

Petition for Appointment of Guardian of the Person

		<u>TEMPORARY EXPIRES 01/12/16</u>	NEEDS/PROBLEMS/COMMENTS:
		BRENDA KAY PERRY , non-relative, is Petitioner.	<u>CONTINUED FROM 11/17/15</u>
Cont. from 100515, 111715		Father: BRUCE BURLESON – personally served on 10/09/15	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified	Mother: CONNIE AMADOR – deceased	
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC	Paternal grandfather: JIM BURLESON served by mail on 11/30/15	
<input type="checkbox"/>	Not.Cred.	Paternal grandmother: CHARLOTTE BURLESON – served by mail on 11/30/15	
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail	Maternal grandfather: HENRY AMADOR - deceased	
<input type="checkbox"/>	Aff.Pub.	Maternal grandmother: RACHEL MCCOLLUM – Consent & Waiver of Notice filed 08/13/15	
<input type="checkbox"/>	Sp.Ntc.		
<input checked="" type="checkbox"/>	Pers.Serv.		
<input checked="" type="checkbox"/>	Conf. Screen	Petitioner states: [see file].	
<input checked="" type="checkbox"/>	Letters	DSS Social Worker Irma Ramirez filed a report on 10/02/15.	
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input checked="" type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input checked="" type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: JF
			Reviewed on: 01/08/16
			Updates:
			Recommendation:
			File 1 – Burleson

Probate Status Hearing RE: Next Account

	JEFFREY H. DALE , Spouse, is Successor Conservator of the Estate with bond of \$340,000.00.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Minute Order 11/10/15</u> 11/10/15: Continued to meet up with the Demurrer and Motion to Strike set for 1/12/16 (McLain Trust 11CEPR00028).</p> <p>Note: Attorney Gordon Panzak is Conservator of the Person.</p> <p>1. Need Fourth Account or written status report pursuant to Local Rule 7.5.</p>
	Conservator's Third Account covering five separate account periods from 1/12/10 through 6/30/14 was settled on 2/4/15.	
	At the hearing on 2/4/15, the Court set this status hearing for the filing of the next account.	
Cont. from 093015, 111015		
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		
		Reviewed by: skc
		Reviewed on: 1/7/15
		Updates:
		Recommendation:
		File 2 – Dale

3A In Re the Trust of Elaine A McClain (Trust) Case No. 11CEPR00028

Atty Panzak, Gordon G. (for Jeff Dale – Successor Trustee – Petitioner)
 Atty Marshall, Jared (Associated counsel for Jeff Dale)
 Atty Freed, William J. (for Debbie Duehning, Guardian ad Litem for George McClain, IV)

Probate Status Hearing RE: Petition Filed 4/6/11

DOD: 5-21-08	DEBBIE DUEHNING, as Guardian ad Litem for GEORGE MCLAIN, IV , filed the following petitions:	NEEDS/PROBLEMS/COMMENTS:
	<ul style="list-style-type: none"> • Petition for Order Compelling Trustee to Make Distribution to Trust Beneficiary; for Imposition of a Constructive Trust; and for an Accounting (filed 4/6/11) • Petition to Review Reasonableness of Trustees Compensation, Reasonableness of Attorney’s Fees and Costs; for an Accounting and for Removal of the Trustee (filed 8/25/11) 	<p><u>Minute Order 11/10/15</u>: Continued to meet up with the Demurrer and Motion to Strike.</p> <p><u>Note</u>: On 9/30/15, Ms. Duehning filed Conservator’s Second Amended Petition for Orders, which was set for 11/18/15.</p> <p>On 11/9/15, Jeffrey Dale, Gordon Panzak, and Dalpar Investments, LLC, filed Notice of Demurrer and Demurrer to the Second Amended Petition, which was set for 1/12/16.</p> <p>On 11/18/15, the Second Amended Petition was continued to 1/12/16.</p> <p><u>Note</u>: It is unclear whether the Second Amended Petition at Page C supersedes one or both of the petitions at Pages A and B.</p>
Cont’d from 111015	<p>On 2/13/15, JEFF DALE, Successor Trustee, filed a Motion to Dismiss various petitions.</p> <p>On 3/30/15, DEBBIE DUEHNING filed a Motion to Amend Petition.</p> <p>Pursuant to the Court’s Order on 1) Motion to Dismiss; and 2) Motion for Leave to Amend Petition entered 9/29/15, Mr. Dale’s Motion to Dismiss was denied, and Ms. Duehning’s Motion for Leave to Amend was granted, and Ms. Duehning was ordered to file and serve her amended petition.</p> <p>The Order also set these status hearings re the 4/6/11 Petition and the 8/25/11 Petition (Pages A and B).</p>	<p>Reviewed by: skc</p> <p>Reviewed on: 1/8/16</p> <p>Updates: 1/11/16</p> <p>Recommendation:</p> <p>File 3A - McClain</p>
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		

3B In Re the Trust of Elaine A McClain (Trust) Case No. 11CEPR00028

Atty Panzak, Gordon G. (for Jeff Dale – Successor Trustee – Petitioner)
 Atty Marshall, Jared (Associated counsel for Jeff Dale)
 Atty Freed, William J. (for Debbie Duehning, Guardian ad Litem for George McClain, IV)

Probate Status Hearing RE: Petition Filed 8/25/11

DOD: 5-21-08	DEBBIE DUEHNING , as Guardian ad Litem for GEORGE MCLAIN, IV , filed the following petitions:	NEEDS/PROBLEMS/COMMENTS:
		Minute Order 11/10/15: Continued to meet up with the Demurrer and Motion to Strike.
	<ul style="list-style-type: none"> • Petition for Order Compelling Trustee to Make Distribution to Trust Beneficiary; for Imposition of a Constructive Trust; and for an Accounting (filed 4/6/11) • Petition to Review Reasonableness of Trustees Compensation, Reasonableness of Attorney's Fees and Costs; for an Accounting and for Removal of the Trustee (filed 8/25/11) 	Note: On 9/30/15, Ms. Duehning filed Conservator's Second Amended Petition for Orders, which was set for 11/18/15.
Cont'd from 111015		On 11/9/15, Jeffrey Dale, Gordon Panzak, and Dalpar Investments, LLC, filed Notice of Demurrer and Demurrer to the Second Amended Petition, which was set for 1/12/16.
Aff.Sub.Wit.		On 11/18/15, the Second Amended Petition was continued to 1/12/16.
Verified		Note: It is unclear whether the Second Amended Petition at Page C supersedes one or both of the petitions at Pages A and B.
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail	On 2/13/15, JEFF DALE , Successor Trustee, filed a Motion to Dismiss various petitions.	
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.	On 3/30/15, DEBBIE DUEHNING filed a Motion to Amend Petition .	
Conf. Screen		
Letters	Pursuant to the Court's Order on 1) Motion to Dismiss; and 2) Motion for Leave to Amend Petition entered 9/29/15, Mr. Dale's Motion to Dismiss was denied, and Ms. Duehning's Motion for Leave to Amend was granted, and Ms. Duehning was ordered to file and serve her amended petition.	
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order	The Order also set these status hearings re the 4/6/11 Petition and the 8/25/11 Petition (Pages A and B).	
Aff. Posting		
Status Rpt		
UCCJEA		
Citation	Objection to Petition to Review Reasonableness of Attorney's Fees and Costs; for an Accounting and for Removal of Trustee was filed 11/10/15 by Jeff Dale. See Objection for specific admissions, denials, and affirmative defenses.	
FTB Notice		
		Reviewed by: skc
		Reviewed on: 1/8/16
		Updates: 1/11/16
		Recommendation:
		File 3B – McClain

3C In Re the Trust of Elaine A Mclain (Trust) Case No. 11CEPR00028

Attorney Freed, William J. (of Oceanside, CA, for Petitioner Debbie Duehning – Conservator of George McLain, IV – Beneficiary)

Attorney Marshall, Jared C. (for Objectors Jeffrey Dale, Gordon Panzak, and Dalpar Investments, LLC)

Conservator's Second Amended Petition for Orders: 1) Compelling Trustee to Make Distribution to Trust Beneficiary; 2) For Damages for Breach of Trust/Fiduciary Duties; 3) For Damages for Fraud/Concealment; 4) for Recovery of Trust Property/Quiet Title; 5) For Recovery of Trust Assets; 6) Compelling Trustee to Perform and Accounting; 7) for Removal of Trustee; 8) for Cancellation of Deeds

		DEBBIE DUEHNING , Conservator of the Person and Estate of GEORGE MCLAIN IV , beneficiary, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
			<u>Note:</u> This petition is titled:
			Debbie Duehning, Conservator for George McLain, IV, Petitioner,
			v.
			Jeffrey Dale, as Trustee of the Elaine A. McLain Trust dated 3/19/96; Jeffrey Dale as Conservator of Michele L. Dale; Jeffrey Dale, an individual; Gordon Panzak, an individual; Dalpar Investments, an unknown entity; Dalpar Investments, LLC, a California limited liability company, and DOES 1-40, inclusive, Respondents.
Cont'd from 111815		Petitioner states: Respondent JEFFREY DALE (DALE) is currently the Conservator of the Person and Estate of MICHELE L. DALE (MICHELE) and has been so since approx. March of 2009. This conservatorship is managed in Fresno Superior Court Case No. 07CEPR01207. DALE is also MICHELE's husband.	<u>Examiner's Note:</u> Although Petitioner references Probate Code §§ 850 and 17200 in the title, it does not appear that much of the relief requested herein necessarily falls under the Probate Code.
<input type="checkbox"/>	Aff.Sub.Wit.		<u>The following matters affect this petition:</u>
<input checked="" type="checkbox"/>	Verified		Page D: Notice of Demurrer and Demurrer to the Second Amended Petition for Orders filed 11/9/15
<input type="checkbox"/>	Inventory		Page E: Successor Trustee Jeff Dale's Notice of Motion and Motion to Strike Portions of the Second Amended Petition for Orders filed 11/9/15
<input type="checkbox"/>	PTC		<u>Note:</u> On 11/10/15, Jeffrey Dale et al also filed Objection to Petition to Review Reasonableness of Compensation (Page B). As noted on Pages A and B, it is unclear if the instant Second Amended Petition at Page C supersedes one or both of those petitions previously filed. As such, it is unclear if Mr. Dale's objection is specific to the petition at Page B or the amended petition at Page C.
<input type="checkbox"/>	Not.Cred.		Reviewed by: skc
<input checked="" type="checkbox"/>	Notice of Hrg		Reviewed on: 1/8/16
<input checked="" type="checkbox"/>	Aff.Mail	W	Updates:
<input type="checkbox"/>	Aff.Pub.		Recommendation:
<input type="checkbox"/>	Sp.Ntc.		File 3C – Mclain
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order	X	
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		This trust was created pursuant to written declaration of trust of ELAINE A. MCLAIN (ELAINE) dated 3/19/96. Elaine died 5/26/08 and the trust is irrevocable. At her death, Elaine was a resident of the County of San Diego, CA. Administration of the trust is in Fresno County, CA. DALE is currently acting successor trustee of the trust.	
		GEORGE is a beneficiary of the trust as to a one-half interest.	
		At the time of its creation, the trust was the owner of real property known as 528 Dawson and 1095 Allesandro in Morro Bay, CA, and money invested in the Franklin California Tax Free Income Fund, Inc., Acct. xx1500.	
		SEE ADDITIONAL PAGES	

Petitioner states: Persons having an interest in the trust are as follows:

- Jeff Dale, as trustee of the trust, and as conservator of the estate of Michele Dale
- George McLain, IV, Beneficiary
- Michele Dale, Beneficiary
- Debbie Duehning, Conservator of the Person and Estate of George McLain, IV
- Gordon Panzak, Attorney for Jeff Dale and Conservator of the Person of Michele Dale
- Dalpar Investments, LLC, a California limited liability company, Jeff Dale, Agent for Service of Process)
- Gary F. Bagdasarian, Court-appointed attorney for Michele Dale

Paragraph Fourth, Section E, of the Elaine Trust, provides that "Upon the death of Trustor, the trust shall terminate and be distributed to Trustor's children, George McLain, IV, and Michele L. Dale, equally."

Despite Petitioner's repeated demand, and the duty imposed on him by the trust, Dale has failed and refused to distribute that portion of the trust to which George is entitled.

At all times a confidential relationship existed between George and Dale in that Dale was serving as trustee of the trust and George was a beneficiary. Fruther, Dale was aware or had reason to believe that George was suffering from a form of dementia and was unable to understand the location and nature of his assets or give informed consent to any actions of Dale in connection with trust administration.

Petitioner states **GORDON PANZAK (PANZAK)** is a licensed attorney and was formerly the conservator of the estate of Michele beginning in early 2008 and continuing until Dale took over as conservator of the estate. Panzak remained and continues to serve as conservator of the person of Michele. Panzak served as conservator when the Michele conservatorship was first established and managed property in the name of the Michele conservatorship at that time.

Petitioner is unaware of the true identity of Respondents **DOES 1-40**. When Petitioner becomes aware, Petitioner will name them in place of the Doe respondents.

Testamentary trust: On or about 7/22/91, the George M. McLain (III) Testamentary Trust was created by and through the Decree Settling Report of Administration on Waivers of Accounting filed in the Estate of George M. McLain, Fresno Superior Court Case No. 023159. The testamentary trust held half of the community property assets of George M. McLain and Elaine McLain, with the other half remaining with Elaine. George M. McLain's share of the community assets, which was placed into the testamentary trust, consisted of his one-half interest in various accounts, personal property, and real property (**528 Dawson, 1176 Morro, and 1095 Allesandro, in Morro Bay, CA**). See petition for specific list, total value \$299,454.59 at George M. McLain's date of death (8/29/90).

Elaine retained the other half of the community assets.

ELAINE was to receive the income from the testamentary trust assets, and if insufficient, the trustee could apply principal for her benefit. Upon her death, the balance was to be distributed equally to George M. McLain's issue, **GEORGE and MICHELE**.

SEE ADDITIONAL PAGES

Dept. 303, 9:00 a.m. Tuesday, January 12, 2016

The testamentary trust provided that George and Michele would be co-trustees; nothing was provided in the event one or both was unable to serve.

On 3/19/96, Elaine established the Elaine A. McLain Trust of 1996 (the instant trust), which originally contained as trust assets only one account and a one-half interest in only two properties in Morro Bay, CA.

George and Michele were named co-trustees of the trust, and if either were unable or unwilling to serve, Dale was the named successor co-trustee or sole trustee.

For either to be deemed unable to serve, one of the following conditions was required:

- a. One or both co-trustees resigned;
- b. A conservatorship is established over a co-trustee; or
- c. Two physicians certify incompetence.

Petitioner states Elaine moved in with Petitioner in San Diego County in 1991 when George McLain III passed away. Petitioner Debbie is the ex-wife of **GEORGE** and remained close to Elaine. Elaine lived with Petitioner for 17 years until her death in 2008.

Due to a familial genetic condition, Elaine's mental capacities were already beginning to rapidly deteriorate around the time the trust was created. Not long after, Elaine became completely unable to manage her financial affairs. Unfortunately, both George and Michele inherited the same condition and both of their mental facilities began deteriorating shortly after the time the trust was established. They were likewise unable to adequately take care of their own or anyone else's financial affairs.

Petitioner agreed that she would take care of Elaine's physical concerns, and Dale would exclusively handle Elaine's economic affairs, including those regarding the trust. Dale would also manage the testamentary trust, since George and Michele were incapable of doing so. No paperwork was created and no petitions were filed re this agreement. This agreement occurred in approx. 1996. After this, neither Petitioner nor George had access to either this trust's or the testamentary trust's financial documents, and have remained substantially in the dark as to such affairs.

1176 Morrow: Shortly before creation of this trust, George and Michele as co-trustees of the testamentary trust, sold one of the Morro Bay properties (1176 Morrow). At that time, one-half belonged to the testamentary trust and the other belonged to Elaine. Therefore, 50% of the proceeds were supposed to be placed in the testamentary trust, and 50% given to Elaine (as an individual).

SEE ADDITIONAL PAGES

528 Dawson: Dale had been managing Elaine's and the trust's financial affairs for several years and was making every economic decision. To accomplish financial transactions due to the deteriorated mental state of George and Michele, he would simply tell them what to sign, and they would do as requested, since they could not understand. George trusted Dale to act in his best interest. Dale would also go to Petitioner's house when it was necessary for Elaine to sign documents. Elaine never questioned Dale when he would tell Elaine or George to sign a document. In 2003, Dale took it upon himself to procure the sale of 528 Dawson. Dale was completely aware of both Michele's and George's inability to properly manage financial affairs due to their mental impairment. On or about 4/15/03, two (2) grant deeds to 528 Dawson were recorded. The first grantors were: Elaine and the testamentary trust trustees. The signatures were George and Michele, who each signed as co-trustees of the testamentary trust, and as POA for Elaine. Petitioner alleges that neither George nor Michele were capable of understanding this transaction at that time, and that Dale was aware of this, but nevertheless imposed his will on them to have them sign the deed.

The purchaser of 528 Dawson was **PANZAK**, an attorney, an associate of Dale, and soon to be Michele's conservator. Petitioner alleges that Panzak paid substantially less than fair market value for 528 Dawson and was fully aware of the windfall profit that he was receiving at the expense of a family afflicted with mental illness.

Immediately before receiving title to the property, but allegedly believing he was conveying good title, Panzak transferred 528 Dawson to an entity known as **DALPAR INVESTMENTS**. At the time it took title, its entity type was merely a "partnership," and its owners were unknown to Petitioner or George. Petitioner alleges that at the time of the transfer, **DALE** was one of the partners of Dalpar Investments.

Since Dale was entirely managing Elaine's assets and the trust's assets, he was serving in a fiduciary capacity to both Elaine and the beneficiaries. Further, by purporting to act on behalf of George and Michele, he took on fiduciary responsibilities for both of them as beneficiaries of the testamentary trust.

Despite not being the official trustee, beginning in 1996, Dale was acting as the trustee *de son tort* of the testamentary trust and the Elaine trust. As a fiduciary to the owners of record and trust beneficiaries of 528 Dawson, Dale had an obligation to fully disclose his interest in acquiring 528 Dawson, and also had a duty not to profit at the expense of the trusts or their beneficiaries.

Petitioner alleges that in order to secretly obtain an ownership interest without alerting Elaine, George, Michele, or Petitioner, he agreed with Panzak to have Panzak act as a "strawman" to obtain title and then transfer it to Dalpar Investments, in order to conceal the fact that Dale was receiving an ownership interest in 528 Dawson. Dale and Panzak were aware it would be improper for them to purchase at substantially less than fair market value, and neither informed the parties that Panzak was merely acting as a "strawman" to make an improper sale appear legitimate, or that Dale was part of Dalpar Investments and was obtaining an ownership interest in the property.

Petitioner only learned of this connection and concealment within the last two (2) years. Petitioner alleges that Panzak was aware that his role as the "strawman" was to aid and abet otherwise improper, unethical and voidable transaction appear to be legitimate.

SEE ADDITIONAL PAGES

Dept. 303, 9:00 a.m. Tuesday, January 12, 2016

Dalpar Investments: Petitioner alleges that Dalpar Investments, for whom Panzak originally purchased 528 Dawson, was originally a partnership between Dale and his brother, Jerry H. Dale. Dalpar Investments converted to and filed to be a California limited liability company on 3/24/10, with Jerry Dale being agent for service of process. Dalpar's address listed with the California Secretary of State is 1408 H Street, Fresno, CA 93721, the same address that Dale has listed for administration of the trust and for the conservatorship of Michele. It is also the same address that Panzak lists as his legal office with the State Bar of California. Petitioner alleges that Dalpar still holds title to 528 Dawson.

Petitioner states the sale of 528 Dawson to Panzak was a fiction created by Dale and Panzak so that Dale, through Dalpar Investments, could take title and conceal that fact from Elaine, George, and Michele, all of whom lacked capacity to understand the details and fairness of the sale.

Elaine Trust and Testamentary Trust assets as of January 2007: After filing her original petition in this action on 4/6/11, Petitioner became aware of financial documents re various Mainstay Investment Accounts dated 1/4/07, which indicated an account in the name of the testamentary trust, with George and Michele as co-trustees, and with an address of 365 N. Emperor Ave., which is where Dale was living at that time. As of 1/4/07, the testamentary trust's Mainstay Account had a little over \$10,000 in it.

The documents also showed two other accounts:

- a. An account titled in the name of Elaine and Michele, which Dale has since admitted that this account rightfully belonged to Elaine's trust. On 1/4/07 this account had over \$275,000 in it.
- b. An IRA for Elaine, with George and Michele as beneficiaries, with over \$60,000 on 1/4/07.

Petitioner alleges that Dale has had full control over all of the Mainstay accounts since at least 2001.

Petitioner states the testamentary trust held nearly \$300,000 in assets at its creation, mostly real property. In the present litigation, Dale has alleged that nearly all of the testamentary trust assets were depleted to provide for Elaine's support; however, Dale has never explained how much testamentary trust assets were actually used and has never provided an accounting as to the amounts transferred to Elaine's trust for her support.

Since Petitioner was personally responsible for purchasing Elaine's necessities and providing for her care from when she moved in with Petitioner in 1991 until her death, Petitioner is uniquely aware of Elaine's financial obligations. All money from Dale for Elaine's support went first to Petitioner. Petitioner alleges that Dale did not spend enough money on Elaine's support prior to her death to justify depleting the testamentary trust assets. Petitioner alleges that little of the approx. \$300,000 testamentary trust value was ever spent on Elaine's support.

Petitioner states George never received a testamentary trust distribution. Petitioner alleges that Dale removed virtually all assets from the testamentary trust and used them for purposes other than the care of Elaine.

Examiner's note: The testamentary trust is not before the court at this time.

SEE ADDITIONAL PAGES

Divorce: Dale filed for divorce from Michele in 2007. Following this petition, Panzak petitioned for appointment as Michele's conservator, stating that conservatorship was needed due to the pending divorce, and also because Michele's condition had left her substantially unable to manage her financial affairs. Panzak was appointed conservator of Michele's person and estate on 1/25/08.

Death of Elaine: After living with Petitioner continuously since 1991, Elaine passed away 5/26/08. Beginning in the early 2000s and continuing through the present, George also lived with Petitioner. Although Petitioner and George were previously divorced George was completely incapable of caring for himself or his financial affairs, and so Petitioner took him in to care for him. He was previously homeless, living on the streets.

Following Elaine's death, neither Petitioner nor George received George's distribution from Elaine's trust or any documentation from Dale as to status. On or about 9/12/08, Panzak updated the Court for Michele's conservatorship that Elaine had passed away. Although George was not placed under conservatorship for another three years, Panzak asserted that both Michele and George had "been placed under a conservatorship," and thus Dale was acting sole successor trustee of Elaine's trust.

Petitioner states at no point did any of the required conditions occur that would enable Dale to assume formal sole trusteeship of Elaine's trust prior to early 2012.

Also in the 9/12/08 update, Panzak asserted that the trust owned an account with "approximately \$400,000" in it.

On or about 11/3/08, Panzak filed an ex parte application to have various accounts titled in Elaine's name, or in the name of the trust, placed into accounts titled in the name of the Michele conservatorship. Panzak alleged that there were two primary accounts, one belonging to Elaine's trust valued over \$200,000, and an IRA with George and Michele named as beneficiaries, valued at just under \$50,000.

Petitioner alleges that Panzak never explained why Elaine's trust assets went from "approximately \$400,000" in September to a little over \$200,000 in November of the same year.

Michele Conservatorship gains control of Elaine Trust assets; Dale decides he no longer wants a divorce so he can take over conservatorship: Petitioner states in January 2009, Panzak filed an I&A in the Michele conservatorship stating that there was approx. \$214,000 from the Elaine trust accounts now in the name of the Michele conservatorship. Again, Panzak never explained why in September there was approx. \$400,000 and just a few months later there was only \$214,000. Along with informing the court that the Michele conservatorship now had full possession of the Elaine trust assets, Panzak indicated that Dale no longer wanted to divorce Michele, and desired to take over as conservator of Michele's estate. Panzak would continue as conservator of her person, as Dale only wanted to make decisions regarding the money.

At the time Panzak made these statements, the Michele conservatorship had the \$214,000 from the Elaine trust Mainstay Investments account, divided into two separate accounts, each containing \$107,000, representing each of George and Michele's beneficial interest.

SEE ADDITIONAL PAGES

Dept. 303, 9:00 a.m. Tuesday, January 12, 2016

On or about 1/30/09, Dale petitioned to be successor conservator of Michele's estate, declaring under oath that "Michele received money following her mother's death ... which is her separate property." At that time and continuing to the date of this petition, neither George nor Petitioner on George's behalf has received any distribution from Elaine's estate or trust.

On or about 3/18/09, Dale was appointed conservator of Michele's estate and the court ordered all accounts unblocked including the accounts containing Elaine trust assets. Thus, as of 3/18/09, Dale, as conservator of Michele's estate and as the self-declared sole trustee of the Elaine trust, had full control over the trust funds without Court supervision.

Dale's 2010 Conservatorship Accounting: On or about 4/28/10, Dale filed a Second Accounting in the Michele conservatorship, reporting two accounts, each with \$107,000, representing Michele's and George's shares of the Elaine trust Mainstay Investments account. Both accounts existed when he took over as conservator.

As of 4/28/10, George had not received any distribution from Elaine's trust assets. Dale stated under penalty of perjury that the \$214,000 that Panzak received as Michele's conservator belonged to the trust, not the conservatorship.

Dale stated in the 2010 accounting that during the first year of being conservator, he combined some of the previous accounts. However, after combining the accounts, there was one account with \$108,000, but no other accounts over \$78,000. Petitioner believes Dale failed to keep separate accountings for the trust and the conservatorship and in fact commingled the funds for the two entities. Petitioner also alleges that Dale failed to keep two accounts representing George's and Michele's individual interest in the trust Mainstay account separate, and in fact commingled George and Michele's shares of the Elaine trust funds.

Pursuant to his declaration, Dale also petitioned the court to transfer the \$214,000 to the trust concurrently with the 2010 accounting, stating that money was held in certain accounts at Bank of the West (xx851 and xx373).

In his accounting, Dale stated that xx851 contained \$78,342.92, and xx373 was not included in the accounting. An account xx372 previously representing George's share of the trust contained \$108,576.14.

Current litigation: Although most of the Michele conservatorship filings dealt with the Elaine trust assets, and although Michele and George were the two sole beneficiaries of the Elaine trust, Petitioner and George were uninformed of pertinent facts until George received notice of Dale's April 2010 conservatorship petition for instructions to transfer funds into the Elaine trust. In May 2010, shortly after notice, Petitioner assisted George in retaining an attorney, James Pasto, SBN 48445. Mr. Pasto contacted Dale and demanded George's distribution share of Elaine trust. On or about 1/13/11, Dale filed a petition in the current matter requesting instructions re distribution (the 2011 petition for instructions).

SEE ADDITIONAL PAGES

Petitioner states although the accountings from the Michele conservatorship failed to support him, Dale alleged in his 2011 petition that the \$214,000 still remained in two separate accounts of \$107,000 each for the benefit of Michele and George, respectively. On or about 4/4/11, Dale filed a supplement to his petition. For the first time since Dale closed the Mainstay Investments account, Dale requested that only \$107,000 (instead of \$214,000) be paid to the Elaine trust. He did not explain why he only sought half of the money for the trust or explain what was going to happen to the \$107,000 remaining in the Michele conservatorship.

Petitioner alleges that the \$107,000 (approx.) transferred from the Michele conservatorship to the Elaine trust represented only George's interest of the \$214,000; the other half remaining is Michele's share.

On or about 4/21/11 (re Dale's 2011 petition), the Court signed the order Dale submitted authorizing transfer of George's \$107,000 to the Elaine trust.

On or around 4/6/11, Petitioner, on behalf of George, filed a companion petition in the instant matter (see Page A) requesting distribution of the Elaine trust assets, the imposition of a constructive trust over any assets held by the Michele conservatorship, and for an accounting. Mr. Pasto was the attorney of record at that time.

Dale's first account dated 7/29/11 indicated:

- a. A single bank account containing \$109,451.02
- b. A Franklin Templeton Investment account with a balance of \$21,631.91
- c. Elaine's IRA with a value of \$28,469.65 (which was valued at nearly \$50,000 in 2007)

In his account, Dale sought payment of \$14,400 as trustee even though for most of the time, the trust had very few assets – less than \$5,000 until 2011, when the Court ordered the Michele conservatorship to transfer the \$107,000 to the trust.

The 7/29/11 trust accounting also indicated that Panzak incurred \$19,500 in fees working for Dale as trustee, *while he was acting as conservator of Michele's estate and marshaling Elaine Trust assets away from the Elaine Trust and into the Michele conservatorship.*

Additionally, Panzak was representing Dale as trustee, even though he was the purchaser of the property at 528 Dawson.

Petitioner on behalf of George filed a petition to review the reasonableness of Dale's and Panzak's compensation, for accounting, and for removal of Dale as trustee, which petition raised the same discrepancies noted above, mainly that Dale and Panzak were seeking payment for several years in which there had been no trust activity. Mr. Pasto was still attorney of record for Petitioner. On 9/6/11, Petitioner moved to amend her original petition to add Dale as an individual defendant, and the matter was continued. Minute Order 10/3/11 reflects that Panzak stated in open court that he had placed \$170,000 and \$25,000 into separate Elaine trust accounts. The matter was continued to 1/23/12 based on representation that progress was being made toward settlement.

SEE ADDITIONAL PAGES

Mr. Pasto: Petitioner states Mr. Pasto failed to appear at the January hearing, and the court took the petition re reasonableness off calendar at Panzak's request. When Petitioner finally reached Mr. Pasto, he agreed to file an ex parte application to have the funds transferred to petitioner, as the newly appointed conservator for George. **On 3/20/12, the Court granted the ex parte application and ordered Dale to pay all funds payable to George to Petitioner as his conservator. Petitioner states neither Dale nor Panzak ever complied with this order.**

Not long afterward, Petitioner again had trouble reaching Mr. Pasto. Although he never informed, her, it was later learned that he was suspended and not eligible to practice law on 8/11/12 and voluntarily became inactive on 12/16/13, and was ultimately disbarred on 12/20/14, all relating to allegations that he mishandled trust funds and failed to perform adequate legal representation in trust matters.

In August 2014, Petitioner retained the services of William J. Freed, current attorney of record. With his help, and after obtaining records and filings from both the Elaine trust and the Michele conservatorship, and a "skeleton" legal filed from Mr. Pasto, Petitioner, for the first time, suspected Dale and Panzak had actively concealed their activity, which was detrimental to George's interest in the Elaine trust and the Testamentary Trust. Previously, Petitioner was solely concerned with Dale's failure to distribute.

Prior to, and just after, Petitioner retained Mr. Freed, Dale, by and through Panzak, stated that the Elaine trust only had approx. \$100,000 and that half of that belonged to Michele. Neither Dale nor Panzak has explained what happened to the rest of the money.

First request for relief: Against Dale, as an individual and Trustee of the Elaine Trust, for an order directing Dale or the current trustee to forthwith distribute George's beneficial interest in the Elaine Trust.

Second request for relief: Against Dale, as successor trustee and trustee *de son tort* of the Elaine Trust, and Panzak, for damages for breach of trust/fiduciary duty and aiding and abetting trustee in breach of trust.

Third request for relief: Against Dale, Panzak, and Does 1-20, for damages for fraud/concealment.

Fourth request for relief: Against Dale, Panzak, Dalpar Investments, LLC, and Does 21-30, for quiet title.

Fifth request for relief: Against Dale, as conservator of Michele, Dale, individually, and Dale, as trustee of the Elaine Trust; Dalpar Investments, LLC, and Does 31-40, for recovery of trust assets.

Sixth request for relief: Against Dale, as trustee and trustee *de son tort* of the Elaine Trust, for an order compelling trustee to perform an accounting.

Seventh request for relief: Against Dale, for removal of trustee.

Eighth request for relief: Against Dale, Panzak, Dalpar Investment, and Dalpar Investment, LLC, for cancellation of deeds.

SEE ADDITIONAL PAGES

Dept. 303, 9:00 a.m. Tuesday, January 12, 2016

Petitioner prays as follows:

As to the first cause of action:

1. For an order directing Dale, as trustee of the Elaine Trust and/or as Conservator of the Michele Conservatorship, to pay the sum of \$109,451.00 to George;
2. For an Order directing Dale, as trustee of the Elaine Trust and/or as Conservator of the Michele Conservatorship, to pay simple interest at the legal rate of 7% per annum on the sum of \$109,451.00 from 3/20/12 to date of judgment;
3. For Attorneys fees pursuant to W&I Code § 15657(a) or 15657.5(a);
4. For punitive damages according to proof;

As to the second cause of action:

5. For damages to George according to proof;
6. For punitive damages against Dale and Panzak according to proof;

As to the third cause of action:

7. For damages to George according to proof;
8. For punitive damages against Dale and Panzak according to proof;

As to the fourth cause of action:

9. To quiet title to the real property at 528 Dawson, Morro Bay, CA, and render judgment that George is the 50% tenant in common owner of said property and that Repsondents have no ownership interest in the property adverse to George;

As to the fifth cause of action:

10. For an Order granting George an undivided 50% TIC ownership interest in the real property at 528 Dawson;
11. For recovery of the sum of at least \$109,451.00 from the Elaine Trust and/or the Conservatorship of Michele, according to proof;
12. For imposition of a constructive trust over the real property at 528 Dawson and the sum of \$109,451.00;

As to the sixth cause of action:

13. For an Order directing Dale to account for all transactions involving the Elaine Trust in the format set forth in Probate Code § 16063, from 1996 to the present;
14. For an Order directing Dale to immediately turn over to George for copying, or his legal representative, all original bank records, financial records, real estate records, trust administration papers and records and any other document concerning current or past assets of the Elaine Trust from 1996 to present;

As to the seventh cause of action:

15. For the immediate suspension of Dale as trustee of the Elaine Trust;
16. For the removal of Dale as trustee of the Elaine Trust;
17. For the appointment of Debbie Duehning as temporary and permanent trustee of the Elaine Trust, or in the alternative, for an appointment of a professional private fiduciary of the Court's choosing;

SEE ADDITIONAL PAGES

As to the eighth cause of action:

18. For the cancellation of a grant deed for 528 Dawson from George and Michele, as attorneys in fact for Elaine McLain and as trustees of the Testamentary Trust to Panzak, recorded in the Official Records of the County of San Luis Obispo as Doc #2003037973 on 4/15/03;
19. For cancellation of a grant deed for 528 Dawson from Panzak to Dalpar Investments, recorded in the Official Records of the County of San Luis Obispo as Doc #2003037974 on 4/15/03;
20. For cancellation of a grant deed for 528 Dawson from Dalpar Investments, an California Partnership to Dalpar Investments, LLC, a California Limited Liability Company, recorded in the Official records of San Luis Obispo County as Doc #2010033932 on 7/21/10;

For all causes of action:

21. For pre-judgment interest according to proof;
22. For costs of suit;
23. For such other and further relief as the court may deem equitable, just and proper.

Examiner's Note: As stated previously, the following matters affect this petition:

Page D: Notice of Demurrer and Demurrer to the Second Amended Petition for Orders filed 11/9/15

Page E: Successor Trustee Jeff Dale's Notice of Motion and Motion to Strike Portions of the Second Amended Petition for Orders filed 11/9/15

Additional Note: On 11/10/15, Jeffrey Dale et al also filed **Objection to Petition to Review Reasonableness of Compensation**, which has a status hearing at Page B, but which petition is not technically itself before the Court at this time. As noted on Pages A and B, it is unclear if the instant Second Amended Petition at Page C supersedes one or both of those petitions previously filed.

As such, it is unclear if Mr. Dale's Objection is specific to the petition at Page B or this amended petition at Page C. See Objection for details.

3D In Re the Trust of Elaine A McLain (Trust) Case No. 11CEPR00028

The third request for relief fails to state facts sufficient to constitute a cause of action because it shows on its face and in documents subject to judicial notice that it is barred by the applicable statutes of limitations identified in CCP §338(d).

The fourth request for relief fails to state facts sufficient to constitute a cause of action because it shows on its face and in documents subject to judicial notice that it is barred by the applicable statutes of limitations identified in CCP §§ 338(d) and §343

The fifth request for relief fails to state facts sufficient to constitute a cause of action because it shows on its face and in documents subject to judicial notice that it is barred by the applicable statutes of limitations identified in CCP §§ 338(d) and §338(c)(1).

The sixth request for relief fails to state facts sufficient to constitute a cause of action because it shows on its face and in documents subject to judicial notice that it is barred by the applicable statutes of limitations identified in CCP §343.

The seventh request for relief fails to state facts sufficient to constitute a cause of action because it fails to allege independent facts (other than those pleaded in the context of other causes of action) that support the cause of action.

The eighth request for relief fails to state facts sufficient to constitute a cause of action because it shows on its face and in documents subject to judicial notice that it is barred by the applicable statutes of limitations identified in CCP §§ 338(d) and §343.

This demurrer is brought pursuant to CCP§430.10 and is based on this Notice of Demurrer; the accompanying **Memorandum of Points and Authorities** in Support of Demurrer; the accompanying **Request for Judicial Notice**; all **pleadings, papers, records and documentary materials on file** with the Court at the time of the hearing on Demurrer; **oral arguments** by counsel; and **any other evidence** or materials this Court may consider.

See referenced documents for further information.

Opposition to Demurrer filed 12/29/15 by Debbie Duehning, Conservator for George McLain, IV, provides discussion and authority and requests that the Court overrule the demurrer in its entirety.

3E In Re the Trust of Elaine A Mclain (Trust) Case No. 11CEPR00028

Attorney Freed, William J. (of Oceanside, CA, for Petitioner Debbie Duehning – Conservator of George McLain, IV – Beneficiary)

Attorney Marshall, Jared C. (for Objectors Jeffrey Dale, Gordon Panzak, and Dalpar Investments, LLC)

Successor Trustee Jeff Dale's Notice of Motion and Motion to Strike Portions of the Second Amended Petition for Orders

		<p>DEBBIE DUEHNING, as Conservator for GEORGE MCLAIN, IV, filed Conservator's Second Amended Petition for Orders (See Page C) on 9/30/15.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>	
	Aff.Sub.Wit.			<p>JEFFREY DALE, in his individual and representative capacities, GORDON PANZAK, in his individual and representative capacities, and DALPAR INVESTMENTS, LLC, filed this Notice of Motion and Motion to Strike Portions of the Second Amended Petition for Orders on 11/9/15.</p> <p>See pleading for specific lines, paragraphs, and language requested to be stricken. See also Memorandum of Points and Authorities and request for judicial notice filed concurrently.</p> <p>Opposition to Motion to Strike was filed 12/29/15 by Petitioner Debbie Duehning. Opposition provides discussion and authority and requests that the Court deny the Motion to Strike, or if granted, Petitioner requests leave to amend pursuant to the State's liberal policy regarding amendment. The opposition also objects to the Request for Judicial Notice. See accompanying pleadings for specifics.</p>
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail w/o			
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
	Order x			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
			<p>Reviewed by: skc</p> <p>Reviewed on: 1/11/16</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 3E- Mclain</p>	

Petition for Approval of Trustee's Second Account Current, for Approval of Trustee's Fees, and for Authorization to Pay Fees and Costs of Counsel for the Trustee

		PERINE & DICKEN , Trustee, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Costs include court call in the amount of \$86.00 and runner services for the filing of the first account in the amount of \$45.00. Local Rule 7.17B.5 and 7.17B.7 indicates that telephonic appearance costs and runner services are considered by the court to be a part of the cost of doing business and are therefore no reimbursable. Therefore allowable costs appear to be the filing fee of \$200.00.</p> <p>2. Disbursement schedules shows a total of \$2,470.34 paid to Stifel Nicholas for "advisory fee." Court may require more information about this charge.</p>
		Account period: 7/1/2014 – 6/30/2015	
		Accounting - \$605,519.45	
		Beginning POH - \$555,101.64	
		Ending POH - \$563,782.90 (\$49,397.83 is cash)	
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified	Trustee - \$5,743.75 (paid) <i>(itemized at Exhibit D; for 45.95 hours @ \$125.00 per hour; Order Establishing SNT filed 7/22/2013 authorizes Trustee fees of up to maximum of \$1,500.00 per month subject to Court approval;)</i>	
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail	W/	
<input type="checkbox"/>	Aff.Pub.	Attorney - \$3,249.00 <i>(itemized at Exhibit C; for 8.10 hours @ \$250.00 attorney rates per hour and 13.60 hours @ \$90.00 paralegal and bookkeeper rates per hour;)</i>	
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters	Costs - \$331.00 <i>(filing fee, runner service and court call)</i>	
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections	Bond - \$646,000.00 <i>(Petitioner requests reduced bond of \$643,000.00;)</i>	
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
Please see additional page			
		Reviewed by: KT	
		Reviewed on: 1/7/16	
		Updates:	
		Recommendation:	
		File 4- Davis-Maynard	

Petitioner prays for an Order:

1. Approving, allowing and settling the Second Account and Report of the Trustee;
2. Approving as just and reasonable the Trustees' fees charged to the SNT from 7/1/2014 to 6/30/2015;
3. Authorizing payment of the Attorney fees and costs;
4. Authorizing bond be reduced to **\$643,000.00**;

Attorney Bagdasarian, Gary G. (for Linda Plitt – daughter)
 Attorney Barkinskaya, Jennie and Farley, Michael (for Conservatee)
 Objector Loeffler, Mick (pro per – son)
 Attorney Downing, Marcella and McLaughlin, William T. (for Diane Huerta – daughter/Petitioner)
 Attorney Johnson, Summer A (for Bruce Bickel – temporary conservator of the estate/trustee)

Probate Status Hearing RE: Temporary Orders/Letters

	The Current Letters of Temporary Conservatorship expire on 01/12/16	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>CONTINUED FROM 12/08/15</u> Minute Order from 12/08/15 states: Counsel reports that Mr. Bickel is finishing with transitioning the Conservatorship accounts to the Trust; there is no appearance by Mick Loeffler, who is the only one that has not agreed to a private fiduciary.</p> <p>1. Need updated status report.</p> <p>Note: Michael Farley and Jennie Barkinskaya filed a Motion to Relieved as Counsel that is set for hearing on 02/10/16.</p> <p>Reviewed by: JF Reviewed on: 01/08/16 Updates: Recommendation: File 5 - Loeffler</p>
	On 07/26/13, DIANE HUERTA , daughter, filed a Petition to appoint Diane Huerta and Linda Plitt as temporary and permanent co-conservators of the Person and Estate.	
	Temporary Conservatorship was granted on 07/29/13 and Temporary Letters were issued on 07/30/13. At a hearing on 08/19/13, the temporary Conservatorship was denied and Temporary Letters were not extended. On 09/25/13, Judge Black appointed Bruce Bickel as Temporary Conservator of the Estates of Fred and Kathleen Loeffler.	
	Since 09/25/13, the parties have engaged in numerous settlement talks, mediation, and several hearings have been heard before this Court. The Temporary Letters of Conservatorship have been extended numerous times.	
	Order Approving Second and Final Account of Temporary Conservator of the Estate was filed 11/13/15. The Order authorized and directed Bruce Bickel, temporary conservator, to transfer the assets of the conservatorship estate to Comerica Bank & Trust, N.A., successor trustee of the Loeffler Family Trust.	
	Status Report of Petitioner Diane Huerta filed 12/04/15 states: After an extensive search for an appropriate neutral party to serve as healthcare representative for Dr./Mrs. Loeffler, Ms. Austin of Central Valley Fiduciary Services was proposed and the Loeffler's stated they were amenable to Ms. Austin serving in that capacity. Draft health care directives naming Ms. Austin are being drafted, but to Petitioner's knowledge have not been completed. Because the conservatorship is an integral part of this agreement and the advance healthcare directive must be in place for the agreement to provide the protections necessary, it is Petitioner's position that the conservatorship must remain in place until the health care directives have been finalized.	
Cont. from 061615, 091515, 120815		
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		

Attorney Bagdasarian, Gary G. (for Linda Plitt – daughter)
 Attorney Barkinskaya, Jennie and Farley, Michael (for Conservatee)
 Objector Loeffler, Mick (pro per – son)
 Attorney Downing, Marcella and McLaughlin, William T. (for Diane Huerta – daughter/Petitioner)
 Attorney Johnson, Summer A (for Bruce Bickel – temporary conservator of the estate/trustee)

Probate Status Hearing RE: Temporary Orders/Letters

	The Current Letters of Temporary Conservatorship expire on 01/12/16.	NEEDS/PROBLEMS/COMMENTS:
	On 07/26/13, DIANE HUERTA , daughter, filed a Petition to appoint Diane Huerta and Linda Plitt as temporary and permanent co-conservators of the Person and Estate.	
	Temporary Conservatorship was granted on 07/29/13 and Temporary Letters were issued on 07/30/13. At a hearing on 08/19/13, the temporary Conservatorship was denied and Temporary Letters were not extended. On 09/25/13, Judge Black appointed Bruce Bickel as Temporary Conservator of the Estates of Fred and Kathleen Loeffler.	<p><u>CONTINUED FROM 12/08/15</u> Minute Order from 12/08/15 states: Counsel reports that Mr. Bickel is finishing with transitioning the Conservatorship accounts to the Trust; there is no appearance by Mick Loeffler, who is the only one that has not agreed to a private fiduciary.</p> <p>2. Need updated status report.</p> <p>Note: Michael Farley and Jennie Barkinskaya filed a Motion to Relieved as Counsel that is set for hearing on 02/10/16.</p>
Cont. from 061615, 091515, 120815		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg	Since 09/25/13, the parties have engaged in numerous settlement talks, mediation, and several hearings have been heard before this court in this matter and the Temporary Letters of Conservatorship have been extended numerous times.	
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen	Order Approving Second and Final Account of Temporary Conservator of the Estate was filed 11/13/15. The Order authorized and directed Bruce Bickel, temporary conservator, to transfer the assets of the conservatorship estate to Comerica Bank & Trust, N.A., successor trustee of the Loeffler Family Trust.	
Letters		
Duties/Supp		
Objections		
Video Receipt	Status Report of Petitioner Diane Huerta filed 12/04/15 states: After an extensive search for an appropriate neutral party to serve as healthcare representative for Dr./Mrs. Loeffler, Ms. Austin of Central Valley Fiduciary Services was proposed and the Loeffler's stated they were amenable to Ms. Austin serving in that capacity. Draft health care directives naming Ms. Austin are being drafted, but to Petitioner's knowledge have not been completed. Because the conservatorship is an integral part of this agreement and the advance healthcare directive must be in place for the agreement to provide the protections necessary, it is Petitioner's position that the conservatorship must remain in place until the health care directives have been finalized.	
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: JF
		Reviewed on: 01/08/16
		Updates:
		Recommendation:
		File 6 - Loeffler

7A Richard C. Strong (Estate) Case No. 13CEPR00703

Attorney Erlach, Mara M. (for Pamela Strong – Former Executor)

Attorney Kruthers, Heather (for Public Administrator – Successor Executor)

Probate Status Hearing Re: Filing of the Final Account

DOD: 07/13/2013	PAMELA STRONG , spouse, was appointed Executor with limited IAEA authority without bond on 09/16/2013. Letters issued on 09/14/2013.	NEEDS/PROBLEMS/COMMENTS:
		Page 7B is a Confidential Fee Waiver Hearing.
		<u>OFF CALENDAR.</u>
Cont. from 072815, 110315	Pursuant to Minute Order of 03/24/2015 the Public Administrator was appointed. Minute Order states: based on the information contained in the Status Report, the Court finds good cause to remove Pamela Strong as Executor and appoints the Public Administrator forthwith.	<u>Report of Insolvent Estate and Request for Discharge of Public Administrator filed 12/30/2015. Hearing set for 02/17/2016.</u>
<input type="checkbox"/> Aff.Sub.Wit.		
<input type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.	Minute Order of 03/24/2015 set this status hearing for the filing of the First and Final Account.	
<input type="checkbox"/> Notice of Hrg	Status Report Regarding Failure to File Final Account filed 10/23/2015 by the Public Administrator states the attorney, Mara Erlach, on behalf of her client, Pamela Strong, filed a status report that she had lost contact with her client and that she believed through a third party that Pamela Strong moved to Southern California and was hospitalized. On 03/24/2015, the Court removed Pamela Strong as the Administrator and appointed Public Administrator (PA) as successor. At the hearing, the PA requested a continuance to further investigate this case. The PA provided the following information to County Counsel on 08/06/2015:	Minute Order of 11/03/2015: Counsel requests 60 days. No appearance is necessary on 01/12/2016 if the petition is filed at least two court days prior.
<input type="checkbox"/> Aff.Mail		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202	<ul style="list-style-type: none"> Assets of the estate on the Partial No.: 1 Inventory and Appraisal filed 03/14/2014 listed \$40,000.00 cash, but there is no indication where it was held. The Final Inventory and Appraisal filed 03/19/2014 lists real property at 774 E. Wood Duck Circle, Fresno, Ca. 93730. This real property was valued by the Probate Referee at \$315,000.00. The property was held as Richard C. Strong and Pamela J. Strong, Husband and Wife, Community Property on the Deed of Trust recorded 12/28/2006 as instrument no. 2006-0270999. 	1. Need Final Account.
<input type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
	<u>Please see additional page</u>	Reviewed by: LV
		Reviewed on: 01/07/2016
		Updates:
		Recommendation:
		File 7A – Strong

7A(additional page) Richard C. Strong (Estate) Case No. 13CEPR00703

During the time Pamela Strong was Executor, there were two offers on the home on Wood Duck, one on 04/09/2014 for \$275,000.00, and a second all cash offer for \$225,000.00 on 04/15/2015. Both were intended to be Short Sales, but neither sale was completed. Subsequently, the PA found on the Recorder's website a Notice of Trustee's Sale scheduled for 06/01/2015. The total unpaid balance with costs, expenses and advances at the time of the initial Notice of Sale was listed as \$328,793.07. The PA contacted the Trustee, The Mortgage Law Firm, PLC in Temecula, and learned that the Trustee's Sale was continued to 07/10/2015, at which time the property was sold for \$265,201.00. The total costs at the time of this sale were reportedly in excess of \$384,000.00. The Probate Petition lists the Wood Duck Circle home as having a value of \$321,124.00 and encumbrances of \$296,057.00, leaving a net value of the property of \$25,067.00.

- There was nothing in the former attorney's file concerning the location of disposition of the \$40,000.00 listed in the Partial No.:1 Inventory.
- There is one Creditor Claim for \$217.45 from Capital One, dated 01/08/2015, which has been neither approved nor denied. The First and Final Account prepared and filed on 01/15/2015 by the former attorney indicates that no claims were presented to the estate, which appears to be inaccurate.
- At the time of Richard Strong's death, Pamela Strong was residing at 774 E. Wood Duck Circle, Fresno, Ca. 93730, according to the Probate Petition. On a Notice of Change of Address filed by Ms. Erlach, dated 11/13/2014, Pamela Strong's address was listed as 829 Chickadee Court, Fresno, Ca. 93730.
- The beneficiaries of the estate are:
Holy Spirit Church \$1,000.00 cash gift
Pamela J. Strong All other property
- Included with the former attorney's filed was a \$1000.00 check written to Holy Spirit Catholic Church, dated 12/02/2014, from account no. 1340591686 from Pamela Strong. This check appears to have been mailed on the same date to Ms. Erlach at McCromick Barstow and received 12/05/2014. The return address for Pamela Strong as of the date on the envelope is 754 Robin Lane, Fresno, Ca.

The PA provided the following additional information on 10/20/2015.

- The PA attempted to contact Pamela Strong at the Robin Lane address, but she no longer lives there. There is an indication that she lives in Irvine Ca. The PA will attempt to call her at the number found. Her son Andrew Strong reportedly lives in Fresno, but the PA believes he will not talk to them because of criminal/probation matter. They will attempt anyway.
- Since the PA has the account number from which the \$1,000.00 check was issued, she will call the bank to determine the status of the \$40,000.00 listed on the I&A by the former administrator.

The PA estimates that it will take another 60 days to complete her investigation and file a final report. Therefore, she requests that the next status hearing be set no sooner than December 15, 2015.

7B Richard C. Strong (Estate) Case No. 13CEPR00703

Attorney Erlach, Mara M. (for Pamela Strong – Former Executor)

Attorney Kruthers, Heather (for Public Administrator – Successor Executor)

Fee Waiver Hearing

	PUBLIC ADMINISTRATOR is petitioner.	NEEDS/PROBLEMS/COMMENTS:
		1. Need Order.
Cont. from		
<input type="checkbox"/>	Aff.Sub.Wit.	
<input type="checkbox"/>	Verified	
<input type="checkbox"/>	Inventory	
<input type="checkbox"/>	PTC	
<input type="checkbox"/>	Not.Cred.	
<input type="checkbox"/>	Notice of Hrg	
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<input type="checkbox"/>	Conf. Screen	
<input type="checkbox"/>	Letters	
<input type="checkbox"/>	Duties/Supp	
<input type="checkbox"/>	Objections	
<input type="checkbox"/>	Video Receipt	
<input type="checkbox"/>	CI Report	
<input type="checkbox"/>	9202	
<input type="checkbox"/>	Order	<input checked="" type="checkbox"/>
<input type="checkbox"/>	Aff. Posting	
<input type="checkbox"/>	Status Rpt	
<input type="checkbox"/>	UCCJEA	
<input type="checkbox"/>	Citation	
<input type="checkbox"/>	FTB Notice	
		Reviewed by: LV
		Reviewed on: 01/07/2016
		Updates:
		Recommendation:
		File 7B - Strong

7B

Attorney Bagdasarian, Gary G. (for Linda Plitt – daughter)
 Attorney Barkinskaya, Jennie and Farley, Michael (for Conservatee)
 Objector Loeffler, Mick (pro per – son)
 Attorney Downing, Marcella and McLaughlin, William T. (for Diane Huerta – daughter/Petitioner)
 Attorney Johnson, Summer A (for Bruce Bickel – temporary conservator of the estate/trustee)

Probate Status Hearing

	On 08/19/13, DIANE HUERTA , daughter of Trustor's Fred and Kathleen Loeffler, filed a Petition to Determine the Validity of the Trust Modifying the Trust, Removing Trustees, Appointing Trustees, Instructing the Trustee, Compelling Redress of Breach of Trust, and Preliminary Injunction and Prohibition of Further Distributions to Mick Loeffler.	<p>NEEDS/PROBLEMS/ COMMENTS:</p> <p>CONTINUED FROM 12/08/15</p> <p>Minute Order from 12/08/15 states: Counsel reports that Mr. Bickel is finishing with transitioning the Conservatorship accounts to the Trust; there is no appearance by Mick Loeffler, who is the only one that has not agreed to a private fiduciary.</p> <p>3. Need updated status report.</p> <p>Note: Michael Farley and Jennie Barkinskaya filed a Motion to Relieved as Counsel that is set for hearing on 02/10/16.</p>
Cont. from 061615, 091515, 120815	Since 08/19/13, the parties have engaged in numerous settlement talks, mediation, and several hearings have been heard before this court.	
Aff.Sub.Wit.	On 04/28/15, Diane Huerta, filed a Notice of Motion and Motion to Disqualify Conservatees' Attorneys of Record. The matter was heard on 06/10/15 and the took the matter under submission.	
Verified	Order After Hearing on Petition to Disqualify Conservatee's Counsel of Record denying the motion was filed 09/04/15.	
Inventory	Order Approving Second and Final Account of Temporary Conservator of the Estate was filed 11/13/15. The Order authorized and directed Bruce Bickel, temporary conservator, to transfer the assets of the conservatorship estate to Comerica Bank & Trust, N.A., successor trustee of the Loeffler Family Trust.	
PTC	Status Report of Petitioner Diane Huerta filed 12/04/15 states: After an extensive search for an appropriate neutral party to serve as healthcare representative for Dr./Mrs. Loeffler, Ms. Austin of Central Valley Fiduciary Services was proposed and the Loeffler's stated they were amenable to Ms. Austin serving in that capacity. Draft health care directives naming Ms. Austin are being drafted, but to Petitioner's knowledge have not been completed. Because the conservatorship is an integral part of this agreement and the advance healthcare directive must be in place for the agreement to provide the protections necessary, it is Petitioner's position that the conservatorship must remain in place until the health care directives have been finalized.	
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		
		<p>Reviewed by: JF</p> <p>Reviewed on: 01/08/16</p> <p>Updates:</p> <p>Recommendation: File 8 - Loeffler</p>

10 Ayden Medeiros & Ayla Lopez (GUARD/P) Case No. 14CEPR00219

Petitioner Medeiros, Brandy (Pro Per – Paternal Grandmother – Petitioner)

Petitioner Franco, Elaine (Pro Per – Maternal Grandmother – Petitioner)

Petition for Appointment of Guardian of the Person (Prob. Code §1510)

		See petition for details.	NEEDS/PROBLEMS/COMMENTS: Minute Order 12/1/15: Matter continued due to the remaining service defects as to Bernard Garcia, father of Ayla, and Louie Ponce, paternal grandfather of Ayden. <u>Note:</u> It appears all notice issues have been cured. <u>Note:</u> On 12/31/15, Petitioner Brandy Medeiros filed a Declaration providing an agreement and schedule of visitation and residence between the two petitioners designating holidays.	
Cont. from 102715, 120115				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail			W
	Aff.Pub.			
	Sp.Ntc.			
✓	Pers.Serv.			W
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
✓	CI Report			
✓	Clearances			
✓	Order			
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: skc	
			Reviewed on: 1/7/16	
			Updates:	
			Recommendation:	
			File 10 – Medeiros/Lopez	

Attorney Mele, James J. (for Executor Juan Carlos Valencia, Jr.)

Probate Status Hearing Re: the Filing of the First Account and/or Petition for Final Distribution

DOD: 3/21/2014	JUAN CARLOS VALENCIA, JR. , son, was appointed Executor with Full IAEA authority without bond on 7/7/2014.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 9/8/2015. Minute Order states counsel requests 120 days.</p>
Cont. from 090815	Letters issued on 7/10/2014.	
<input type="checkbox"/> Aff.Sub.Wit.	Pursuant to Probate Code § 8800(b) , Final Inventory and Appraisal was filed 7/22/2014 showing an estate value of \$200,000.00 .	
<input checked="" type="checkbox"/> Verified	Pursuant to Probate Code § 12200 , first account and/or petition for final distribution was due 7/10/2015 .	
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input type="checkbox"/> Notice of Hrg	Minute Order dated 7/7/2014 from the hearing on the petition for probate set this status hearing on 9/8/2015 for filing of the first account and/or petition for final distribution.	
<input type="checkbox"/> Aff.Mail		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.	Declaration of James J. Mele Re Status filed on 12/23/2015 states:	
<input type="checkbox"/> Conf. Screen	<ul style="list-style-type: none"> The sole asset of the estate was real property that has been sold for \$170,000.00; Terms were \$150,000.00 cash and a note for \$20,000.00, payable monthly for 2 years until April 2017, pursuant to Notice of Proposed Action; Payments were to begin on 4/1/2015; thereafter, the buyer fell into default on the Note and steps were taken to resolve the default; The default was cured; however, it now appears that the buyer is again in default on said Note and steps are being taken to resolve the default; Further, there were substantial Medi-Cal liens filed in this matter; those liens have recently been satisfied and Satisfactions have just been received; It is respectfully requested that this matter be continued an additional 120 days to allow for resolution or foreclosure of the Note Secured by Deed of Trust. 	
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input checked="" type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		<p>Reviewed by: LEG</p> <p>Reviewed on: 1/7/16</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 11 – Ledesma</p>

Petitioner: Emily Fernandez (Pro Per)
 Guardian: Jack Frank Fernandez (pro per)
 Guardian: Lydia P. Fernandez (pro per)

Petition for Unsupervised Visitation

		<p>EMILY FERNANDEZ, mother, is petitioner.</p> <p>JACK FRANK FERNENDEZ and LYDIA P. FERNANDEZ, maternal grandparents, were appointed guardians on 12/1/14.</p> <p>Please see petition for details.</p> <p>Court Investigator Report filed on 1/8/16</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 12/1/15.</p>	
Cont. from 102915, 120115				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input checked="" type="checkbox"/>	Notice of Hrg			
<input type="checkbox"/>	Aff.Mail			
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input checked="" type="checkbox"/>	Pers.Serv.			W/
<input type="checkbox"/>	Conf. Screen			
<input type="checkbox"/>	Letters			
<input type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input type="checkbox"/>	Order			X
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
			Reviewed by: KT	
			Reviewed on: 1/8/16	
			Updates:	
			Recommendation:	
			File 12 – Fernandez	

13A
Atty
Atty
Atty

Octavio & Mary Ruelas 2001 Family Trust

Case No. 14CEPR00929

Walters, Jennifer L. (for Irma Hicks – Co-Trustee – Petitioner)

Donohue, Francis T, III, (of Newport Beach, CA, for Jesse Joe Ruelas – Co-Trustee – Objector)

Ruelas, Angela (Pro Per – Beneficiary – Objector)

Petition for Instructions Regarding Life Estate of Angela Ruelas and Removal of Co-Trustee of The Octavio and Mary Ruelas Family Trust

<p>Octavio Ruelas DOD: 6-7-06</p>	<p>IRMA HICKS, a Co-Trustee of the Octavio and Mary Ruelas Family Trust, is Petitioner.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>
<p>Mary Ruelas DOD: 6-11-14</p>	<p>Petitioner states she and JESSE JOE RUELAS were named as joint successor trustees; however, since Mary Ruelas' passing, Jesse Ruelas has not been abiding by this provisions of the trust and has been making decisions regarding trust property without Petitioner's approval or knowledge.</p>	<p><u>Minute Order 11/10/15: Counsel represent that all parties have signed the agreement and a request for dismissal of the petition is forthcoming. The matter will come off calendar on 1/12/16 if the dismissal is filed and granted.</u></p>
<p>Cont from 120114, 012615, 081115, 092915, 111015</p>	<p>Article VIII, Section C of the trust provides a life estate in the trust property located at 61 N. DeWitt Ave., in Clovis to Angela Ruelas, and states that should Angela Ruelas choose not to live in said property or upon her death, the property shall be held in trust with any income distributed in equal shares to the seven heirs, approx. 14.28% each.</p>	<p><u>Update: Declaration of Jennifer Walters filed 1/5/16 provides the signed settlement agreement; however, no Request for Dismissal has been filed.</u></p>
<p><input type="checkbox"/> Aff.Sub.Wit.</p>	<p>Petitioner states Angela has indicated she would be granting residency in the property to Christina Ruelas, who is Co-Trustee Jesse Ruelas' daughter. Angela indicates she has made personal arrangements with Christina regarding rent and the monies are being collected by Angela without any benefit to the trust.</p>	<p><u>The following items remain noted for reference: SEE LAST PAGE.</u></p>
<p><input checked="" type="checkbox"/> Verified</p>	<p>Petitioner states the beneficiaries, all siblings, cannot come to an agreement as to whether this is an acceptable method for Angela to secure her life estate.</p>	<p>Reviewed by: skc</p>
<p><input type="checkbox"/> Inventory</p>	<p>Petitioner states that according to the provisions of the trust, if Angela Ruelas chooses not to live in the home, it reverts back to trust property and is under the exclusive control of the trustees to determine the appropriate resolution regarding the property. Co-Trustee Jesse Ruelas' position is that Angela has the right to have anyone in the property she wishes during her life estate, even if she is not living in the home. This causes Petitioner concern regarding his motives, since the person living in the home is his daughter. She is receiving a great benefit from living in the home at the expense of all the beneficiaries.</p>	<p>Reviewed on: 1/7/16</p>
<p><input type="checkbox"/> PTC</p>	<p>Therefore, Petitioner requests instructions regarding the life estate of Angela Ruelas. Considering her non-compliance with the provision indicating that she must live in the home to ratify the life estate, Petitioner is requesting the Court instruct the 61 N. DeWitt property to revert back to trust property to be under the exclusive control of the Co-Trustees.</p>	<p>Updates:</p>
<p><input type="checkbox"/> Not.Cred.</p>	<p>SEE ADDITIONAL PAGES</p>	<p>Recommendation:</p>
<p><input checked="" type="checkbox"/> Notice of Hrg</p>		<p>File 13A - Ruelas</p>
<p><input checked="" type="checkbox"/> Aff.Mail W</p>		
<p><input type="checkbox"/> Aff.Pub.</p>		
<p><input type="checkbox"/> Sp.Ntc.</p>		
<p><input type="checkbox"/> Pers.Serv.</p>		
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<p><input type="checkbox"/> Letters</p>		
<p><input type="checkbox"/> Duties/Supp</p>		
<p><input type="checkbox"/> Objections</p>		
<p><input type="checkbox"/> Video Receipt</p>		
<p><input type="checkbox"/> CI Report</p>		
<p><input type="checkbox"/> 9202</p>		
<p><input type="checkbox"/> Order X</p>		
<p><input type="checkbox"/> Aff. Posting</p>		
<p><input type="checkbox"/> Status Rpt</p>		
<p><input type="checkbox"/> UCCJEA</p>		
<p><input type="checkbox"/> Citation</p>		
<p><input type="checkbox"/> FTB Notice</p>		

Page 2

Jesse Joe Ruelas, Co-Trustee, filed Answer and Objections on 11-14-14. Mr. Ruelas denies that he has not been abiding by the provisions of the trust and denies that he has been making decisions without Petitioner's approval or knowledge. The only dispute concerns the life estate. Respondent believes it was his parents' wishes that their youngest daughter, Angela Ruelas, was to be given a life estate in the property and is entitled to possession of the property. Petitioner disagrees.

Respondent states that the fact that he disagrees with Petitioner on this matter is not a reason to remove him as co-trustee. Respondent is concerned that if he is removed, Petitioner will ignore the terms of the trust. Petitioner wanted her son Matthew to have the home, and was upset when their mother asked Matthew to move out. Respondent states Petitioner is also upset that the home was left to Angela and Angela has not agreed to give or rent the home to Matthew.

Respondent states the only assets of the trust that he is aware of are the home and personal property at the home. There is a separate property in Ensenada being overseen by Petitioner; however, Respondent doesn't know if it is part of the trust.

Respondent states Angela has stated that she intends to return to live in the property and believes that she has been moving items into the home. Respondent is informed that Angela has allowed Christina Ruelas and her child to also reside at the home, and they have use of two bedrooms, and the others are for Angela.

Respondent believes the Court should determine the meaning of the trust terms, and this issue about Angela Ruelas' life estate in the property. Respondent denies that he has any hostility or has refused to cooperate with Petitioner as his co-trustee, and states he is not being guided in his actions by the fact that Christina is his daughter. Respondent believes Angela is entitled to the home, and Petitioner wants her out of the home so that she can rent it to her son.

See Answer for additional information. See also Points and Authorities filed concurrently. Respondent prays:

1. That the Court instruct the parties as to what, if anything, Angela Ruelas needs to do to obtain the life estate in the home and property at 61 N. DeWitt;
2. That the Court instruct the parties that Angela Ruelas has been granted a life estate in the home and property at 61 N. DeWitt;
3. That the Court declare that Angela Ruelas' life estate has not terminated;
4. That the court deny Petitioner's demand that Jesse J. Ruelas be removed as a co-trustee of the trust;
5. That Jesse J. Ruelas be reimbursed his costs and attorney fees for responding to this petition and motion; and
6. For such other relief as the Court deems just.

Angela Ruelas also filed an Answer and Objection on 11-18-14.

SEE ADDITIONAL PAGES

Page 3

Angela Ruelas states she does want to live in the home and has moving clothes and possessions into the home and purchasing furniture for the home. She agreed to sublet a portion of the home to a relative, Christina, and her child, in return for Christina contributing to pay the costs of keeping up the house, taxes, etc. Angela states she is keeping the other two bedrooms for her use alone and intends to live in the home while Christina also resides there.

Angela Ruelas states she has already done all that she needs to do to "secure" her life interest in the home and the life interest was granted to her without any conditions precedent that she had to meet before she is given the life estate. It is her understanding that the life estate continues until she dies or chooses not to live there. Neither of these conditions has occurred. Angela requests the Court say what must be done so that she can do it.

Angela Ruelas states she has tried to pay for instucance, gardener, property taxes, and other costs associated with the home, but Petitioner has interfered and made it impossible for her to pay costs directly. For example, the gardener refused to take the payment, stating that Petitioner told him not to take payments from Angela Ruelas. She has also tried to reimburse the trust for various costs and expenses, but Petitioner has refused to cash the check. She has been able to pay utilities and home warranty, and remains ready and willing to pay the other expenses, if Petitioner were not preventing it. Various authority cited.

Angela Ruelas further states that Petitioner entered the home and removed property that was supposed to stay with the home, including furniture, and requests that Petitioner return specific items.

Angela Ruelas prays:

1. That the Court deny Petitioner's request that the court find that her life estate in the property is terminated;
2. That the Court give instructions and declare that she has a life estate in the home and that there were no conditions precedent to her obtaining the life estate;
3. That if the court finds that there are conditions precedent to her obtaining the life estate, that the court give instructions as to what, if anything, she needs to do to obtain the life estate, and give time to meet those conditions;
4. That the Court deny Petitioner's request that the court find that the life estate is terminated;
5. That the Court find that she has not terminated her life estate in the property;
6. That the Court order Petitioner to return the taken property to the home;
7. That the Court deny Petitioner's request to remove Jesse Ruelas as co-trustee;
8. That the Court award Angela Ruelas recovery of her attorney fees and costs of suit;
9. That the Court grant such other relief as is just.

Declaration of Irma Hicks Regarding Recent Events Surrounding the Trust was filed 1-23-15. See declaration for details.

NEEDS/PROBLEMS/COMMENTS:

1. **The petition does not state the names and addresses of each person entitled to notice of this petition, which includes Petitioner, pursuant to Probate Code §17201. Need verified declaration with this information.**
2. **It is unclear if Christina is currently residing in the home at this time. The Court may require 30 days' notice to Christina Ruelas pursuant to Probate Code §17203(c) or other applicable law.**
3. **Need order pursuant to Local Rule 7.1.1.F.**

13B Octavio & Mary Ruelas 2001 Family Trust

Case No. 14CEPR00929

Atty Walters, Jennifer L. (for Irma Hicks – Co-Trustee – Petitioner)
 Atty Donohue, Francis T, III, (of Newport Beach, CA, for Jesse Joe Ruelas – Co-Trustee – Objector)
 Atty Ruelas, Angela (Pro Per – Beneficiary – Objector)

Probate Status Hearing RE: Resolution

Cont. from 092915, 111015		<p>IRMA HICKS, a Co-Trustee of the Octavio and Mary Ruelas Family Trust, filed Petition for Instructions Regarding Life Estate of Angela Ruelas and Removal of Co-Trustee of The Octavio and Mary Ruelas Family Trust.</p> <p>On 8/11/15, counsel indicated that the parties had reached an agreement. The Court set this status hearing re resolution.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Minute Order 11/10/15: Counsel represent that all parties have signed the agreement and a request for dismissal of the petition is forthcoming. The matter will come off calendar on 1/12/16 if the dismissal is filed and granted.</p> <p>Update: Declaration of Jennifer Walters filed 1/5/16 provides the signed settlement agreement; however, no Request for Dismissal has been filed.</p>
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			
		<p>Reviewed on: 1/7/16</p>	
		<p>Updates:</p>	
		<p>Recommendation:</p>	
		<p>File 13B – Ruelas</p>	

14 Terrence Blair (Estate) Case No. 14CEPR01057

Attorney Kruthers, Heather H (for the Public Administrator – Petitioner)

First and Final Account and Report of Administrator and petition for Allowance of Ordinary and Extraordinary Commissions and Fees and for Distribution

DOD: 11/11/2014		NEEDS/PROBLEMS/COMMENTS: <u>OFF CALENDAR.</u> <u>1ST Amended Petition filed</u> <u>12/11/2015. Hearing is set for</u> <u>02/03/2016.</u>
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		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: LV
		Reviewed on: 01/07/2016
		Updates:
		Recommendation:
		File 14- Blair

15 Isaiah Cervantes, Ilene Cervantes (GUARD/P) Case No. 15CEPR00587

Petitioner Lucero, Heidi Belinda (Pro Per – Mother)

Objector Aguilar, Maria D (Pro Per – Co-Guardian)

Objector Lucero, Dora A (Pro Per – Co-Guardian)

Petition for Termination of Guardianship

		HEIDI BELINDA LUCERO , mother, is petitioner.	NEEDS/PROBLEMS/COMMENTS:	
		DORA A. LUCERO and MARIA D. AGUILAR , Maternal Grandmother and Great-Aunt, were appointed guardians on 08/10/2015. Objection filed 01/05/2016.		
Cont. from		<u>Please see petition for details</u>	<ol style="list-style-type: none"> 1. Petition is incomplete. Petitioners do not provide a reason why termination of the guardianship is in the best interest of the minors. 2. Need Notice of Hearing. 3. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for: <ul style="list-style-type: none"> • Dora A. Lucero (Co-Guardian) • Maria D. Aguilar (Co-Guardian) • Luis Cervantes (Father) • Luis Cervantes (Paternal Grandfather) • Maribel Cervantes (Paternal Grandmother) • Guadalupe Lucero (Paternal Grandfather) 	
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input type="checkbox"/>	Notice of Hrg			x
<input type="checkbox"/>	Aff.Mail			x
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input type="checkbox"/>	Letters			
<input type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input checked="" type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
			Reviewed by: LV	
			Reviewed on: 01/07/2016	
			Updates:	
			Recommendation:	
			File 15- Cervantes	

Probate Status Hearing RE: Additional Insurance Monies

	LOIDA AURORA IN , Mother, was appointed Guardian of the Estate on 8/11/15 without bond, with all funds placed into a blocked account. Letters issued 8/13/15.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need receipt for deposit(s) of additional insurance monies into blocked account or written status report pursuant to Local Rule 7.5.</p>
	The Court set a status hearing for the filing of the receipt for blocked account.	
Aff.Sub.Wit.		
Verified		
Inventory	See status Report filed 11/9/15.	
PTC		
Not.Cred.	Minute Order 11/10/15 set this status hearing re receipt of additional insurance monies.	
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		
		Reviewed by: skc
		Reviewed on: 1/7/16
		Updates:
		Recommendation:
		File 17A- In

Probate Status Hearing RE: Filing of the Inventory and Appraisal

	<p>LOIDA AURORA IN, Mother, was appointed Guardian of the Estate on 8/11/15 without bond, with all funds placed into a blocked account. Letters issued 8/13/15.</p> <p>The Court set this status hearing for the filing of the Inventory and Appraisal.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need I&A per Probate Code §2610 or written status report per Local Rule 7.5.</p>
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		
		Reviewed by: skc
		Reviewed on: 1/7/16
		Updates:
		Recommendation:
		File 17B- In

Petitioner Carey, Erica (pro per – half-sister)

Petition for Appointment of Guardian of the Person

		<u>TEMPORARY EXPIRES 11/10/15</u>	NEEDS/PROBLEMS/ COMMENTS:
		ERICA CAREY , half-sister, is Petitioner.	<p>CONTINUED FROM 11/10/15 Minute Order from 11/10/15 states: Williams Skaggs is personally served a copy of the petition in open court by the Deputy. Mr. Skaggs states his objection for the record. Mr. Skaggs is to go make an appointment with the Court Investigator forthwith and have his written objections filed and served by 12/21/15.</p> <p>As of 01/07/16, no objections has been filed.</p> <p>1. Need proof of service at least 15 days before the hearing of Notice of Hearing with a copy of the Petition for Appointment of Guardian of the Person or Consent & Waiver of Notice or Declaration of Due Diligence for:</p> <ul style="list-style-type: none"> a. Ellamae Skaggs (paternal grandmother) – service by mail ok; Proof of service filed 09/28/15 does not indicate that she was served a copy of the Petition along with the Notice of Hearing. b. Bobbi Goddard (maternal grandmother) – service by mail ok; Proof of service filed 09/28/15 does not indicate that she was served a copy of the Petition along with the Notice of Hearing. c. Andrew Skaggs (half-brother) – service by mail ok; unless diligence is found d. Darby Skaggs (half-brother) - service by mail ok; unless diligence is found e. Craig Skaggs (half-brother) - service by mail ok; unless diligence is found
Cont. from 101315, 111015		Father: WILLIAM SKAGGS – Personally served in Court on 11/10/15 by Deputy	
<input type="checkbox"/>	Aff.Sub.Wit.	Mother: MELINDA TURNER – Consent & Waiver of Notice filed 08/13/15; now deceased	
<input checked="" type="checkbox"/>	Verified	Paternal grandfather: PHILLIP SKAGGS - deceased	
<input type="checkbox"/>	Inventory	Paternal grandmother: ELLAMAE SKAGGS – Served by mail on 09/25/15 with Notice of Hearing only	
<input type="checkbox"/>	PTC	Maternal grandfather: JOHN TURNER - deceased	
<input type="checkbox"/>	Not.Cred.	Maternal grandmother: BOBBI GODDARD – Served by mail on 09/25/15 with Notice of Hearing only	
<input checked="" type="checkbox"/>	Notice of Hrg	Siblings: TARYN HOPE (21) – Consent & Waiver of Notice filed 08/13/15, ANDREW SKAGGS, DARBY SKAGGS, CRAIG SKAGGS – Declarations of Due Diligence filed 09/28/15	
<input checked="" type="checkbox"/>	Aff.Mail	Petitioner states [see Petition for details]	
<input type="checkbox"/>	Aff.Pub.	Court Investigator Jennifer Young filed a report on 10/07/15.	
<input type="checkbox"/>	Sp.Ntc.	Court Investigator Jennifer Young filed a report on 11/03/15.	
<input checked="" type="checkbox"/>	Pers.Serv.	Declaration filed 10/08/15 by Petitioner Erica Carey.	
<input checked="" type="checkbox"/>	Conf. Screen	Declaration filed 10/20/15 by Petitioner Erica Carey.	
<input checked="" type="checkbox"/>	Letters	Confidential Supplemental Investigator's Report to Court filed 01/07/16.	
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input checked="" type="checkbox"/>	CI Report		
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<input type="checkbox"/>	Status Rpt		
<input checked="" type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: JF
			Reviewed on: 01/07/16
			Updates:
			Recommendation:
			File 18 – Turner-Hope

Petition (1) for Removal of Trustee; (2) for Damages for Breach of Trust; (3) to Compel Trust Accounting; and (4) Objection to Accounting (Prob. Code §§ 17200, 16063)

<p>John F. Murray DOD: 12/17/03</p> <hr/> <hr/> <hr/> <p>Cont'd from: 102715</p> <table border="1" style="width: 100%;"> <tr><td><input type="checkbox"/></td><td>Aff.Sub.Wit.</td><td></td></tr> <tr><td><input checked="" type="checkbox"/></td><td>Verified</td><td></td></tr> <tr><td><input type="checkbox"/></td><td>Inventory</td><td></td></tr> <tr><td><input type="checkbox"/></td><td>PTC</td><td></td></tr> <tr><td><input type="checkbox"/></td><td>Not.Cred.</td><td></td></tr> <tr><td><input checked="" type="checkbox"/></td><td>Notice of Hrg</td><td></td></tr> <tr><td><input checked="" type="checkbox"/></td><td>Aff.Mail</td><td>W</td></tr> <tr><td><input type="checkbox"/></td><td>Aff.Pub.</td><td></td></tr> <tr><td><input type="checkbox"/></td><td>Sp.Ntc.</td><td></td></tr> <tr><td><input type="checkbox"/></td><td>Pers.Serv.</td><td></td></tr> <tr><td><input type="checkbox"/></td><td>Conf. Screen</td><td></td></tr> <tr><td><input type="checkbox"/></td><td>Letters</td><td></td></tr> <tr><td><input type="checkbox"/></td><td>Duties/Supp</td><td></td></tr> <tr><td><input type="checkbox"/></td><td>Objections</td><td></td></tr> <tr><td><input type="checkbox"/></td><td>Video Receipt</td><td></td></tr> <tr><td><input type="checkbox"/></td><td>CI Report</td><td></td></tr> <tr><td><input type="checkbox"/></td><td>9202</td><td></td></tr> <tr><td><input checked="" type="checkbox"/></td><td>Order</td><td></td></tr> <tr><td><input type="checkbox"/></td><td>Aff. Posting</td><td></td></tr> <tr><td><input type="checkbox"/></td><td>Status Rpt</td><td></td></tr> <tr><td><input type="checkbox"/></td><td>UCCJEA</td><td></td></tr> <tr><td><input type="checkbox"/></td><td>Citation</td><td></td></tr> <tr><td><input type="checkbox"/></td><td>FTB Notice</td><td></td></tr> </table>	<input type="checkbox"/>	Aff.Sub.Wit.		<input checked="" type="checkbox"/>	Verified		<input type="checkbox"/>	Inventory		<input type="checkbox"/>	PTC		<input type="checkbox"/>	Not.Cred.		<input checked="" type="checkbox"/>	Notice of Hrg		<input checked="" type="checkbox"/>	Aff.Mail	W	<input type="checkbox"/>	Aff.Pub.		<input type="checkbox"/>	Sp.Ntc.		<input type="checkbox"/>	Pers.Serv.		<input type="checkbox"/>	Conf. Screen		<input type="checkbox"/>	Letters		<input type="checkbox"/>	Duties/Supp		<input type="checkbox"/>	Objections		<input type="checkbox"/>	Video Receipt		<input type="checkbox"/>	CI Report		<input type="checkbox"/>	9202		<input checked="" type="checkbox"/>	Order		<input type="checkbox"/>	Aff. Posting		<input type="checkbox"/>	Status Rpt		<input type="checkbox"/>	UCCJEA		<input type="checkbox"/>	Citation		<input type="checkbox"/>	FTB Notice		<p>MARY MURRAY, Beneficiary, is Petitioner.</p> <p>Petitioner states Settlor John F. Murray executed the trust on 5/26/00 and amended one time on 6/19/02. The trust designated Settlor and DALE MURRAY SULLIVAN to act as co-trustees. Settlor died 12/17/03 and since his death, Dale Murray Sullivan has acted as sole trustee.</p> <p>Petitioner states in December 2005, the trustee sent a letter to beneficiaries outlining expenses, transactions and income of the trust estate. Petitioner alleges the letter is not a legally sufficient account of trust activities and fails to contain information required by Probate Code §16063. Petitioner object to the account and also objects to the fees claimed by the trustee of \$15,000. Petitioner states the account fails to justify the fees and the fees are excessive and should be disallowed.</p> <p>Exhibit D states the trustee is retaining a reserve of \$55,540.85 for legal fees and final estate tax payments, and states the trust will have additional projected income of \$15,000 for the Palm Canyon Closing Payment, and will also have continuing income of \$4,200/yr. However, despite these statements, there have been no payments to the beneficiaries since December 2005, almost 10 years ago.</p> <p>Based on the reserve, the expected payment, and projected income over the last 10 years, the trustee is believed to have retained and spent trust money of \$112,000 or more.</p> <p style="text-align: center;"><u>SEE PAGE 2</u></p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Minute Order 10/27/15: Mr. Willoughby is just coming in on this matter; parties request a continuance.</p> <p>Note: As of 1/7/16, nothing further has been filed.</p> <ol style="list-style-type: none"> Petitioner states Fresno County is the proper venue pursuant to Probate Code §16061.7 with reference to Exhibit C, a copy of the notice provided by the trustee in 2004 listing the trustee's address in Fresno. However, Exhibit D, an expense itemization provided by the trustee in 2005, indicates an address in Sioux Falls, South Dakota, and Petitioner provides a current address for the trustee in San Antonio, Texas. Therefore, need clarification as to why Fresno County is proper venue pursuant to Probate Code §§ 17002, 17005. The Court may require further authority as to why §17200(b)(7) should not apply. It appears Petitioner has not had contact with the trustee for 10 years and has not made formal written request to the trustee for the information requested; therefore this petition may be filed prematurely. <table border="1" style="width: 100%;"> <tr><td>Reviewed by: skc</td></tr> <tr><td>Reviewed on: 1/7/16</td></tr> <tr><td>Updates:</td></tr> <tr><td>Recommendation:</td></tr> <tr><td>File 19 – Murray</td></tr> </table>	Reviewed by: skc	Reviewed on: 1/7/16	Updates:	Recommendation:	File 19 – Murray
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File 19 – Murray																																																																												

Page 2

Petitioner alleges that the requirements of Probate Code §17200(b)(7) of a written request, a 60-day wait, and lack of account within the precedent six months should not apply when a breach of trust may have occurred, especially when more than \$100,000 has disappeared without explanation.

Petitioner states she has received and is in possession of a check dated 7/15/15 from HMS-Palm Springs in the sum of \$39,600 made out to John F. Murray. Petitioner has been unsuccessful in contacting HMS-Palm Springs to determine the reason for the check and/or to find out what other payments have been made since the death of the settlor.

Petitioner prays for an order:

- 1. Instructing Dale Murray Sullivan to prepare and file with this court an account for the John F. Murray Living Trust from the date of death, or alternatively, should the Court find Exhibit D to be a legally sufficient account, from the end date of Exhibit D;**
- 2. Instructing Dale Murray Sullivan to petition this court for settlement of the account;**
- 3. Removing Dale Murray Sullivan as trustee;**
- 4. Finding that Dale Murray Sullivan as trustee has breached the trust and that she is liable for all resulting damages;**
- 5. Sustaining Petitioner's objections to the account;**
- 6. Surcharging the trustee for damages and for all improper payments; and**
- 7. For any additional orders the court deems appropriate.**

Petitioner Brian G. Nelson (Pro Per)
 Petitioner Aurora Nelson (Pro Per)

Petition for Appointment of Guardian of the Person

		TEMPORARY GRANTED ON COURT'S OWN MOTION EXPIRES 1/12/2016	NEEDS/PROBLEMS/COMMENTS:	
		BRIAN G. NELSON and AURORA NELSON, paternal grandfather and step-grandmother, are Petitioners.		
Cont. from 111015		<p><i>~Please see Petition for details~</i></p> <p>Court Investigator's Report was filed on 11/3/2015.</p>	<p>Continued from 11/10/2015. <i>Minute Order</i> states the Court grants temporary guardianship; Letters are to issue forthwith.</p> <p>The following issues from the last hearing remain:</p> <ol style="list-style-type: none"> 1. Need <i>Notice of Hearing</i> and proof of personal service of the <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Guardian, or Consent to Appointment of Guardian and Waiver of Notice, or a Declaration of Due Diligence</i>, for: <ul style="list-style-type: none"> • Kristal Sidelinker, mother. 2. Need proof of service by mail of the <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Guardian, or Consent to Appointment of Guardian and Waiver of Notice, or a Declaration of Due Diligence</i>, for: <ul style="list-style-type: none"> • Andrea Graham, paternal grandmother; • maternal grandparents. 3. <i>UCCJEA</i> form filed on 9/9/2015 does not provide residence information for the last 5 years as required. 	
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input type="checkbox"/>	Notice of Hrg			X
<input type="checkbox"/>	Aff.Mail			X
<input type="checkbox"/>	Aff.Pub.			
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<input type="checkbox"/>	Pers.Serv.			X
<input checked="" type="checkbox"/>	Conf. Screen			
<input checked="" type="checkbox"/>	Letters			
<input checked="" type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
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<input checked="" type="checkbox"/>	Order			
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<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
			Reviewed by: LEG	
			Reviewed on: 1/8/16	
			Updates:	
			Recommendation:	
			File 20 – Boore	

Petitioner: Herbert Fields (pro per)

Petition for Appointment of Guardian of the Person

		TEMPORARY EXPIRES 1/12/16	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued form 11/10/15 as of 1/7/16 the following issues remain:</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of personal service of the Notice of Hearing along with a copy of the petition or consent and waiver of notice or declaration of due diligence on: <ol style="list-style-type: none"> a. L.C. Moore (father) b. Lacey Macu (mother) 3. Need proof of service of the Notice of Hearing along with a copy of the petition or consent and waiver of notice or declaration of due diligence on: <ol style="list-style-type: none"> c. Maternal grandparents.
		<p>HERBERT FIELDS, paternal cousin, is petitioner.</p>	
		<p>Please see petition for details.</p>	
		<p>Court Investigator report filed on 1/6/16</p>	
Cont. from 111015			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg	X	
<input type="checkbox"/>	Aff.Mail	X	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.	X	
<input checked="" type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input checked="" type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input checked="" type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			<p>Reviewed by: KT</p>
			<p>Reviewed on: 1/7/16</p>
			<p>Updates:</p>
			<p>Recommendation:</p>
			<p>File 21 – Moore</p>

Petitioner Ricardo Cabrera (Pro Per)
 Petitioner Bonni Cabrera (Pro Per)

Petition for Appointment of Guardian of the Person

		<p>TEMPORARY EXPIRES 11/10/2015; extended to 1/12/2016 as to BONNI CABRERA ONLY</p>	<p>NEEDS/PROBLEMS/ COMMENTS:</p>	
		<p>BONNI CABRERA, half-sister, and RICARDO CABRERA, spouse of half-sister, are Petitioners.</p>	<p>1. Need proof of personal service of the <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Guardian</i>, or <i>Consent to Appointment of Guardian and Waiver of Notice</i>, or a <i>Declaration of Due Diligence</i>, for:</p> <ul style="list-style-type: none"> Anita Martin Brown, mother; (service by mail is insufficient); 	
<p>Cont. from 111015</p>				
	Aff.Sub.Wit.	<p align="center">~Please see Petition for details~</p> <p>Court Investigator's Report was filed on 11/3/2015.</p>	<p>2. UCCJEA filed 9/9/2015 does not provide minor's residence information for the past 5 years as required.</p>	
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail			W /
	Aff.Pub.			
	Sp.Ntc.			
✓	Pers.Serv.			
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✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
✓	CI Report			
✓	Clearances			
✓	Order			
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✓	UCCJEA			
	Citation			
	FTB Notice			
			<p>Reviewed by: LEG</p>	
			<p>Reviewed on: 1/7/16</p>	
			<p>Updates:</p>	
			<p>Recommendation:</p>	
			<p>File 22 – Martin & Brown</p>	

Petitioner Drhew Yang Ngialah (Pro Per)

Petition for Letters of Administration

DOD: 5/18/2015	DRHEW YANG NGIALAH , niece, is Petitioner and requests appointment as Administrator (<i>Bond is not addressed.</i>)	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 11/10/2015. Minute Order states examiner notes provided in open court.</p> <p>The following issues from the last hearing remain:</p> <ol style="list-style-type: none"> Item 3(c) of the <i>Petition</i> states the character and estimated value of the property of the estate is personal property valued at \$2,000.00. It appears Petitioner may not need to initiate the instant probate proceeding to have the Decedent's property distributed, if this is an accurate description of the character and value of Decedent's estate property. Probate Code §§ 13100 to 13116 provide an affidavit procedure whereby property such as that described by the Petitioner can be transferred. A blank <i>Declaration for Transfer of Personal Property without Probate</i> form is in the case file for Petitioner's reference and potential use to distribute the Decedent's property. Petition is significantly defective in several aspects and has not been reviewed based upon the issue raised in Item 1, above.
Cont. from 111015	Full IAEA — ?	
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified	Decedent died intestate.	
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.	Residence — Fresno	
<input type="checkbox"/> Notice of Hrg	Publication — Need	
<input type="checkbox"/> Aff.Mail	Estimated value of the Estate:	
<input type="checkbox"/> Aff.Pub.	Personal property - \$2,000.00	
<input type="checkbox"/> Sp.Ntc.	_____	
<input type="checkbox"/> Pers.Serv.	Total _____ - \$2,000.00	
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters	Probate Referee: Rick Smith	
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed on: 1/7/16
		Updates:
		Recommendation:
		File 23 - Yang

Petition of Trustee to Appoint Successor Trustee

DOD: 3/9/15		<p>KENNETH THAYER, Trustee of the Jacqueline Bolton Trust and Olive Williams Unitrust created under the Olive Williams Family Trust dated 10/19/87 (the Trust), is Petitioner.</p> <p>Petitioner states Olive Williams was trustor and initial trustee of the Trust, which became irrevocable at her death on 8/9/91. Upon her death, Jacqueline Bolton and Kenneth became Substitute Co-Trustees. Petitioner Kenneth Thayer intends to resign as trustee. Jacqueline Bolton died 3/9/15.</p> <p>Once month prior to her death, Ms. Bolton executed a petition to effectuate Mr. Thayer's resignation as Substitute Co-Trustee and appointment of Bruce Bickel as successor trustee; however, Ms. Bolton died before that petition was filed.</p> <p>Petitioner resides in Bakersfield, CA. Prior to Ms. Bolton's death, the principal place of administration of the trust was Los Angeles, CA.</p> <p>Section Four of the Trust provides that Mr. Thayer may petition a court of competent jurisdiction to appoint a substitute co-trustee.</p> <p>Petitioner requests that the Court accept his resignation as trustee and requests that the Court appoint Bruce Bickel as sole trustee as set forth under Section Four of the Trust terms and request the Court appoint said trustee without bond, as stated in Section Four.</p> <p>Petitioner believes appointment of Mr. Bickel is in the best interest of the Trust and those persons interested because he is familiar with Jacqueline Bolton's general trust matters, including those relating to the Olive Williams Trust and the subtrusts created thereunder. Mr. Bickel is a professional fiduciary and serves as successor trustee to Jacqueline Bolton's various other trusts, and is also the trustee for both of Ms. Bolton's late husband's trusts. His expertise and familiarity with these other matters will invaluablely aide in the administration of the trust.</p>	<p>NEEDS/PROBLEMS/ COMMENTS:</p> <ol style="list-style-type: none"> Petitioner's signature and verification are not dated. Need consent to serve by Bruce Bickel. It does not appear that Mr. Bickel was served with Notice of Hearing. The Court may require continuance for 30 days' notice or waiver of notice from Mr. Bickel. 	
Cont. from 111215				
<input type="checkbox"/>	Aff.Sub.Wit.			
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<input type="checkbox"/>	Inventory			
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<input type="checkbox"/>	CI Report			
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<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			

Reviewed by: skc
Reviewed on: 1/7/16
Updates:
Recommendation:
File 24 - Bolton

Page 2

Petitioner provides nominations of Mr. Bickel and waivers of notice from all interested persons

including: Braille Institute of America, Christian Recording Services for the Blind, American Humane Society, Women's Christian Temperance Union, Bob Jones University, University of California, Los Angeles Medical Center.

Petitioner requests that:

1. The Court appoint Bruce Bickel as sole Trustee of the Jacqueline Bolton Trust and the Olive Williams Unitrust created under the Olive Williams Family Trust dated 10/19/87, to serve without bond. Kenneth Thayer shall deliver the trust assets to Bruce Bickel within 30 days after issuance of the Order;
2. The Court accept the resignation of Kenneth Thayer as Substitute Co-Trustee of the Jacqueline Bolton Trust and the Olive Williams Unitrust created under the Olive Williams Trust dated 10/19/87; and
3. The Court make all further and proper orders.

Petition for Appointment of Guardian of the Person

		THERE IS NO TEMPORARY. No temporary was requested.	NEEDS/PROBLEMS/COMMENTS: 1. Need Notice of Hearing. 2. Need proof of personal service of the Notice of Hearing along with a copy of the petition or consent and waiver of notice or declaration of due diligence on: a. Frank Gonzalez, Jr. (father) 3. Need proof of personal service of the Notice of Hearing along with a copy of the petition or consent and waiver of notice or declaration of due diligence on: a. Frank Gonzalez (paternal grandfather) b. Elaida Alaniz (paternal grandmother) c. Jaime Mejia (maternal grandfather)
		BLANCA PORTILLO , maternal grandmother, is petitioner.	
Cont. from		Please see petition for details.	
<input type="checkbox"/>	Aff.Sub.Wit.	Court Investigator Report filed on 1/6/15	
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<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg	X	
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<input type="checkbox"/>	Status Rpt		
<input checked="" type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
Reviewed by: KT			
Reviewed on: 1/8/15			
Updates:			
Recommendation:			
File 25- Gonzales			

Petition for Appointment of Guardian of the Person

<u>NO TEMPORARY REQUESTED</u>		NEEDS/PROBLEMS/COMMENTS:
<p>LUCILA GARCIA, maternal grandmother, is Petitioner.</p>		<p>1. Need <i>Notice of Hearing</i>.</p> <p>2. Need proof of service at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Guardian of the Person or Consent & Waiver of Notice or Declaration of Due Diligence</i> for:</p> <p>a. Father – <i>personal service required</i></p> <p>b. Lucero Perez (mother) – <i>personal service required</i></p> <p>c. Paternal grandparents – <i>Notice by mail ok</i></p> <p>d. Manuel Perez (maternal grandfather) – <i>Notice by mail ok</i></p>
<p>Father: UNKNOWN</p>		
<p>Mother: LUCERO PEREZ</p>		
<p>Paternal grandparents: UNKNOWN</p>		
<p>Maternal grandfather: MANUEL PEREZ</p>		
<p>Petitioner states [see file].</p>		
<p>Court Investigator Julie Negrete filed a report on 01/06/16.</p>		
Cont. from		
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input type="checkbox"/> Notice of Hrg	x	
<input type="checkbox"/> Aff.Mail	x	
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.	x	
<input checked="" type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters		
<input checked="" type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input checked="" type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input checked="" type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		<p>Reviewed by: JF</p>
		<p>Reviewed on: 01/08/16</p>
		<p>Updates:</p>
		<p>Recommendation:</p>
		<p>File 26- Perez</p>

Petitioner DeCorona, Rosaura Torres (pro per – maternal grandmother)

Petition for Appointment of Guardian of the Person

		<u>NO TEMPORARY REQUESTED</u>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need proof of service by mail at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Guardian of the Person</i> <u>or</u> <i>Consent & Waiver of Notice</i> <u>or</u> <i>Declaration of Due Diligence</i> for:</p> <p>a. Paternal grandparents b. Eustaquio Corona</p>
		<p>ROSAURA TORRES DECORONA, maternal grandmother, is Petitioner.</p>	
Cont. from		Father: JOE CISNEROS – <i>Consents and Waives Notice</i>	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory	Mother: CLAUDIA CORONA TORRES – <i>Consents and Waives Notice</i>	
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.	Paternal grandparents: UNKNOWN	
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail	Maternal grandfather: EUSTAQUIO CORONA	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.	Petitioner states [see file for details].	
<input type="checkbox"/>	Pers.Serv.		
<input checked="" type="checkbox"/>	Conf. Screen	Court Investigator Charlotte Bien filed a report on 12/17/15.	
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input checked="" type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input checked="" type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: JF
			Reviewed on: 01/08/16
			Updates:
			Recommendation:
			File 27- Corona

Petition for an Order to Confirm Successor Trustee and Trust Assets

	HANNAH M. JOHNSON , successor Trustee, is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need Order. Local Rule 7.1 states a proposed Order shall be submitted with all pleadings that request relief. If the proposed order is not received in the Probate Filing Clerk's Office ten (10) days before the scheduled hearing, a continuance may be required.</p> <hr/> <p>Reviewed by: KT</p> <p>Reviewed on: 1/8/16</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 28- Johnson</p>
	Petitioner states she named as successor Trustee in the trust instrument.	
Cont. from	On 12/7/05 Robert L. Johnson, settlor, acquired real property located at 1376 W. Celeste, Fresno, CA.	
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC	The Real Property remained in titled in the name of Robert L. Johnson, a married man as his sole and separate property, until his death on 5/6/15.	
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail	W/	
<input type="checkbox"/> Aff.Pub.	On 1/19/11, Robert L. Johnson created the Robert Johnson Revocable Trust. The Real Property at issue was listed on schedule "A" of the Trust.	
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen	After Robert L. Johnson created the trust he did not transfer the Real Property by deed to the Trust.	
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections	As proof of his intent to transfer the Real Property into the Trust, Robert Johnson signed a Trust Transfer Deed dated 7/6/12, that was notarized on that same date.	
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input type="checkbox"/> Order	X	
<input type="checkbox"/> Aff. Posting	When the Transfer Deed was submitted to the County Recorder's Office, it was rejected because Settlor signed the Transfer Deed as "Robert L. Johnson" and not as "Robert Johnson."	
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice	Settlor's health thereafter deteriorated significantly and he did not sign or record a new deed conveying the Real Property to the Trust. Thus, at the time of the Settlor's death, the Real Property remained titled in his individual name as his separate property.	
Please see additional page		

28 The Robert Johnson Revocable Trust 1-19-2011 Case No. 15CEPR01111

Petitioner now petitions this Court to confirm Settlor's Real Property as a Trust asset to be held and administered pursuant to the terms of the Trust.

Wherefore, Petitioner prays for:

1. An order determining that the Robert Johnson Revocable Trust, dated January 19, 2011, is valid;
2. An order confirming that Hannah M. Johnson is the successor trustee of the Robert Johnson Revocable Trust;
3. An order confirming that all of Robert Johnson's right, title and interest in real property commonly known as 1376 W. Celeste Ave. is an asset of the Robert Johnson Revocable Trust, to be held, administered, and distributed by Hannah M. Johnson, as successor trustee, under the terms of the Trust.

Attorney Dean Hiyama (for Petitioner Gary D. F. Pollastrini)

Petition for Probate of Will and for Letters Testamentary; Authorization to Administer Under the Independent Administration of Estates Act

DOD: 11/14/2015		<p>GARY D. F. POLLASTRINI, and named Executor without bond, is Petitioner.</p> <p>Full IAEA: OK</p> <p>Will Dated: 4/19/2012</p> <p>Residence: Fresno</p> <p>Publication: Business Journal</p> <p>Estimated value of the Estate: Personal property - \$1,218,704.05 Income from PP - \$ 41,723.80 Total - \$1,260,427.85</p> <p>Probate Referee: Steven Diebert</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Note:</u> Court will set Status Hearings as follows:</p> <ul style="list-style-type: none"> Monday, June 13, 2016 at 9:00 a.m. in Dept. 303 for the filing of the final inventory and appraisal; and Monday, March 13, 2017 at 9:00 a.m. in Dept. 303 for the filing of the first account and/or petition for final distribution. <p>Pursuant Local Rule 7.5, if the documents noted above are filed 10 days prior to the dates listed, the hearings will be taken off calendar and no appearance will be required.</p>
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit. S/P		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail W/		
<input checked="" type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		Reviewed by: LEG	
		Reviewed on: 1/8/16	
		Updates:	
		Recommendation: SUBMITTED	
		File 29- Pollastrini	

Petitioner Julie C. Jones (Pro Per - self-represented attorney)

Petition for Appointment of Temporary Guardian of the Person

		TEMPORARY GRANTED EX PARTE EXPIRES 1/4/2016; extended to 1/12/2016	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 1/4/2016. Minute Order states continued due to lack of timely service. (Note: Service defects are cured.)</p>
		<u>General Hearing set for 2/9/2016</u>	
Cont. from 010416		JULIE C. JONES , non-relative caretaker, is Petitioner.	
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
✓	Pers.Serv.		
✓	Conf. Screen		
	Letters	X	
✓	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order	X	
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: LEG
			Reviewed on: 1/11/16
			Updates:
			Recommendation:
			File 30- Brady

Petitioner Johanna L. Robison (Pro Per)

Petition for Appointment of Temporary Guardian of the Person

		<u>General Hearing set for 2/29/2016</u>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need <i>Notice of Hearing</i>. 2. Need proof of five (5) court days' notice by personal service of the <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Temporary Guardian, or Consent to Appointment of Guardian and Waiver of Notice, or a Declaration of Due Diligence</i> for: <ul style="list-style-type: none"> • Kendra Taylor, mother; • Robert Meginness, father.
		JOHANNA ROBISON, paternal grandmother, is Petitioner.	
		<i>~Please see Petition for details~</i>	
Cont. from			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg	X	
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.	X	
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed on: 1/8/16
			Updates:
			Recommendation:
			File 31- Taylor

32 Vera Silberstein Conservators' Trust

Case No. 11CEPR00299

Attorney Jeffrey A. Jaech (for Petitioners Betty Ann Bianchi and Robert W. Bianchi, Co-Trustees) Sixth Account and Report of Co-Trustees upon Conservatee's Death, and Petition for Its Settlement, Excusing Further Court Accountings, for Discharge of Bond, and for Allowance of Attorneys' Fees

DOD: 9/19/2015	BETTY ANN BIANCHI and ROBERT W. BIANCHI Co-Trustees, are Petitioners.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 1/5/2016. Minute Order states counsel reports that he received an objection regarding this matter; requests a short continuance.</p> <p>Note: Withdrawal of Objection and Stipulation was filed 1/7/2016. Proposed order has been interlineated to replace the statement regarding the filing of an objection on 12/30/2015, which did not occur, with a statement that a withdrawal and stipulation was filed 1/7/2016.</p>
Cont. from 010516	Account period: 1/1/2015 – 9/30/2015	
	Accounting - \$2,623,417.33	
	Beginning POH - \$2,623,417.27	
	Ending POH - \$2,623,243.33 (\$5,387.40 cash)	
<input type="checkbox"/> Aff.Sub.Wit.	Co-Trustees - waive	
<input checked="" type="checkbox"/> Verified	Attorney - \$6,564.00	
<input type="checkbox"/> Inventory	(\$5,169.00 per itemization and declaration, for services and costs advanced to the Vera Silberstein Conservators' Trust from 3/11/15 to 9/19/15; for 7.2 attorney hours @ \$395.00/hr and 12.60 paralegal hours @150/hr; and \$1,395.00 for legal services and costs advanced through 9/19/2015 for the Vera Silberstein Primary Trust for Personal Care, pursuant to a Summary Judgment Order approved at time of trial by Judge Petrucelli;)	
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail	W/	
<input type="checkbox"/> Aff.Pub.		
<input checked="" type="checkbox"/> Sp.Ntc.	Current bond - \$85,000.00	
<input type="checkbox"/> Pers.Serv.	(Petitioner requests the further requirement of bond be waived; Waiver of Accounting by Co-Trustees and Waiver of Bond Requirement filed 11/2/2015 by beneficiaries;)	
<input type="checkbox"/> Conf. Screen	Petitioners state they expect that all beneficiaries will waive any requirement of future Court accountings [Waivers were filed 11/2/2015.] the Conservators' Trust estate has very little cash to pay its obligations because of the costs of improvements made to the Tahoe property (please refer to Third Account); the deceased Conservatee's family has loaned additional funds to the Trust estate during past accounting periods; Petitioners' family members have recently built a new cabin on the Tahoe property at their own expense.	
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order	Petitioners pray for an Order that:	
<input type="checkbox"/> Aff. Posting Status Rpt	1. The Sixth account of the Co-Trustees be approved, allowed and settled as filed;	
<input type="checkbox"/> UCCJEA	2. Petitioners be authorized and directed to pay the attorney \$5,169.00 for services and costs advanced, plus \$1,395.00 for fees and costs relating to the Vera Silverstein Trust for Personal Care (totaling \$6,564.00), [all paid from the Vera Silberstein Conservators' Trust];	
<input type="checkbox"/> Citation	3. Petitioners need not file any further Court accountings; and	
<input type="checkbox"/> FTB Notice	4. The bond be discharged as no longer required.	
		Reviewed by: LEG
		Reviewed on: 1/8/16
		Updates:
		Recommendation:
		File 32 - Silberstein