

Probate Status Hearing Re: Failure to File First Account or Petition for Final Distribution

DOD: 2/23/2002	<p>RUTH RATZLAFF was appointed as Executor with full IAEA authority and without bond on 7/23/2002.</p> <p>Inventory and appraisal filed on 10/11/2002 showing and estate valued at \$58,535.48, of which 48,149.26 was cash.</p> <p>First account or petition for final distribution was due 7/23/2003.</p> <p>Notice of Status Hearing was mailed to attorney Catherine Sharbaugh on 9/11/13.</p> <p>Note: The beneficiaries of this estate are several charities; Nature Conservancy, Fresno Zoological Society, Children's International, Saint Labre Indian School, Poverello House and St. Agnes Hospice.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 11/21/13. Minute order states if the accounting is filed the status hearing can come off calendar. As of 1/28/14 the accounting has not been filed.</p> <p>1. Need First Account, Petition for Final Distribution or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.</p>
Cont. from 110813, 112113		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
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Notice of Hrg		
Aff.Mail		
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Pers.Serv.		
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Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
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Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: KT
		Reviewed on: 1/28/14
		Updates:
		Recommendation:
		File 1 - Bruce

Probate Status Hearing Re: Failure to File a First Account or Petition for Final Distribution

DOD: 10/06/01	<p>SARAH LOPEZ LOPEZ was appointed Executor with full IAEA authority and without bond on 6/25/2002.</p> <p>Letters issued 6/25/2002.</p> <p>I & A filed on 12/26/2002 showing the estate valued at \$157,395.49.</p> <p>First account or petition for final distribution was due 6/25/2003.</p> <p>Status Report of Executor filed on 10/30/2013 states sometime in 2005, counsel's files for the estate were inadvertently placed in a box of closed files and taken to counsel's storage unit not located at counsel's office. Counsel had no contact with the Executor after July 12, 2005. Counsel was unaware that the estate had not closed until he received the Notice of Status Hearing from the Court. Counsel sincerely apologizes to the Court, the Executor and all interested parties for his failure to complete his professional duties required to close the estate in a timely manner.</p> <p>Counsel has met with Sarah Lopez Lopez regarding the status hearing and need to close the estate. Ms. Lopez believed the estate had been closed for several years.</p> <p>Counsel has contacted the Law Offices of Joanne Sanoian to assist him and the Executor in settling the estate. Counsel anticipates the Final Account and Report of Executor can be filed by January 15, 2014.</p> <p>Status Report of Executor filed 01/28/14 states: it has been determined that additional documents are needed to complete an accounting and prepare the Petition for Final Distribution. Executor has looked through her files and found some things, but states that several boxes of files believed to have contained the estate files, suffered water damage and were discarded. The Executor has contacted Bank of America and requested copies of the estate bank statements from June 2002 – December 2004 and was informed that the statements were purged after 7 years and were therefore unavailable. With the limited records available, Counsel has been able to prepare an accounting, however, due to illnesses in Counsel's family, he has not been able to complete the report of the Executor. Counsel estimates that the report is 90% complete and could be filed within 2 weeks requests a 4 week continuance, with the understanding that the continued status hearing will come off calendar if the Accounting is filed by then.</p>	<p>NEEDS/PROBLEMS/ COMMENTS:</p> <p>CONTINUED FROM 11/08/13</p>
Cont. from 110813		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
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Conf. Screen		
Letters 06/25/02		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		

Reviewed by: JF

Reviewed on: 01/28/14

Updates:

Recommendation:
File 2 – Nelson

DOD: 3-12-02	DELORES ANN EVANS , Daughter-in-law, was appointed as Executor with Full IAEA without bond and Letters issued on 5-21-02. Nothing further was filed.	NEEDS/PROBLEMS/COMMENTS:
Cont. from 110813	On 9-11-13, the Court set this status hearing for failure to file Inventory and Appraisal and Failure to File First Account or Petition for Final Distribution. Notice of Status Hearing was mailed to Delores Ann Evans on 9-11-13.	<u>Continued from 11-8-13.</u>
Aff.Sub.Wit.	Note: The original petition for probate filed 4-12-02 estimated real property valued at \$150,000.00.	Examiner's Note: It appears from Court records that the Executor Delores Ann Evans passed away in 2009. The attorney Stanton Levy has also passed away.
Verified	Note: Decedent's will devises the estate to Delores Evans and two grandchildren Julie Ann Smith and Michael T. Evans.	It appears that Julie Ann Smith was the Executor of the Estate of Delores Ann Evans in 09CEPR00563 (represented by Attorney Maurice Joy), which estate was closed and distributed in 2010.
Inventory	Minute Order 11-8-13: The Public Administrator is appointed as special administrator for the limited purpose of conducting a title search of the real property and contacting Julie Smith and Michael Evans. Continued to 1-31-14.	1. <u>This estate remains open and needs to be closed.</u> The Court may require petition by an interested person or may refer to Public Administrator.
PTC	Status Report filed 1-24-14 by Public Administrator states Deputy Public Administrator Noe Jimenez spoke with Ms. Smith. She reported that the real property was sold in 2002 and proceeds were distributed per the will. She recalled that medical bills were paid and she waived her right to fees as executor. She said her attorney Stan Levy (now deceased) handled everything.	Reviewed by: skc
Not.Cred.	Deputy Jimenez contacted Chicago Title Company to conduct a title search on the property. Attached is the seller's settlement statement from 5-24-02 showing distribution to Delores Evans, Julie Smith, and Mark Evans (believed to be the same person as Michael). Ms. Smith said she has not spoken to her brother for many years and does not have contact information for him.	Reviewed on: 1-28-14
Notice of Hrg	The Public Administrator was appointed simply to determine the status of the property and make contact with the beneficiaries. As both have been done, Public Administrator requests to be discharged as Special Administrator.	Updates:
Aff.Mail		Recommendation:
Aff.Pub.		File 3 – Evans
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		

DOD: 4/19/2007	<p>EVELYN S. DUARTE, was appointed executor without bond and with full IAEA authority on 7/10/07.</p> <p>I & A - \$155,000.00 (real property)</p> <p>Evelyn Duarte filed a Petition for final distribution that was heard on 11/4/2013. There were numerous issue with the Petition for Final Distribution and therefore it was denied.</p> <p>The Petition for Final Distribution showed the following unpaid liabilities of the estate;</p> <p>Unpaid Creditor's Claims – Bank of America \$1,580.20 Walmart - \$508.15 J.C. Penny -\$412.53 Sears - \$1,235.41 Total: \$3,736.29</p> <p>Delinquent Property Tax - \$2,417.58 (per petition)</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>OFF CALENDAR. Petition for Final Distribution is set for hearing on 2/26/14.</p>	
Cont. from 121313			
Aff.Sub.Wit.			
Verified			
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Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
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Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
			<p>Reviewed by: KT</p> <p>Reviewed on: 1/28/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 4 – Flores</p>

DOD: 01/06/09	<p>MARY SUE LANCASTER, sister, was appointed Administrator with full IAEA and without bond on 09/15/09. Letters of Administration were issued on 09/15/09.</p> <p>Notice of Status Hearing filed 07/17/13 set this matter for status.</p> <p>Status Conference Statement filed 10/17/13 states: The Inventory & Appraisal has been delivered to the Probate Referee on 10/17/13. The attorney lost touch with the Administrator in 2010 and this matter was filed away and forgotten by the attorney. The attorney received notice to appear from the court on 09/11/13 stating that he had failed to appear on 09/06/13 but did not receive any notice of the 09/06/13 hearing. The Administrator contacted the attorney on 10/11/13. The Administrator is the only surviving heir of the decedent. As soon as the I & A is received back from the probate referee it will be filed with the Court and a waiver of accounting and request for final Order will be filed.</p> <p>Inventory & Appraisal, final, filed 01/29/14 - \$164,886.42</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>CONTINUED FROM 10/18/13 Minute Order from 10/18/13 states: Counsel informs the Court that the Probate Referee was provided the information yesterday. Matter continued to 01/31/14. The Court indicates to counsel that it fully anticipates this matter coming off calendar before the next hearing.</p> <p>As of 01/28/14, nothing further has been filed by Petitioner or her attorney.</p> <p>1. Need Account/Report on Waiver of Account and Petition for Final Distribution.</p>
Cont. from 090613, 101813		
Aff.Sub.Wit.		
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Video Receipt		
CI Report		
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Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
	<p>Reviewed by: JF</p> <p>Reviewed on: 01/28/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 5 – Lancaster</p>	

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

DOD: 2/21/2009	MARGARET A. MIDKIFF , daughter, was appointed Administrator with Limited IAEA authority without Bond on 3/15/2012. Letters issued on 3/29/2012.	NEEDS/PROBLEMS/COMMENTS:
Cont. from 081613, 101813, 110813	Declaration filed by Margaret A. Midkiff on 7/15/2013 requests she be allowed to step down as Administrator and that the Public Administrator take over the case, due to her diagnosis of cancer and inability to complete the work of administration.	Continued from 11/8/2013.
Aff.Sub.Wit.		Note: Partial No. 1 & 2 Inventory and Appraisal filed 7/2/2012 shows property consisting of bank accounts, life insurance policy, mineral rights, real property, vehicles, and personal property items valued at \$331,374.34 . Court records do not show a Final Inventory and Appraisal has been filed in this matter.
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg	Minute Order dated 8/16/2013 states Margaret Midkiff's request to be removed as administrator due to illness is granted. The Court appoints the PUBLIC ADMINISTRATOR as the personal representative. Matter continued to 10/18/2013.	
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen	Minute Order dated 10/18/2013 states Counsel [Amanda Ruiz for the Public Administrator] is provided the following instructions:	
Letters	(1) Obtain bank information;	
Duties/Supp	(2) Obtain DMV information regarding the vehicles;	
Objections	(3) Obtain records regarding ownership of the house;	
Video Receipt	(4) Obtain records regarding the Smith & Barney accounts if applicable; and	
CI Report	(5) Communicate with Margaret Midkiff regarding any other information she may have.	
9202	The Court will expect to hear from Ms. Kruthers at the next hearing what has been done, and whether additional instructions are needed. Matter continued to 11/8/2013.	
Order		
Aff. Posting	Status Report Regarding Inventory and Appraisal and Final Distribution filed by the Public Administrator on 11/4/2013 states:	
Status Rpt	• The Court is respectfully referred to the status report filed on 10/9/2013, which provided history and the basis of the Public Administrator's request for instructions [please see notes on additional pages, below];	
UCCJEA		
Citation		
FTB Notice	~Please see additional page~	
		1. Need final accounting and/or petition for final distribution pursuant to Probate Code § 1060, et seq., 10950 et seq., and 11000 et seq.
		Reviewed by: LEG
		Reviewed on: 1/29/14
		Updates:
		Recommendation:
		File 6 – Meisel

Status Report Regarding Inventory and Appraisal and Final Distribution filed by the Public Administrator on 11/4/2013, continued:

- At the hearing on 10/18/2013, Heather Kruthers of County Counsel's Office was not able to attend the hearing; another deputy having less knowledge about the case had to appear, and was unsure of what to request;
- The Court instructed the Public Administrator to gather bank statements and other information regarding the assets; he has done so to the extent he can within a short time period;
- The problem for the Public Administrator is not what assets there were or where they went;
- The question is what authority the estate has to recover assets from a spouse;
- It is alleged that Ms. Eugenia Meisel was the Decedent's care giver at one time; if so, Probate Code § 21350 would render any devise to her as an invalid donative transfer;
- However, she married the Decedent; twice, in fact;
- Therefore, the Public Administrator does not know how to characterize the transfer, and thus, does not know if he should seek to recover property or not;
- That is the instruction he needs from the Court.

Status Report Regarding Inventory and Appraisal and Final Distribution filed by the Public Administrator on 10/9/2013 states:

- No Letters have been issued to the Public Administrator because as of now, it is unclear if there are assets to be administered;
- According to Ms. Midkiff, the Decedent and **EUGENIA MEISEL** were married twice; the timeline she provided is as follows:
 - 3/18/1996: **EUGENIA ORONA** filed for divorce from her husband, **RICHARD ORONA**;
 - 7/29/1998: **EUGENIA** married the Decedent;
 - 11/9/2001: **EUGENIA** divorced the Decedent;
 - June 2002: **EUGENIA** remarried her ex-husband, **RICHARD ORONA**;
 - 11/4/2006: **EUGENIA** divorced her ex-husband, **RICHARD ORONA**;
 - 11/7/2006: **EUGENIA** remarried the Decedent.
- The Court is respectfully referred to the declarations of Margaret Midkiff and Eugenia Meisel filed on 7/2/2012 and 8/15/2012 [*please see notes below*]; there are also comments regarding some of the assets on the *Inventory and Appraisal* that was filed on 7/2/2012;
- The Public Administrator was appointed presumably to close the estate; however, he is unsure of how to do so given the accusations by each party;
- The Decedent was 58 when he first married Eugenia, so an elder abuse claim does not seem applicable; there is also no allegation that he was a dependent adult; however, Ms. Midkiff makes an argument that he was suffering from Alzheimer's by then;
- The Decedent remarried Eugenia at age 66; throughout their years together, Ms. Midkiff alleges that Eugenia was taking real and personal property; she says that Eugenia was even taking trust property that was never meant to be touched;
- The Public Administrator, and particularly his attorney, are reticent to continue asking the Court for instructions, but there is not a clear answer regarding what he should do in this case;
- The Decedent was not an elderly adult at the time he first married Eugenia; when she was given property, as alleged by her, they were married;
- Thus, the first reaction would be that there are little or no assets; however, the allegation of financial abuse/misappropriation and of a diagnosis of Alzheimer's may make this case unique;
- The Public Administrator has no choice but to request guidance from the Court about the next steps to be taken toward closing this estate.

Declaration filed by EUGENIA ORONA MEISEL, spouse, on 8/15/2012 states:

- With respect to the *Inventory and Appraisal* No. 1, which she just received from Margaret Midkiff, her husband, David Meisel, did not have any assets as listed;
- David Meisel's last Social Security payment, that was deposited directly into their joint account, was taken out by Social Security;
- As to items number 5 and 6 for the IRA Distributions and pensions and Annuities, it is unclear how these amounts were determined by Margaret Midkiff; she cannot verify that these amounts are correct; as far as she knows, there was no money for IRA or any pensions or annuities;
- As far as the Montana property, she spoke with Mark Pyrex, who informed her that he handled the property sale for her husband, and he will verify that she had nothing to do with the sale;
- As to the *Inventory and Appraisal Attachment* No. 2, she does not know how the value was calculated; most of these items were lost in the fire at their home, except for David's hats, money clip, buckle, one watch, Marine necklace and a Marine ring; new furniture was purchased with community funds after the fire.

Declaration filed by MARGARET A. MIDKIFF, daughter, on 7/2/2012 states:

- On 1/29/2010, she asked Eugenia Orona if her dad had a will, and Eugenia told her "There is no will, there is nothing."
- David Meisel worked for the IRS until 2/2008, when he got lost going to work; her dad was not officially diagnosed with Alzheimer's Disease until 5/15/2008; her dad was admitted the last month of his life into Kaiser Permanente Hospital, and he died from Sepsis syndrome as a result of a urinary tract infection left untreated in the hospital; Eugenia Orona said her dad dies from Alzheimer's Disease; they found out the real cause of his death after obtaining an official copy of the death certificate;
- Eugenia Orona cancelled her dad's medical insurance policy in 6/2008 because she said that they could not afford the monthly insurance payment; at that time, her dad was receiving monthly social security benefits of **\$1,858.00**, her dad had two Smith & Barney accounts, a Money Market account of **\$48,890.13**, and retirement account of **\$42,703.78**, in addition to her dad's home that was free and clear with no monthly mortgage payment;
- Her dad had a safe deposit box that was emptied and closed by Eugenia Orona sometime before her dad's death, and she is the only one that knows what was in the safe deposit box in Sanger, CA;
- Eugenia Orona has the mineral rights agreement from the on their family property in Montana that is in a Trust, with a Trust bank account at Bank of America; this has been confirmed with her dad's CPA, and on her dad's tax returns; there is not income every year because the income that is received on the mineral rights is based on actual drilling that takes place that year, and is not a consistent amount every year;
- David Meisel's name was taken off of his home on 3/12/2008, and put into Eugenia Orona's name and then Eugenia Orona put the home in her son's name, **RICHARD ORONA, JR.** on 9/3/2008;
- David Meisel's name was taken off his vehicle title in 6/2008 (vehicles he owned were 1997 Ford and 2007 GMC), and put into Eugenia Orona's son's name, **RICHARD ORONA, JR.**;
- David Meisel married Eugenia Orona on 11/8/2006; David Meisel filed for divorce 7/2/2008 and then filed to have the divorce dismissed on 9/16/2008;

~Please see additional page~

Dept. 303, 9:00 a.m. Friday, January 31, 2014

Declaration filed by MARGARET A. MIDKIFF, daughter, on 7/2/2012, continued:

- She (Margaret Midkiff) arranged for a Marine Military Honor Detail for her dad's burial with the Sanger Marine Chapter; Eugenia Orona promised to send the flag he was buried with to me, but she never did;
- After David Meisel's death, Eugenia Orona stated on 7/28/2010, witness by Officer Reinhart at the Sanger Police Department, stated that Eugenia had filed a lawsuit for wrongful death against Kaiser Permanente, after he died; she asked Eugenia what happened, and Eugenia refused to explain to her;
- David Meisel originally purchased his home in Sanger on 5/7/1999, then in 7/2002 his home completely burned to the ground; he was able to rebuild his home through a payout from proceeds of the Allstate insurance policy along with proceeds from PGE payout because the fire was caused by a wire that dropped on his roof and the power to the wire could not be turned off for 1 ½ hours; David Meisel was a single man at that time;
- Eugenia Orona put her father's headstone on his grave 1 ½ years after his death, and would not allow any of his children to purchase a headstone for his grave; finally, when she put a headstone on his grave, it is a little marker that says "David Meisel, Marine Corps, 4/30/1940 to 2/21/2009, Eugenia Orona 7/20/1951 to"
- Eugenia Orona didn't include "Beloved Husband, Father & Grandfather, He will be missed;" nothing endearing or acknowledging that he was more than a name, that he had 5 children who loved him and miss him so much!

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

DOD: 09/29/11	<p>PUBLIC ADMINISTRATOR, was appointed Administrator and Letters of Administration were issued on 03/15/12, since that time the Public Administrator has been acting as Administrator of the Estate.</p> <p>On 08/14/12, Public Administrator filed a Petition to Determine Title to Real Property; For Transfer of Property to Personal Representative; For Accounting; For Constructive Trust; and For Damages for Financial Abuse of a Dependent Adult regarding a dispute with James LeMon regarding various issues concerning real property owned by the decedent.</p> <p>The parties eventually engaged in settlement talks and on 08/02/13, an Order Approving Settlement of Dispute was signed by the Court.</p> <p>A Dismissal of the Petition to Determine Title to Real Property, etc. was filed on 01/28/14.</p> <p>Inventory & Appraisal, final, filed 02/28/12 - \$232,200.00</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need Accounting/Report of Administrator and Petition for Distribution.</p>
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
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Notice of Hrg		
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Citation		
FTB Notice		
		Reviewed by: JF
		Reviewed on: 01/28/14
		Updates:
		Recommendation:
		File 7 – Scott

DOD: 7-3-11	<p>BARBARA MORGAN was appointed as Administrator on 10-11-12.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>
	<p>At the hearing on 10-11-12, the Court set this status hearing for the filing of the first account or petition for final distribution.</p>	<p><u>Continued from 12-13-13</u></p>
Cont. from 121313		
<input type="checkbox"/> Aff.Sub.Wit.	<p>However, Ms. Morgan passed away and AIMEE HOLLAND was appointed as Successor Administrator with bond of \$119,714.51 on 12-9-13. Bond was filed 1-2-14. Letters issued on 1-28-14.</p>	<p>Minute Order 12-13-13: No appearances. Matter continued to 1-31-14. The Court orders Gary Winter to be personally present on 1-31-14. A copy of the minute order was mailed to Mr. Winter 12-13-13.</p>
<input type="checkbox"/> Verified		
<input type="checkbox"/> Inventory	<p>Pursuant to Probate Code §10953(b), If a personal representative dies and a legal representative is appointed for the deceased personal representative, the legal representative shall not later than 60 days after appointment, unless the court extends the time, file an account of the administration of the deceased personal representative.</p>	<p>Note: On 12-9-13, the Court set status hearings for the Successor Administrator as follows:</p> <ul style="list-style-type: none"> • 2-7-14 (for filing of I&A) • 2-6-15 (for first account or petition for final distribution)
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.	<p>Declaration of Attorney Winter filed 12-12-13 states Barbara Morgan passed away 10-20-13. On 10-29-13, his office filed for Letters of Administration to administer the estate, which petition was heard and approved on 12-9-13. Mr. Winter is currently waiting for paperwork to file for Administrator's bond, and once received, bond will be filed and Letters can issue and the successor administrator can proceeding with a petition for final distribution or waiver of account. His best time estimate is to file before 2-28-14.</p>	<p>However, the Court may require sooner account pursuant to Probate Code §10953.</p>
<input type="checkbox"/> Notice of Hrg		
<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 checked="" 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 type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		<p>Reviewed by: skc</p>
		<p>Reviewed on: 1-28-14</p>
		<p>Updates:</p>
		<p>Recommendation:</p>
		<p>File 8 – Shaver</p>

DOD:10/05/11	JOSEPH COMMINS , son, was appointed as Administrator without bond on 09/27/12. Letters of Administration were issued on 10/01/12.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>CONTINUED FROM 01/03/14</u> Minute Order from 01/03/14 states: No appearances. Matter continued to 01/31/14. The Court orders Gary Huss and Joseph Commins to be personally present on 01/31/14 if the accounting and/or petition for final distribution have not been filed.</p> <p>As of 01/28/14, nothing further has been filed by the Administrator.</p> <p>1. Need Accounting/Report of Administrator on Waiver of Account and Petition for Final Distribution <u>or</u> current written status report.</p>	
Cont. from 010314	Inventory & Appraisal filed 11/26/12 - \$150,000.00		
<input type="checkbox"/> Aff.Sub.Wit.			
<input type="checkbox"/> Verified			
<input checked="" type="checkbox"/> Inventory	Clerk's Certificate of Mailing filed 01/03/14 indicates that a copy of the Minute Order was mailed to Gary Huss and Joseph Commins on 01/03/14.		
<input type="checkbox"/> PTC			
<input type="checkbox"/> Not.Cred.			
<input type="checkbox"/> Notice of Hrg			
<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			
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<input type="checkbox"/> UCCJEA			
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			Reviewed by: JF
			Reviewed on: 01/28/14
			Updates:
		Recommendation:	
		File 9 – Commins	

DOD: 08/30/12	<p>KATRINA BEST KENDALL, daughter, was appointed as Administrator with bond in the amount of \$260,000.00 and full IAEA authority. Bond was filed 12/06/12 and Letters were issued on 12/06/12.</p> <p>Inventory & Appraisal, partial no. 1, filed 05/16/13 - \$61,251.00</p> <p>Inventory & Appraisal, final, filed 06/10/13 - \$61,251.00</p> <p>Yvette Best, daughter, filed a competing petition to be appointed as Administrator. Her Petition was denied on 12/12/13 due to lack of vacancy at Administrator. She has also filed a declaration that appears to be an objection to Katrina Best Kendall's handling of the Estate.</p> <p>Order to Reduce Bond was filed 01/23/14, reducing the bond to \$61,251.00.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need Accounting/Report of Administrator and Petition for Final Distribution.</p>		
Cont. from				
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Video Receipt				
CI Report				
9202				
Order				
Aff. Posting				
Status Rpt				
UCCJEA				
Citation				
FTB Notice				
			Reviewed by: JF	
			Reviewed on: 01/28/14	
			Updates:	
		Recommendation:		
		File 10 – Best		

Status Hearing Re: Filing of the Inventory and Appraisal

DOD: 7-1-12	<p>GEORGE P. PAPPAS was appointed Executor with Full IAEA without bond on 4-25-13 and Letters issued on 5-1-13.</p> <p>At hearing on 4-25-13, the Court set this status hearing for filing the Inventory and Appraisal.</p> <p>Status Report filed 9-24-13 states the decedent's estate consists primarily of interests in legal entities (one corporation and five general partnerships) for which appraisal is being obtained and one partial interest in a piece of real property for which a sale has been completed. The appraiser engaged by the personal representative is currently working on finalizing the appraisals of the decedent's interests in the entities mentioned above. Once complete, the personal representative intends to either submit to the probate referee for his appraisals, or request waiver of the probate referee appraisal. Status report requests continuance to 11-22-13.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Continued from 9-27-13, 11-22-13</u></p> <p>Minute Order 9-27-13: Counsel informs the Court that they are in the process of getting appraisals for the decedent's property.</p> <p>Minute Order 11-22-13: No appearances. Continued to 1-31-14. A copy of the minute order was mailed to Mr. Poochigian 12-11-13.</p> <p><u>As of 1-28-14, nothing further has been filed.</u></p> <p>1. Need Inventory and Appraisal.</p> <p>Note: If the personal representative decides to request to waive appraisal by the Probate Referee, a separate petition and noticed hearing is required pursuant to Probate Code §8903.</p>
Cont. from 092713, 112213		
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: 11-18-13
		Updates:
		Recommendation:
		File 11 – Pappas

Status Hearing Re: Filing of the Inventory and Appraisal

DOD: 03/04/2013	<p>Gloria Johnson, sister-in-law, was appointed Administrator with will annexed with full IAEA authority without bond on 08/29/2013.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need Final Inventory and Appraisal or need current written status report pursuant to Local Rule 7.5 which states all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the status report shall be served on all necessary parties.</p>
	<p>Letters issued on 09/20/2013.</p>	
Cont. from	<p>Minute Order of 08/29/2013 set this matter for hearing.</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 by: LV</p> <p>Reviewed on: 01/28/2014</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 13 – Johnson</p>

DOD: 04/20/2013	<p>KEVIN HUDGINS, grandson, and DANIELLE DUTRA, granddaughter were appointed Co-Executors with full IAEA authority without bond on 08/29/2013.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need Final Inventory and Appraisal or need current written status report pursuant to Local Rule 7.5 which states all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the status report shall be served on all necessary parties.</p>
	<p>Letters issued on 09/04/2013.</p>	
Cont. from	<p>Minute Order of 08/29/2013 set this matter for hearing.</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: LV
		Reviewed on: 01/28/2014
		Updates:
		Recommendation:
		File 14 – Page

DOD: 05/29/2013	JOHN JOSEPH WALSH JR., nephew, and DAVID WALSH, nephew, were appointed Co-Executors with full IAEA authority without bond on 09/11/2013.	NEEDS/PROBLEMS/COMMENTS:
	Letters issued on 09/12/2013.	1. Need Final Inventory and Appraisal or need current written status report pursuant to Local Rule 7.5 which states all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the status report shall be served on all necessary parties.
Cont. from	Minute Order of 09/11/2013 set this matter for hearing.	
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: 01/28/2014
		Updates:
		Recommendation:
		File 15 – Walsh

Age:		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>OFF CALENDAR.</u> Bond filed on 1/24/14.</p>
DOD:		
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: KT
		Reviewed on: 1/28/14
		Updates:
		Recommendation:
		File 16 – Satterberg

Probate Status Hearing Re: Failure to File the Inventory and Appraisal and for Failure to File a First Account or Petition for Final Distribution

DOD: 4/28/2002	TANLYN G. DIENER was appointed as Executor with full IAEA authority and without bond on 11/19/2002.	NEEDS/PROBLEMS/COMMENTS: 1. Need inventory and appraisal, first account, petition for final distribution or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.
	Letters issued on 11/19/2002.	
Cont. from	Inventory and appraisal was due April 2003.	
Aff.Sub.Wit.		
Verified		
Inventory		
PTC	First account or petition for final distribution was due December 2003.	
Not.Cred.		
Notice of Hrg	Notice of Status Hearing was mailed to Tanlyn Diener on 11/15/13.	
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: KT
		Reviewed on: 1/28/14
		Updates:
		Recommendation:
		File 17 – Allison

Probate Status Hearing Re: Failure to File the Inventory and Appraisal and for Failure to File a First Account or Petition for Final Distribution

DOD: 12/19/2003	ROSEMARIE LAHR , surviving spouse, was appointed as Administrator with full IAEA and bond set at \$50,000.00 on 5/25/2004.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Declaration of Administrator indicates there were assets of the estate consisting of a 2002 Kawasaki motorcycle, a 1988 trailer, firearms and furniture and furnishings. Need inventory and appraisal. 2. The declaration of the Administrator and the declaration of the attorney both request that the estate be closed base on the statements in the declarations. In order to close the estate the Administrator will need to file a petition to close the estate, with the appropriate filing fee, or fee waiver, and proper notice to those entitled to notice.
Cont. from	Bond was filed on 6/8/2004.	
Aff.Sub.Wit.	Letters issued on 6/8/2004.	
Verified	Inventory and appraisal was due October 2004.	
Inventory	First account or petition for final distribution was due June 2005.	
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.	Declaration of Rosemarie Lahr filed on 1/22/14 states in her petition for probate she alleged that the estate had assets estimated to be \$50,000.00 and proceeds to explain the administration of the estate. Ms. Lahr further alleges that the estate is insolvent and there are no assets to distribute and therefore requests that the matter be dismissed and the bond exonerated.	
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report	Declaration of Attorney Melvin Rube filed on 1/22/14 states in February 2013 he received a notice from the bonding company that the bond premium had not been paid. The bond company stated they would turn the matter over to collections. Mr. Rube states he advanced funds to the estate and to Ms. Lahr to pay for the payment of the bond premium. Because of Ms. Lahr's economic circumstances and the fact that the estate is insolvent, Mr. Rube is waiving his fees and the \$1,000 he has advanced to the estate. Mr. Rube requests that the bond be exonerated and the matter be dismissed.	
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: KT
		Reviewed on: 1/29/14
		Updates:
		Recommendation:
		File 18 – Lahr

DOD: 07/19/96	<p>MINNIE MAYFIELD-JOHNSON, daughter, was appointed as Administrator with limited IAEA authority and without bond on 02/28/06. Letters of Administration were issued on 02/28/06.</p> <p>Inventory & Appraisal, final, filed 11/23/05 - \$40,000.00</p> <p>Inventory & Appraisal, Reappraisal for Sale, filed 04/05/07 - \$160,000.00</p> <p>Notice of Status Hearing filed 12/20/13 set this matter for a status hearing regarding failure to file a First Account or Petition for Final Distribution. Clerk’s Certificate of Mailing indicates that the Notice of Status Hearing was mailed to attorney Susan Moore on 12/20/13.</p> <p>Status Report filed 01/28/14 states: The estate remains open with assets consisting of real property and rental income accumulated and held in the attorney-client trust account. During the administration of this estate, ownership of the real property was contested by Wanda Smith, a beneficiary of the estate and occupying the property claiming ownership. On 03/01/10, a settlement agreement was entered into to resolve the dispute. By the terms of the settlement, Wanda Smith, was granted a lease with an option to purchase the property for the amount of \$50,000.00. Wanda Smith did not exercise the option and it expired on 08/31/11. Upon the expiration of the option, based on the depressed real estate market and the marketability of the property, or lack thereof, the administration was in agreement to keep the current lease agreement in place until the property appreciated in value to the amount agreed upon in the settlement agreement and it then be sold to Wanda Smith for \$50,000.00 is she is able to purchase it. With the passage of time, attorney Moore, has lost the Administrator's phone number. Additional time is requested to try to locate the Administrator and if no contact is made by the date of the continued hearing, the attorney will request that the public administrator be appointed to administer the remaining estate assets.</p>	NEEDS/PROBLEMS/COMMENTS:
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: JF		
Reviewed on: 01/28/14		
Updates:		
Recommendation:		
File 19 – Mayfield		

DOD: 02/16/06	<p>JACQUELINE SHELTON and ANNA SHELTON, daughters, were appointed as Co-Administrators as the estate with full IAEA and without bond on 09/19/06. Letters of Administration were issued on 09/19/06.</p> <p>Inventory & Appraisal, Final, filed 03/19/07 - \$230,049.53</p> <p>Notice of Status Hearing set this matter for a status hearing regarding failure to file a First Account or Petition for Final Distribution. Clerk's Certificate of Mailing indicates that the Notice of Status Hearing was mailed to Stanley Teixeira on 11/14/13.</p> <p>Status Report filed 01/13/14 states: The real property asset of the estate needed to be cleaned out and repaired. Both Administrators have had significant medical issues which prevented or interfered with moving forward with the cleaning and repair of the property. Other family members have been aware of the circumstances and understanding of the admittedly slow progress in administering the estate. The property has now been listed for sale and the administrators believed it will sell within a reasonable amount of time. Soon after escrow closes on the property, a petition for distribution of the estate will be filed.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need Final Account and Petition for Final Distribution.</p>
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
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Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: JF
		Reviewed on: 01/28/14
		Updates:
		Recommendation:
		File 20 – Shelton

Probate Status Hearing Re: Failure to File the Inventory and Appraisal and for Failure to File a First Account or Petition for Final Distribution

DOD: 10-6-06	<p>LISA A. BOAG, Granddaughter, was appointed Administrator with Full IAEA without bond and Letters issued on 2-13-07.</p> <p>Petitioner originally estimated the estate value to be \$50,000.00, including \$8,000 in personal property, and real property valued at \$240,000 but encumbered for \$198,000 (a net value of \$42,000). However, no Inventory and Appraisal was ever filed, and no accounting or petition for final distribution was ever filed.</p> <p>A total of 12 Creditor's Claims were filed, including a Request for Special Notice to the Franchise Tax Board.</p> <p>On 11-14-13, the Court set this status hearing for failure to file I&A and account or petition for final distribution.</p> <p>Declaration of Lisa A. Boag filed 1-23-14 states that after she was appointed, she learned that her grandfather had entered into a reverse mortgage contract with the house as collateral. The circumstances were such that shes had no choice but to relinquish any claim to the property. Thus, the estate was left without any assets. It is her intention to file a First and Final Account and Report of Administrator For Its Settlement and For Discharge of Administrator of an Insolvent Estate to conveniently conclude this matter with the Court.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need petition to close insolvent estate with notice as appropriate to all entitled thereto, including creditors and requests for special notice.</p>
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
<input checked="" type="checkbox"/> Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: skc
		Reviewed on: 1-28-14
		Updates:
		Recommendation:
		File 21 – Arakelian

Probate Status Hearing Re: Failure to File a Petition for Final Distribution

	FRANKIE FRIETAS , daughter, was appointed Executor with full IAEA authority without bond on 04/21/2008.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need Final Inventory and Appraisal and First Account or Petition for Final Distribution or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.</p>
	Letters issued on 04/21/2008.	
Cont. from		
Aff.Sub.Wit.	Inventory and Appraisal Partial No. 1 filed 10/02/2008 - \$175,000.00	
Verified		
Inventory		
PTC	Inventory and Appraisal Partial No. 2 filed 07/30/2010 - \$2,109.22	
Not.Cred.		
Notice of Hrg	First Account or Petition for Final Distribution was due 06/2009.	
Aff.Mail		
Aff.Pub.		
Sp.Ntc.	Notice of Status Hearing was mailed to J. Stanley Teixeira on 11/14/2013.	
Pers.Serv.		
Conf. Screen	Status Report filed 01/15/2014 states after the appointment, a beneficiary alleged that the estate property was actually hers. Much time was consumed in litigation and legal machinations where the contesting beneficiary filed various appeals with the Fifth District Appellate Court and the California Supreme Court.	
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202	Once the litigation concluded, executor consulted with the other beneficiaries who expressed a desire to maintain the family home rather than sell it. Executor has been exploring possible avenues for doing so, given the additional burden of litigation expenses to be borne by the estate.	
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice	<p>Executor believes it may now be possible to proceed as the family desires, another, one of the beneficiaries is occupying the premises to the detriment of all others. He was recently served a 60 day notice to vacate the premises.</p> <p>Once eviction has been completed, Executor believes she will be ready to file the petition for final distribution in this matter.</p>	

Reviewed by: LV
Reviewed on: 01/29/2014
Updates:
Recommendation:
File 22 – Sconiers

Probate Status Hearing Re: Failure to File a First Account or Petition for Final Distribution

DOD: 12/15/07	<p>CONNIE R. VALLEJO, step-daughter, was appointed Executor of the Estate with Full IAEA and without bond on 02/26/08. Letters Testamentary were issued on 02/27/08.</p> <p>Inventory & Appraisal, final, filed 04/28/08 - \$242,639.09</p> <p>Notice of Status Hearing filed 11/14/13, set this matter for status regarding failure to file a first account or Petition for Final Distribution. Clerk's Certificate of Mailing indicates that the Notice of Status Hearing was mailed to attorney Susan Moore and Connie Vallejo on 11/14/13.</p> <p>Note: A total of 6 creditor's claims have been filed in this matter. 1 has been withdrawn.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need Accounting/Report of Executor on Waiver of Account and Petition for Final Distribution.</p>
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		
	<p>Reviewed by: JF</p> <p>Reviewed on: 01/29/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 23 – Raggio</p>	