



ATTENTION

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

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

Thank you for your patience.

1 Wilma Ruth Manuel (Estate)

Case No. 0609019

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

Atty Lampe, Michael J., sole practitioner of Visalia (for J.W. Stone and Mildred Stone; and The Money Man Corp.)

Pro Per Manuel, Sr., Mickey (Surviving Spouse, Claimant)

Probate Status Hearing Re: Failure to file a First Account or Petition for Final Distribution (Prob. C. 12200, et seq.)

DOD: 10/8/1997	<p>CYNTHIA BLACKSTOCK, daughter, was appointed Executor on 8/26/1998 without bond, following objections by and litigation with MICKEY MANUEL, SR., surviving spouse, who had filed a Will Contest on 6/3/1998, objecting to the validity of Decedent's estate planning documents.</p> <p>Background:</p> <p>Court Trial on the Preliminary Injunction Restraining Foreclosure Sale Under Deed of Trust filed 11/9/2006 by Cynthia Blackstock was held on 11/14/2006, upon which date the preliminary injunction was granted by Judge James Quaschnick.</p> <p>Minute Order dated 11/14/2006 from the hearing on the preliminary injunction ordered all defendants [MICKEY MANUEL; MONEY MAN CORP.; FORECLOSURE LINK, INC.; J.W. STONE and MILDRED STONE, Trustees; GOLDSTEIN, GELLMAN, et al; and FIRST AMERICAN TITLE INSURANCE CO.] are restrained from selling or causing to be sold the subject property either under the power of sale, deed of trust or by foreclosure.</p> <p align="center">~Please see additional page~</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 12/7/2012.</p> <p>Reference Point Note: Status Report of Executor filed by Attorney Knudson for Cynthia Blackstock on 6/11/2012 states in pertinent part regarding the status of the estate: "The plan for administration is to try to obtain a loan on the North Pleasant residence so administrative expenses can be paid; Petitioner requests that administration of the estate continue." Court may require the filing of an interim or first account during the loan process, if that remains the Petitioner's plan.</p> <p>Note: Petition to Confirm Title to Real Property in the Estate filed by Cynthia Blackstock, Executor, on 10/30/2012 was heard on 12/5/2012; the Petition was granted, and the Order Confirming Title to Real Property in the Estate signed 12/11/2012 finds in pertinent part:</p> <ul style="list-style-type: none"> The residence located on North Pleasant is an asset of the Estate of Wilma Ruth Manuel, and Mickey Manuel, Sr., has no interest therein; The temporary restraining order entered by this Court on 10/29/2012 is extended to 2/4/2013 or until an adverse ruling is obtained in Case #12CECL05667 [unlawful detainer]; Mickey Manuel, Sr., the Fresno County Sheriff, and their agents, [etc.], are restrained and enjoined from executing that Writ of Possession entered 10/5/2012 in Case #12CECL05667.
Cont. from 061812, 082412, 100512, 120712		
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: LEG	
	Reviewed on: 1/11/13	
	Updates:	
	Recommendation:	
	File 1 - Manuel	

Background, continued:

Minute Order dated 2/22/2007 from the hearing on the *Complaint to Enjoin Foreclosure, for Conveyance of the Property claimed to Belong to Decedent, for Declaratory Relief; and for Damages* filed by Cynthia Blackstock set a Settlement Conference on 6/5/2007. *Notice of Settlement of Entire Case* filed 5/31/2007 by Michael J. Lampe indicates the 6/5/2007 Settlement Conference, and a 6/19/2007 trial date.

Declaration filed by Mickey Manuel, Sr., surviving spouse, on 9/24/2009 includes his written statement pertaining to property assets held by Wilma Manuel prior to her death in 1997, which he states were left in trust to him (her husband) at the time of her death to be handled and disposed of as he deemed suitable as Trustee of her estate.

Notice of Probate Status Hearing filed 5/7/2012 set a status hearing on 6/18/2012 for failure to file a first account or petition for final distribution. *Clerk's Certificate of Mailing* shows Cynthia Blackstock and Attorney David Knudson were mailed notice of this status hearing on 5/7/2012.

Status Report of Executor filed by Attorney Knudson for Cynthia Blackstock on 6/11/2012 states:

- Wilma Ruth Manuel's Will left her Fresno residence to two daughters, **CYNTHIA BLACKSTOCK** and **ANGELA MANUEL**, and a residence in Kent, Washington, to three grandchildren, **ALYSHA WATTS**, **TSION MULUGETA**, and **LEONARD WILLIAMS**;
- Wilma was not married at the time of her death on 10/8/1997; she had previously been married to **A. D. MANUEL**, commonly known as, "**MICKEY MANUEL**" or "**MICKEY MANUEL, SR.**;"
- Wilma was survived by a son, **MICKEY MANUEL**, also known as "**MICKEY MANUEL**" or "**MICKEY MANUEL, JR.**;" "**MICKEY JUNIOR MANUEL**" and/or **MICKEY J. R. MANUEL**;" Mickey Manuel, Jr., sometimes also poses as Mickey Manuel, Sr.;
- Cynthia (Executor) believes the petition filed in this proceeding was actually filed by Mickey Manuel, Jr., even though it is signed "Mickey Manuel, Sr.;" **MICKEY MANUEL, SR.** aka **A. D. MANUEL** is not a beneficiary under Wilma's Will; Mickey Manuel, Jr. is disinherited with a gift of **\$1.00** under Wilma's Will; *Status Report details a long history of proceedings in this matter on pages 2 and 3*;
- In 2006, it was discovered that **MICKEY MANUEL, JR.**, had forged Wilma's signature against the North Pleasant property, the only asset of the estate, and obtained a loan secured by Deed of Trust against the North Pleasant residence; a petition was filed to obtain a restraining order to prevent the foreclosure, and on 11/14/2006, Judge Quashnick entered a preliminary injunction prohibiting the trustee to the Deed of Trust from foreclosing on the property; subsequently, the matter was settled and a *Notice of Settlement* was filed on 6/21/2007;
- **Present status of the estate:** Nothing further occurred in the estate proceedings until **MICKEY MANUEL, SR.**, filed an *Application for Waiver of Court Fees* in February 2009 and in September 2009, both of which were denied; on **3/27/2012**, he filed a further *Application for Waiver of Court Fees*, which was **granted**, and thereupon he filed his *Petition to Secure Appointment as "Successor Trustee"* for the Wilma Manuel Family Trust [*please refer to Page 22 of this calendar*]; Cynthia Blackstock has not been given notice of the hearing on that petition, nor to her knowledge have any other interested parties;
- The North Pleasant residence is the only asset of the estate; it passes to Cynthia Blackstock under the Will since Angela Manuel is deceased; Wilma also owned a residence in Kent, Washington, of which **Mickey Manuel, Jr.**, obtained possession and fraudulently sold, taking the proceeds;
- There are no funds available to pay expenses of administration; Wilma's former attorney **EDWARD A. KENT, JR.**, had possession of some of her funds, but Mr. Kent resigned from the State Bar in 2003 with disciplinary charges pending.

~Please see additional page~

Background, continued:

- **Minute Order dated 6/18/2012 states** the Court advises Mr. Manuel, Sr. that he can file a creditor's claim if he wishes. The court does not guarantee that it is in a timely manner.
- **Mickey Manuel, Sr. filed on 8/23/2012 a Declaration of Mickey Manuel Sr., in Opposition to Petition for Final Distribution** [Note: a Petition for Final Distribution has not been filed in this matter]; Declaration alleges in brief sum that Mr. Manuel, Sr. was never divorced from the Decedent, that the Will was a forgery, and that the property was in the Decedent's trust.
- **Minute Order dated 8/24/2012 states** Mr. Manuel was informed his creditor's claim is deficient. Matter was continued to 10/5/2012. *Creditor's Claim* filed 8/23/2012 by Mickey Manuel, Sr., indicates a claim of **\$29,000.00**, but provides no further information in support of the claim; the entirety of page two is incomplete, and there is no indication that the claim has been served on the Executor.

Note: Creditor's Claim filed 12/5/2012 by **MICKEY MANUEL, SR., aka A.D. MANUEL**, is dated 11/15/2012 and states **\$8,513.86** is owed to him based on the following:

- Attached to the claim are receipts for payments made on property with parcel #406-172-01-S; [Note: documents attached consist of copy of 2011-2012 Fresno County Secured Property Tax Bill; copy of Abstract of Delinquent Secured Taxes or Certificate of Redemption; copy of County of Fresno Tax Collection Division letter regarding payment of delinquent taxes under an installment plan of redemption for APN 406-172-01, indicating \$90.00 installment plan fees and first payment of 20% or more of the unpaid redemption amount and any current taxes must be paid by June 30, signed by Mickey Manuel and dated 5/4/2012];
- Cynthia Blackstock owes this money; she was residing and still resides in the residence and chose not to pay property taxes for years;
- The Trust was about to lose the house but he stepped up and saved it;
- Once it is settled that the home is back in the Trust, and now that the home is already back in his name in the Trust, he will take care of the taxes from now on;
- This creditor's claim is in no way a settlement of what Cynthia owes the Trust; he is still pursuing the assets from Wilma's life insurance policy, which he was the beneficiary of, and all assets that have not been accounted for;
- Wilma and he were never divorced; enclosed you will find a copy of the marriage license [Note: copy of marriage license is not attached to claim.]
- Explanation of money owed totaling **\$8,513.86**:
 - **\$4,839.86** – 20% of taxes owed had to be paid
 - **\$3,184.00** – current year taxes for 2011
 - **\$400.00** – one month that he paid
 - **\$90.00** – start-up fee.

Note Re Creditor's Claim filed by Mickey Manuel, Sr. on 12/5/2012: Proof of service portion on page 2 of the claim is incomplete at Item 3 regarding service to the personal representative of the estate.

Atty Jaech, Jeffrey A. (for proposed conservatee)

Atty Amador, Catherine A. (for Michael H. Smith & Jenna R. Smith – son & granddaughter/Petitioners)

Atty Kruthers, Heather H. (for Public Guardian – nominated Conservator)

Petition for Appointment of Probate Conservator of the Person and Estate (Prob. C. 1820, 1821, 2680-2682)

Age: 85	<u>NO TEMPORARY REQUESTED</u>		NEEDS/PROBLEMS/COMMENTS:
	<p>MICHAEL H. SMITH, son, and JENNA R. SMITH, granddaughter, are Petitioners and request that the PUBLIC GUARDIAN be appointed as Conservator of the Person with Medical Consent powers and Dementia Powers to administer medications and for placement in a secured perimeter facility and as Conservator of the Estate without Bond.</p>		<p>CONTINUED FROM 11/28/12 Minute Order dated 11/28/12 states: Also present in the courtroom are Michael Smith, Jr. and Youa Her. Mr. Jaech informs the Court that he is representing Ben Smith through his agent. Ms. Kruthers informs the Court that the inventory & appraisal is being prepared. Parties are ordered to meet and confer between now and 12/20/12. The Court directs Ms. Amador to facilitate the meeting. Mr. Jaech is directed to provide the Public Guardian whatever information they request. Ms. Amador consents to having the document provided to Ms. Kruthers circulated to counsel. With respect to visitation, the Court orders that persons wishing to visit Ben Smith communicate with Robin Kent who will coordinate the visits.</p> <p>Court Investigator advised rights on 10/23/12.</p> <p>Voting rights affected. Need Minute Order.</p> <p>As of 01/14/13, the following remains outstanding:</p> <ol style="list-style-type: none"> The petition indicates that the proposed conservatee receives or is entitled to receive benefits from the U.S. Dept. of Veterans Affairs. Therefore, 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 Conservator</i> to The Office of the Veterans Administration. Capacity Declaration filed 11/16/12 is not marked at item 7 regarding medical consent and does not include attachment regarding Dementia Powers requested. Need revised Capacity Declaration. Need Order and Letters.
Cont. from 103112; 11/28/12	<p>Estimated Value of the Estate: Personal property - \$ 20,000.00 Annual income - 35,000.00 Real property - 500,000.00 Total - \$555,000.00</p>		
Aff.Sub.Wit.		Voting rights affected.	
✓ Verified		Petitioners state that they are concerned that the proposed conservatee appears to be declining in health and they are unsure if he is receiving the level of care he needs due to tension between Petitioners and the proposed conservatee's grandson "Butch".	
Inventory		Petitioners allege that Butch exerts undue influence over the proposed conservatee and limits other family members from visiting.	
PTC		Petitioners also state that they are concerned that Butch may be using the proposed conservatee's funds for his own use under a Durable Power of Attorney.	
Not.Cred.		Due to the conflict in the family, Petitioners are requesting that the Public Guardian be appointed as conservator of the Person & Estate.	
✓ Notice of Hrg			
✓ Aff.Mail	w/		
Aff.Pub.			
Sp.Ntc.			
✓ Pers.Serv.			
✓ Conf. Screen			
Letters	x		
✓ Duties/Supp			
Objections			
Video Receipt	n/a		
✓ CI Report			
9202			
Order	x		
Aff. Posting			
Status Rpt			
UCCJEA			
✓ Citation			
FTB Notice			
Continued on Page 2			<p>Reviewed by: JF</p> <p>Reviewed on: 11/26/12</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 2A - Smith</p>

Court Investigator Samantha Henson filed a report on 10/25/12. |

Opposition to Petition for Appointment of Probate Conservator of the Person and Estate filed 11/27/12 by Benjamin Smith, Jr. by and through his attorney in fact Michael H. Smith, Jr. states:

1. The Conservatorship is not permissible under the code because it is not the least restrictive alternative.
2. The Conservatorship is unnecessary because the proposed conservatee, when competent, executed an advance health care directive, durable power of attorney, and a living trust naming his grandson, "Butch", as his agent and trustee to manage his health care and his estate. Further, Butch and his mother, Robin Kent, live with the proposed conservatee and provide consistent care. Both the Court Investigator and the social worker Althea Parks have made unannounced visits and both have reported that the proposed conservatee appeared appropriately dressed and groomed, his home was clean, and there was adequate food supply. The proposed conservatee is happy with the situation having told the court investigator, "You couldn't ask for better people. They help me so much." Since ben has constant care from his own appointed health care agent, a conservator of the person is not necessary.
3. A conservator of the estate is also not necessary because substantially all of the property the proposed conservatee owns is in his living trust, which would not be part of any established conservatorship.
4. Objector alleges that the petition for conservatorship is Petitioner Michael Smith's ("Mike") attempt to avoid accountability for a debt that he owes to the proposed conservatee. The proposed conservatee discovered in 2011 that as much as \$50,000.00 had been taken from an account of the proposed conservatee and his wife, with most of the checks and transfers going to Mike or Paradise Cleaners, Mike's business, purportedly as loans or investments. Since July, Mike has stated that he would provide an accounting of the money he took from the proposed conservatee, but he has yet to provide such an accounting. Mike has also stated that he is in the process of repaying the loans, however, to date he has not made any payments to the proposed conservatee. Mike was also the subject of an elder abuse claim brought by the proposed conservatee in connection with the missing money.
5. The Petitioners claim that Butch keeps the proposed conservatee from seeing family members or makes them uncomfortable when visiting. However, in reality, both Butch and the proposed conservatee are merely cautious around Mike.
6. This petition is an attempt by Mike to avoid any accountability for the money he took or borrowed. The Public Guardian does not have the resources to investigate the missing money and to litigate to obtain recovery. Thus if a conservatorship is granted, Butch and the proposed conservatee will not be able to hold Mike accountable for the money he owes.

Note: If the petition is granted status hearings will be set as follows:

- **Friday, 05/24/13 at 9:00a.m. in Dept. 303** for the filing of the inventory and appraisal **and**
- **Friday, 03/21/14 at 9:00a.m. in Dept. 303** for the filing of the first account and final distribution.

Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.

Dept. 303, 9:00 a.m. Friday, January 18, 2013

Atty Jaech, Jeffrey A. (for proposed conservatee)

Atty Amador, Catherine A. (for Michael H. Smith & Jenna R. Smith – son & granddaughter/Petitioners)

Atty Kruthers, Heather H. (for Public Guardian – nominated Conservator)

Status Hearing

Age: 85	<p>MICHAEL H. SMITH, son, and JENNA R. SMITH, granddaughter, Petitioned to have the PUBLIC GUARDIAN appointed as Conservator of the Person and Estate with Medical Consent and Dementia Powers and for placement in a secured perimeter facility.</p> <p>An Opposition to Petition for Appointment of Probate Conservator of the Person and Estate was filed 11/27/12 by the proposed conservatee by and through his attorney in fact, Michael H. Smith, Jr. ("Butch"/grandson) alleging that a Conservatorship was not necessary due to his authority under a durable power of attorney.</p> <p>Minute Order from hearing on 11/28/12 set this matter for a Status Hearing.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</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		
	Reviewed by: JF	
	Reviewed on: 01/14/13	
	Updates:	
	Recommendation:	
	File 2B - Smith	

Probate Status Hearing Re: Filing Inventory and Appraisal

DOD: 06/05/12		<p>KATHLEEN ANN CRAWFORD, daughter, was appointed Executor without bond on 08/06/12 and Letters were issued on 08/20/12.</p> <p>Minute Order from 08/06/12 set this matter for status re filing of the Inventory & Appraisal.</p> <p>Clerk's Certificate of Mailing filed 12/10/12 indicates that a copy of the Minute Order dated 12/07/12 was mailed to Cheryl Brown on 12/10/12.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>CONTINUED FROM 12/07/12 Minute Order from 12/07/12 states: No appearances. Ms. Brown must personally appear unless Inventory & Appraisal is filed before the next hearing.</p> <p>As of 01/14/13, the following needs remain:</p> <ol style="list-style-type: none"> Need Inventory & Appraisal.
Cont. from 120712			
Aff.Sub.Wit.			
Verified			
Inventory	x		
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: 01/14/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 3 - Crawford</p>	

5 Sergio Flores (Estate)

Case No. 12CEPR00736

Atty Hogue, David M.

Atty Wall, Jeffrey L

Status Re: Spousal Petition Filed

Age:		NEEDS/PROBLEMS/COMMENTS: <u>OFF CALENDAR</u> New Petition filed 12/14/12 and set for hearing on 02/05/13
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: JF
		Reviewed on: 01/14/13
		Updates:
		Recommendation:
		File 5 - Flores

Atty Hemb, Richard E., Hemb Law Office (for Administrator Karen K. Williams)

Status Hearing Re: Filing of the Bond

DOD: 6/22/2012	<p>KAREN K. WILLIAMS, daughter, was appointed Administrator with Full IAEA with Bond fixed at \$170,000.00 on 9/24/2012.</p> <p>Minute Order dated 9/24/2012 from the hearing on the appointment set a status hearing on 10/26/2012 for filing of the bond.</p> <p>Minute Order dated 10/26/2012 from the continued status hearing states Counsel advises the Court that the personal representative has been declined bond. The Court continues the matter to 11/16/2012. Counsel is directed to file an amended petition with limited powers and a blocked account. Clerk's Certificate of Mailing filed 11/19/2012 shows a copy of the <i>Minute Order</i> dated 11/16/2012 was mailed to Attorney Richard Hemb on 11/19/2012.</p> <p>Minute Order dated 11/16/12 from the last status hearing for filing of the bond states: No appearances. Matter continued to 12/7/2012. If the bond is not filed by 12/7/2012, Richard Hemb is ordered to be personally present on that date. Clerk's Certificate of Mailing filed 12/11/2012 shows the Minute Order dated 12/7/2012 and OSC was mailed to Karen Williams at her address in Reseda, CA, on 12/11/0212.</p> <p>Order filed 12/11/2012 orders Karen Williams to appear on 1/18/2013 to show cause why she should not be sanctioned for failure to appear.</p>	NEEDS/PROBLEMS/COMMENTS:	
		<p>Continued from 12/7/2012. Minute Order states Mr. Hemb informs the Court that he has lost contact with his client, Ms. Williams. Order to show cause is ordered for Ms. Williams. Ms. Williams is ordered to personally appear at the next hearing on 1/18/2013. Mr. Hemb may file a withdrawal of attorney and it can be heard on 1/18/2013.</p> <p>1. Need amended petition for letters of administration requesting limited powers and authorizing all funds be placed into a blocked account, as directed by Court on 10/26/2012.</p>	
Cont. from 102612, 111612, 120712			
Aff.Sub.Wit.			
Verified			
Inventory			
Proof of Bond			
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: LEG	
		Reviewed on: 1/14/13	
		Updates:	
		Recommendation:	
		File 6 - Williams	

Atty Dowling, Michael; Burnside, Leigh; Matlak, Steven; of Dowling Aaron (for Petitioner Barbara L. Pearson, Successor Trustee)
 Atty Werner, David D., Field, Stefanie; of Gresham Savage Nolan & Tilden, Riverside (for Objector Tracy Spreier, Beneficiary)

Petition for Settlement of First Account and Report of Trustee of the Frank H. LaBree Irrevocable Trust Dated March 26, 1992 [Cal. Prob. C. 1064(a), 17200, 17200(b)(5), CRC., Rule 7.902]

Frank DOD: 8/15/2006	<p>BARBARA L. PEARSON, Trustor's daughter, Trust Beneficiary and Successor Trustee of the FRANK H. LABREE IRREVOCABLE TRUST, is Petitioner.</p> <p>Account period: 10/10/2008 – 12/31/2011</p> <p>Accounting - \$456,694.10 Beginning POH - \$421,894.79 Ending POH - \$423,435.60 (\$334,115.35 is cash)</p> <p>Trustee (Initial) - \$3,510.00 (services prior to 10/10/2008 for initial Trustee, paid to Law Offices of Earl O. Bender)</p> <p>Trustee (Current) - \$600.00 (paid)</p> <p>Trustee Costs - \$1,379.84 (paid) (reimbursement of 2010 travel expense)</p> <p>Attorney - <i>Not requested</i></p> <p>Accountant - \$615.00 (paid) (to Erickson & Assoc., CPAs, as itemized in Disbursements schedule; Petitioner is employed by Erickson & Assoc.)</p> <p>Petitioner states:</p> <ul style="list-style-type: none"> • FRANK H. LABREE, Jr., created the FRANK H. LABREE IRREVOCABLE TRUST on 3/26/1992, which was funded initially by a life insurance policy on Frank (copy of Trust Agreement attached as Exhibit A); • The initial Trustee was EARL O. BENDER, who resigned on 10/9/2008, and Petitioner succeeded as trustee; Petitioner is a resident of Aubery, California; <p align="center">~Please see additional page~</p>	<p>NEEDS/PROBLEMS/ COMMENTS:</p> <p>Page 7B is the Status Conference set by Court in this matter.</p> <p>Continued from 11/29/2012. Minute Order states Mr. Werner is appearing via conference call. Ms. Burnside informs the Court that there is an objection to the petition. Mr. Werner requests a continuance.</p> <p>1. Need proposed order.</p>	
Roberta DOD: 3/25/2012			
Cont. from 112912			
Aff.Sub.Wit.			
✓ Verified			
Inventory			
PTC			
Not.Cred.			
✓ Notice of Hrg			
✓ Aff.Mail			W /
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order	X		
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
<p>Reviewed by: LEG</p> <p>Reviewed on: 1/14/13</p> <p>Updates:</p> <p>Recommendation: File 7A – Labree</p>			

Petitioner states, continued:

- Pursuant to probate Code § 17200, the Trustee is requesting Court review of the first account and of the acts of the Trustee, and submits her first account and report of administration of the Trust for settlement and allowance;
- On 1/30/2009, Trustee loaned herself and her husband, **PAUL E. PEARSON**, the sum of **\$95,000.00** per a written promissory note dated 1/30/2009 at 6% per annum interest with monthly payments of **\$860.00**, and such note is secured by a manufactured home located in Auberry, California; the note was modified on 12/1/2010 to reduce the annual interest to 4%, with all other terms remaining the same; at all times and during the account period, the note remained current and all payments are reflected in the account; the note was subsequently paid in full as will be reflected in the next account; the loan was done with the consent of Roberta LaBree who was the surviving spouse of the Trustor and was the primary beneficiary of the Irrevocable Trust at that time;
- On 9/10/2009, Trustee made an unsecured loan to **SHANNON BADELLA** and **ANTHONY BADELLA**, Trustee's daughter and her husband, in the sum of **\$14,300.00**; the loan was evidenced by a written promissory note at 6% per annum interest with monthly payments of **\$400.00**, commencing 11/1/2009; the note was modified on 12/1/2010 to reduce the interest rate to 4% per annum with all other terms remaining the same; on 3/24/2011, Petitioner assumed the obligation and payment of the note, which at that time had a balance of **\$9,317.97**; at all times and during the account period, the note remained current and all payments are reflected in the account; the loan was done with the consent of Roberta LaBree, who was the surviving spouse of the Trustor and was the primary beneficiary of the Irrevocable Trust at that time;
- The current and "Present Beneficiaries" of the Trust are Barbara L. Pearson (of Auberry), Roxanne McWilliams (of West Hills), and Tracy I. Sprier (of Temecula); each Present Beneficiary has an unrestricted right to "withdraw from principal the entire balance of her trust at any time" pursuant to Subsection 5.02(b)(c) of the Trust, thus Probate Code §§ 15802 and 15803 apply and the Present Beneficiaries' rights to withdraw limit the Trustee's duty to notify any future beneficiaries.

Petitioner prays for an Order:

1. Settling and allowing the First Account and Report of the Trustee;
2. Ratifying, confirming and approving all acts and transactions of the Petitioner as Trustee relating to matters set forth in the First Account; and
3. Ratifying and approving the Trustee's fees already paid as set forth in the First Account.

Objection to Petition for Settlement of First Account and Report of Trustee of the Frank H. LaBree Irrevocable Trust dated 3/26/1992; Request for Attorneys' Fees filed 11/16/2012 by TRACY SPREIER, Trustor's daughter and Trust Beneficiary, states she objects to the account filed by Barbara Person on the following grounds:

- The Court should not approve the Successor Trustee's acts of unilaterally reducing the interest rate of the loans that she made from the Trust's funds to herself and her daughter, without any evidence of the reasonableness and justification of such self-dealing.
- The Court should not approve the Successor Trustee's unusual travel expenses without evidence of the reasonableness of such charges to the Trust.
- The Account and Report fails to explain the reason for the unusual omission of any payment to the Successor Trustee for her fees for 2010 and 2011, and it is unknown whether those fees are waived or if the Successor Trustee was compensated in some other way.

~Please see additional page~

Reply to Objections to Petition for Settlement of First Account and Report of Trustee of the Frank H. LaBree Irrevocable Trust dated 3/26/1992 filed 11/26/2012 by Barbara Pearson, Trustee, states:

- The Objection is somewhat economically bewildering because the objection questions actions by the Trustee which benefitted the Trustee or her daughter a total of **\$5,170.12**, and if successful in her objection, Objector stands to gain at most **\$1,723.37** based on her 1/3 share.
- Petitioner's counsel was never contacted to see if Objector's questions could be adequately addressed, or the issues perhaps settled on an informal basis; Petitioner wonders why Objector's counsel did not simply call to discuss Objector's concerns with this accounting.
- In her service as Trustee for the three+ years presented in the accounting, Petitioner's benefit of **\$5,170.12** would be well within a reasonable Trustee fee for her service given her active involvement with investment decisions and her assistance with preparation of the Trust's tax returns each year.
- The reduction of the interest rate from 6% to 4% was consented to by a life-time beneficiary of the Trust, and was economically reasonable.
- The Successor Trustee's travel expenses for **\$1,379.84** were reasonably related to the administration of the Trust.
- The Trustee is not requesting Trustee fees for 2010 or 2011.
- The Court should deny Objector's request for attorney fees for the Objection.

Atty Dowling, Michael; Burnside, Leigh; Matlak, Steven; of Dowling Aaron (for Petitioner Barbara L. Pearson, Successor Trustee)

Atty Werner, David D., Field, Stefanie; of Gresham Savage Nolan & Tilden, Riverside (for Objector Tracy Spreier, Beneficiary)

Status Conference

Frank DOD: 8/15/2006	<p>BARBARA L. PEARSON, Trustor's daughter, Trust Beneficiary and Successor Trustee of the FRANK H. LABREE IRREVOCABLE TRUST, filed on 10/5/2012 a <i>Petition for Settlement of First Account and Report of Trustee of the Frank H. LaBree Irrevocable Trust</i>, which was set for hearing on 11/29/2012.</p> <p>TRACY SPREIER, Trustor's daughter and Trust Beneficiary, filed on 11/16/2012 an <i>Objection to the Petition for Settlement of First Account and Report of Trustee</i>, alleging self-dealing and breach of fiduciary duties by the Trustee.</p> <p><i>Minute Order dated 11/29/2012</i> from the hearing on the petition and the objections set this status conference on 1/18/2013.</p>	NEEDS/PROBLEMS/COMMENTS:
Roberta DOD: 3/25/2012		
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: LEG	
	Reviewed on: 1/14/13	
	Updates:	
	Recommendation:	
	File 7B - LaBree	

7B

Probate Status Hearing Re: Status of Administration; Filing of an Account or Petition for Final Distribution

DOD: 02/26/01	<p>ANNA N. FOSTER, daughter/Administrator with limited IAEA with bond of \$100,000, is petitioner. Letters issued 5/11/2007.</p> <p>Background:</p> <ul style="list-style-type: none"> • Sole asset of estate is real property located in Fresno. The value of the real property at the date of death was \$65,000.00. • Decedent died intestate, survived by five children who are now living, and the living issue of two children who are now deceased. • Since decedent's death, Petitioner has advanced funds for property taxes and homeowner's insurance. • Department of Health Services filed a creditor's claim for \$17,181.64, which was allowed by Petitioner on 10/30/07. <p>There is no cash in estate to pay creditor's claim or to reimburse Petitioner for advanced funds.</p> <p>Status Report filed 01/08/13 states: The sole asset of the estate was listed for sale and a buyer has been found. The buyer and Administrator have entered into a sale agreement, which is subject to overbid and Court confirmation. A Report of Sale and Petition for Order Confirming Sale of Real Property has been prepared and is with the Administrator to be signed. A Notice of Sale will be filed, served and published. It is anticipated the Petition will be filed prior to 01/18/13. Upon Court confirmation, the Property will be sold and the Administrator will promptly take the requisite steps to close the Estate.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</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: 01/14/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 9 - Foster</p>	

Probate Status Hearing Re: Filing Inventory and Appraisal and First Account

Age: 42		JUSTINE SEREFINE , Mother, was appointed Conservator of the Estate on 8-8-11 without bond, including the power to purchase real property (a house) for the Conservatee under Probate Code §2591 (g). The order states the Conservator will seek Court approval for the purchase.	NEEDS/PROBLEMS/COMMENTS:
DOB: 4-4-70			
Cont. from 113012			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input checked="" type="checkbox"/>	Inventory	X	1. Need Notice of Hearing pursuant to Probate Code §§ 2621, 1460, 1461.5 and proof of service of Notice of Hearing at least 15 days prior to the hearing on: - Conservator Justine Serefine - Conservatee James R. Danielson, - Office of the Veterans Administration
<input checked="" type="checkbox"/>	PTC		2. I&A is incomplete in that it is not presented on the mandatory Judicial Council form in its entirety, including attachments.
<input type="checkbox"/>	Not.Cred.		3. Need account statements pursuant to Probate Code §2620(c)(2).
<input type="checkbox"/>	Notice of Hrg	X	4. It appears that the conservatorship estate is paying the entirety of the household bills; however, it appears that the Conservatee's mother and sister reside in the home with him. The Court may require clarification as to whether the other residents contribute to household expenses.
<input type="checkbox"/>	Aff.Mail	X	5. Aside from the \$28,013.67 in disbursements presented in this accounting, an additional \$17,232.00 was disbursed (\$1,436/month) to "VA-approved account for use by Conservatee." The Court may require conservatorship accountings to include disbursements from this account. The Court may also require clarification regarding the numerous \$25 wire transfer fees that appear to be associated with this monthly transfer.
<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"/>	2620(c)	X	
<input type="checkbox"/>	Order	X	
		On 9-29-11 the Court signed Order Granting Ex Parte Application Authorizing Conservator to Complete Purchase of Real Property.	
		On 9-25-12, Conservator filed a "First Accounting" that was heard on 11-5-12; however, per prior Examiner Notes, the document was not an accounting as required by applicable Probate Code in conservatorship estates.	
		On 11-5-12, the Court informed Counsel that the Investigation fees are due, and set status hearing on 11-30-12 for filing of the Inventory and Appraisal.	
		The Court continued the status hearing to 1-18-13.	
		On 12-7-12, a Final I&A was filed reflecting a total estate value of \$29,016.11.	
		On 1-4-13, "Declaration of Justine Serefine in Support of First Accounting" was filed.	
		The Declaration contain an accounting as follows:	
		Account period: 8-8-11 through 8-7-12	
		Accounting: \$205,008.07	
		Beginning POH: \$29,016.11	
		Ending POH: \$133,217.46	
		(\$8,217.46 cash plus real property)	
<input type="checkbox"/>	Aff. Posting		SEE PAGE 2
<input type="checkbox"/>	Status Rpt	X	Reviewed by: skc
<input type="checkbox"/>	UCCJEA		Reviewed on: 1-14-13
<input type="checkbox"/>	Citation		Updates:
<input type="checkbox"/>	FTB Notice		Recommendation:
			File 13 – Danielson

Page 2

NEEDS/PROBLEMS/COMMENTS (Continued):

6. The disbursements schedule indicates DMV registration fees; however, the conservatorship estate does not appear to contain a vehicle. Need clarification.
7. The disbursements schedule indicates numerous blank/unspecified line items. The Court may require clarification.
8. The disbursements schedule indicates payment to Attorney Krbechek of \$392.50. However, there does not appear to be a Court order for this amount, or itemization if these were appropriate costs pursuant to Local Rules. Need clarification.
9. Neither Attorney Krbechek's "First Accounting for Period Ending August 31, 2012" filed 9-25-12 nor the Conservator's Declaration filed 1-4-13 appears to contain a prayer with reference to this accounting. The Court may require clarification and further accountings to be presented appropriately to this Court in petition form pursuant to applicable Probate Code.

If this accounting is approved as presented, need order.

Note: If approved, the Court will set status hearing for the filing of the next accounting as follows:

- Friday 12-13-13 if a one-year account is required

OR

- Friday 12-12-14 if a two-year account is required

(Please note that these potential dates are status dates only. When the petition is filed, a new date will be assigned.)

DOD:		<p>CATHERINE A. AMADOR, attorney for Conservators of the Person, MICHAEL H. SMITH and JENNA R. SMITH, is petitioner.</p> <p>MICHAEL H. SMITH and JENNA R. SMITH were appointed Conservators of the person and the PUBLIC GUARDIAN was appointed as Conservator of the estate on 7/12/12.</p> <p>Petitioner states she represented Michael H. Smith and Jenna R. Smith in their petition to be appointed conservator of the person and estate of Dorothy Jean Smith.</p> <p>Objections were filed by the Conservatee's husband, Benjamin Smith and their grandson, Michael H. Smith, Jr. (Butch).</p> <p>At the hearing, the parties agreed to the appointment of Michael and Jenna as conservators of the person and the Public Guardian as conservator of the estate.</p> <p>Petitioner states she spent 58.9 hours at \$265.00 per hour on this matter for a total of \$13,894.50.</p> <p>In addition, Petitioner requests reimbursement of costs totaling \$632.00 and \$277.89 in administrative expenses.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Continued from 10-25-12, 11-30-12.</u></p> <p>Minute Order 11-30-12: The Court notes for the minute order that Dorothy Smith passed away. Ms. Kruther informs that Court that she has some objections which she will be discussing with Ms. Amador informally. Ms. Amador requests a partial payment of attorney's fees. The Court indicates to counsel that given the size of the estate, it believes it can grant the request while still honoring Probate Code 2640. The Court grants a partial payment of attorney's fees in the amount of \$7,000.00. Ms. Amador is directed to prepare the order. Continued to 1-18-13. Set on 1-18-13 for Status Hearing Re: Filing of the Inventory and Appraisal.</p> <p>The following issues remain:</p> <p>SEE PAGE 2</p>	
Cont. from 102512				
<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 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			
		<p>Reviewed by: KT / skc</p> <p>Reviewed on: 1-14-13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 14B - Smith</p>		

NEEDS/PROBLEMS/COMMENTS:

1. Probate Code 2640 states that a request for attorney fees can be filed at any time after the filing of the inventory and appraisal, but not before 90 the expiration of 90 days from the issuance of letters or at any time the court for good cause orders. The inventory and appraisal has not been filed in this matter and the petition does not state a good cause reason why the court should grant an award of fees prior to the filing of the inventory and appraisal.
2. Costs include Court runner fees totaling \$80.00. Local Rule 7.17B states runner services are considered by the court to be a part of the cost of doing business and are not reimbursable costs or fees.
3. Petition requests the reimbursement of administrative expenses without stating what the administrative expenses are.
4. The itemization of the attorney's fees includes several entries after the appointment of the Public Guardian as conservator of the estate that appear to be for issues involving the estate. It appears that charges involving the estate are beyond what should have been charged by the attorney for the conservator of the person.
5. Need Order.

Probate Status Hearing Re: Filing of Inventory and Appraisal

DOD: 05/22/12		<p>JIM D. REIS, brother, was appointed as Administrator with full IAEA without Bond on 08/14/12. Letters were issued on 08/15/12.</p> <p>Notice of Status Hearing filed 09/11/12 set this matter for status on 01/18/13 for filing of the Inventory & Appraisal and on 10/25/13 for filing of First Account or Petition for Final Distribution. Clerk's Certificate of Mailing indicates that the Notice of Status Hearing was mailed to the Administrator and his Counsel on 09/11/12.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need Inventory & Appraisal.</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				
				Reviewed by: JF
				Reviewed on: 01/14/13
		Updates:		
		Recommendation:		
		File 15 - Reis		

Status Hearing Re: Filing of Receipt for Transfer

Age:		NEEDS/PROBLEMS/COMMENTS: <p style="text-align: center;"><u>OFF CALENDAR</u></p> <p>Receipt of Transfer filed 12-17-12</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		
		Reviewed by: skc
		Reviewed on: 1-14-13
		Updates:
		Recommendation:
		File 17 - Manriquez