fresno which is encumbered with unpaid sewer liens and tax defaults and notices of nuisance abatement;
- Since Mardell Stovall survivied Dorothy Horton, the interest of Mardell Stovall in the subject real property would have to pass to her estate;
- He is informed that the Estate of Mardell Stoval has never been probated, so an estate for her would have to first be established, which he has no control over;
- He would like to be relieved as attorney of record in this case as the person who retained him, Mardell Stovall, is deceased, and if any one of the beneficiaries of Dorothy Horton requested his representation of them as the successor administrator of this case, he would decline;
- He hereby waives any and all attorney's fees to which he is entitled.

10 Velda Delores Lesher (Estate) Case No. 14CEPR00132

Attorney **Dale A. De Goede (for Petitioner Earleen Lesher, Executor)**

First Account of Executor and Report of Status of Administration; and Request for Extension of Time to Administer Estate

			NEEDS/PROBLEMS/COMMENTS:
			CONTINUED TO 2/11/2016 **Per Attorney Request**
Cont. from			
	Aff.Sub.Wit.		
	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg		
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order		
	Aff. Posting		**Reviewed by:** LEG
	Status Rpt		**Reviewed on:** 12/22/15
	UCCJEA		**Updates:**
	Citation		**Recommendation:**
	FTB Notice		**File 10- Lesher**

11A Eugene & Evelyn Ford Family Trust Case No. 14CEPR00485

Atty Chielpegian, Mark E. (for Casey S. Rogers – Trustee – Respondent and Movant Herein)

Atty Keeler, William J. (for Susan Ford Frantzich – Beneficiary – Petitioner)

Notice of Motion and Motion to Compel Further Responses to Discovery; Memorandum of Points and Authorities

	Aff.Sub.Wit.	
	Verified	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	
	Aff.Mail	
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

CASEY S. ROGERS, Trustee and Respondent, moves for an Order from this Court compelling Petitioner Susan Ford Frantzich to provide further verified responses to Respondent's first set of special interrogatories and first set of document requests and to produce documents in response thereto.

Respondent makes this motion on the grounds that Petitioner did not and has not provided full and complete responses to certain discovery requests. Petitioner has continued in her refusal to properly respond to Respondent's written discovery, despite efforts on the part of Respondent's counsel to meet and confer on the matter.

This motion is made pursuant to Probate Code §1000 and CCP §§ 2023.010, 2030.300, and 2031.310.

See also Memorandum of Points and Authorities, Declaration of Mark E. Chielpegiean in Support of Motion to Compel Further Responses to Discovery, and Separate Statement of Discovery Responses in Dispute in Support of Motion to Compel Further Responses to Discovery.

SUSAN FRANTZICH, Beneficiary and Petitioner, filed a Response on 12/22/15. Petitioner states her responses were adequate and complete. Most of the discovery requests for which Respondent seeks supplemental responses either beg the question of the allocation of the subtrusts or require Respondent to provide an opinion on her mother's intent. Others are simply disagreements with the answers provided. See Response for details.

NEEDS/PROBLEMS/COMMENTS:

<u>Note</u>: Casey S. Rogers' First Account of the Eugene & Evelyn Ford Family Trust (Survivor's Trust, Marital Trust, Credit Trust) is set for trial on 2/9/16 at 8:30 am in Dept. 303.

Pursuant to Minute Order 12/7/15, Susan Frantzich's Amended Petition for Determination of Validity of Trust Amendment has been continued to 2/9/16 at 8:30 am, trailing the contested first account. The trial is limited solely to the First Account.

Reviewed by: skc

Reviewed on: 12/24/15

Updates:

Recommendation:

File 11B- Ford

11B **Eugene & Evelyn Ford Family Trust** **Case No. 14CEPR00485**

Atty **Chielpegian, Mark E. (for Casey S. Rogers – Trustee – Respondent and Movant Herein)**

Atty **Keeler, William J. (for Susan Ford Frantzich – Beneficiary – Petitioner)**

Notice of Motion and Motion to Compel Further Responses to Discovery and Request for Sanctions; Memorandum of Points and Authorities

Aff.Sub.Wit.	
Verified	
Inventory	
PTC	
Not.Cred.	
Notice of Hrg	
Aff.Mail	
Aff.Pub.	
Sp.Ntc.	
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Letters	
Duties/Supp	
Objections	
Video Receipt	
CI Report	
9202	
Order	
Aff. Posting	
Status Rpt	
UCCJEA	
Citation	
FTB Notice	

CASEY S. ROGERS, Trustee and Respondent, moves for an Order from this Court compelling Petitioner Susan Ford Frantzich to provide further verified responses to Respondent's second set of special interrogatories.

In addition, Respondent seeks the imposition of monetary sanctions against Petitioner and/or her counsel in the amount of $1,795.00 for their misuses of the discovery process.

Respondent makes this motion on the grounds that Petitioner did not and has not provided full and complete responses to certain discovery requests. Petitioner has continued in her refusal to properly respond to Respondent's written discovery, despite efforts on the part of Respondent's counsel to meet and confer on the matter.

This motion is made pursuant to Probate Code §1000 and CCP §§ 2023.010, 2030.300, and 2031.310.

See also Memorandum of Points and Authorities, attached requests, responses, communications.

SUSAN FRANTZICH, Beneficiary and Petitioner, filed a Response on 12/22/15. Petitioner states her objections were made in good faith and are well supported by law and requests the Court deny the motion in its entirety. See authority cited in Response.

NEEDS/PROBLEMS/COMMENTS:

<u>Note</u>: Casey S. Rogers' First Account of the Eugene & Evelyn Ford Family Trust (Survivor's Trust, Marital Trust, Credit Trust) is set for trial on 2/9/16 at 8:30 am in Dept. 303.

Pursuant to Minute Order 12/7/15, Susan Frantzich's Amended Petition for Determination of Validity of Trust Amendment has been continued to 2/9/16 at 8:30 am, trailing the contested first account. The trial is limited solely to the First Account.

Reviewed by: skc	
Reviewed on: 12/24/15	
Updates:	
Recommendation:	
File 11A- Ford	

Dept. 303, 9:00 a.m. Wednesday, January 6, 2016

14 **Hilton D. Lilly (Estate)** **Case No. 15CEPR00312**

Attorney **Fanucchi, Edward L. (for Judy McAdams – Administrator – Petitioner)**

First and Final Account and Report of Administrator and Petition for Its Settlement, for Allowance of Compensation to Administration Attorney for Ordinary and Extraordinary Services Reimbursement of Costs and for Final Distribution

DOD: 8/27/97		
	Aff.Sub.Wit.	
✓	**Verified**	
✓	**Inventory**	
✓	**PTC**	
✓	**Not.Cred.**	
✓	**Notice of Hrg**	
✓	**Aff.Mail**	w
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
✓	**Letters**	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
✓	**9202**	
✓	**Order**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
✓	**FTB Notice**	

JUDY MCADAMS, Administrator with Full IAEA with bond of $45,000.00, is Petitioner.

Account period: 8/27/97 – 9/20/15
Accounting: $100,007.52
Beginning POH: $ 45,000.00
Ending POH: $ 91,176.85

Administrator (Statutory): $4,000.23

Attorney (Statutory): $4,000.23

Attorney (Extraordinary): $700.00 (for attorney and paralegal time in connection with the sale of the real property)

Costs (Attorney): $2,210.13 (filing fees, appraisals, publication, bond premium, certified copies, and expenses in connection with the sale of the real property)

Costs (Administrator): $92.47 (for recorder fees and expenses in connection with the sale of the real property)

Costs (Catherine Lilly): $1,316.41 (for maintenance costs associated with the real property)

Closing: $750.00

Distribution pursuant to intestate succession and §13100 Declaration filed by the intestate heirs of the decedent's post-deceased spouse:
Judy McAdams: $17,357.20
David Lilly: $17,357.20
Catherine Lilly: $17,357.19
Catherine Lilly (under §13100): $8,678.60
Tamara LaFuente (under §13100): $8,678.60
Kerry Schotten (under §13100): $8,678.59

NEEDS/PROBLEMS/COMMENTS:

Reviewed by: skc
Reviewed on: 12/24/15
Updates:
Recommendation:
File 14- Lilly

15 Mitjl Carvalho Capet (Estate) Case No. 15CEPR00482

Attorney Knudson, David N. (for Daniel Trzebiatowski – Executor)

Probate Status Hearing RE: Filing of the Inventory and Appraisal

DOD: 12/10/14	**DANIEL TRZEBIATOWSKI**, friend, was appointed Executor without bond on 06/17/15. **Minute Order from 06/17/15** set this matter for status regarding filing of the Inventory & Appraisal.	**NEEDS/PROBLEMS/COMMENTS:** **<u>CONTINUED FROM 11/18/15</u>** **Minute Order from 11/18/15 states: Counsel reports that the estate consists of insurance proceeds only, which were just recovered by the Executor so additional time is needed. If the Inventory & Appraisal is not filed by 01/04/16, then a status report verified by the Executor is required, and both counsel and client must be personally present in court or by CourtCall on 01/06/16.** **As of 12/23/15, nothing further has been filed.** 1. Need Inventory & Appraisal and/or verified status report.
		Reviewed by: JF
		Reviewed on: 12/23/15
		Updates:
		Recommendation:
		File 15 – Capet

Cont. from 111815		
	Aff.Sub.Wit.	
	Verified	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	
	Aff.Mail	
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

15

Dept. 303, 9:00 a.m. Wednesday, January 6, 2016