



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 Deutsch Park and Botanical Gardens Charitable Trust Case No. 0451442

Attorney Gary G. Bagdasarian (for Petitioner Gloria Kosbie, Successor Trustee)
 Petition by Successor Trustee for Leave to Resign; for Appointment of Successor Trustee;
 for Acceptance of Accounting and Discharge of Prior Trustee

Fred Deutsch DOD: 7/10/1980	<p>GLORIA KOSBIE, CPA, Successor Trustee of the DEUTSCH PARK AND BOTANICAL GARDENS CHARITABLE TRUST (<i>Deutsch Park Trust</i>), is Petitioner.</p> <p>Petitioner states:</p> <ul style="list-style-type: none"> The Deutsch Park Trust was created under that certain <i>Order Settling First Account Current and Report of Successor Administrator with Will Annexed, Approving Deutsch Park and Botanical Gardens Charitable Trust Agreement and Appointing First Trustee Thereof, etc.</i>, filed on 9/15/1995 in Case No. 257686-6, Estate of Fred S. Deutsch ("1995 Order" copy attached as Exhibit A); Four separate testamentary trusts were developed under the Will of Fred S. Deutsch per <i>Order Settling Second Account Current and Report of Executor, etc.</i>, filed on 12/15/1986 in Case No. 257686-6, Estate of Fred S. Deutsch (copy attached as Exhibit B); [The Trusts are namely, Fred S. Deutsch Testamentary Trusts No. 1, 2, 3, and 4]; Trusts No. 3 and 4 were terminated and distributed 95% to the DEUTSCH PARK TRUST and 5% to the FRESNO METROPOLITAN MUSEUM OF ART, HISTORY & SCIENCE ENDOWMENT FUND by <i>Order Approving Third and Final Report of Successor Trustee of Trust Three, etc.</i>, filed 3/6/2000 (copy attached as Exhibit C); The Deutsch Park Trust is not subject to Court administration; however, pursuant to the 1995 Order: "The trustee or co-trustee shall make, or cause to be made, such annual reports, tax returns, and accounts of the administration of the charitable trust, and shall make, and file such reports, returns and accounts, with applicable authorities, and comply with all applicable reporting requirements." ~Please see additional page~ 	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Notes:</p> <ul style="list-style-type: none"> Court records show Attorney JEFFREY WALL represents GARY PIGG, President of the DISCOVERY CENTER (Beneficiary); <i>Proof of Service by Mail</i> filed 12/10/2015 shows notice was not served to Mr. Wall; however, notice was served to Attorney JARED MARSHALL. Petitioner requests that the Court determine the amount of bond, if any, that is required by the Successor Trustee, if Court appoints GARY PIGG, President of the DISCOVERY CENTER. Petitioner's <i>Qualifying Bond of Successor Trustee</i> filed 7/11/2012 shows bond is posted for this Trust in the sum of \$140,000.00. Proposed order contains a blank space for insertion of a bond amount set for the Successor Trustee. Petitioner states a supplemental accounting reflecting the additional distributions and expenses since 6/30/2015 will be filed to reflect the accurate amount of remaining assets to be transferred to the new Successor Trustee upon the appointment by the Court. Court may set status hearing for supplemental accounting and proof of asset transfer. 	
Cont. from			
Aff.Sub.Wit.			
✓ Verified			
Inventory			
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✓ Notice of Hrg			
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9202			
✓ Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
Reviewed by: LEG			
Reviewed on: 1/14/16			
Updates:			
Recommendation:			
File 1- Deutsch			

1 Additional Page, Deutsch Park and Botanical Gardens Charitable Trust Case No. 0451442

Petitioner states, continued:

- This provision has previously been interpreted to mean that, because there is no designated beneficiary to which the Trustee is to report, annual accountings and tax returns have been provided to the **DISCOVERY CENTER**, which is charged with the duty to care, preserve, and maintain the Deutsch Cacti Collection; furthermore, the Successor Trustee is required to provide the **CITY OF FRESNO** a 15-day notice before any principal distributions are made to the **DISCOVERY CENTER**; [*Proof of Service by Mail filed 12/10/2015 shows notice served*];
- *Exhibit D* attached is the Deutsch Park and Botanical Gardens Charitable Trust Accounting dated 6/6/2012 to 6/30/2015; the *Schedule H - Property on Hand* of the Trust is the property on hand as of 6/30/2015, reflecting a total value of **\$86,085.52**;
- A Supplemental accounting reflecting the additional distributions and expenses since 6/30/2015 will be filed to reflect the accurate amount of remaining assets to be transferred to the new Successor Trustee upon the appointment by the Court;
- Pursuant to *Declaration of Gloria Kosbie Concerning Resignation and Distribution of Assets to Successor Trustee* attached as *Exhibit E*, Petitioner resigns effective upon the appointment of a Successor Trustee to the Deutsch Park Trust;
- The **DISCOVERY CENTER** is the remaining beneficiary of the Deutsch Park Trust, and it is deemed to be in the best interest from a cost-effective standpoint to make distribution to the beneficiary, **DISCOVERY CENTER**, for future Trust administration;
- Consent of the Discovery Center to Act as Successor Trustee [*was filed on 12/10/2015*] executed by **GARY PIGG** as President of the **DISCOVERY CENTER**, in which he accepts the position on behalf of the **DISCOVERY CENTER** as Successor Trustee, if appointed by the Court;
- Petitioner requests that her Accounting attached as *Exhibit D* be accepted, and that she be discharged from any liability in connection with her term as Successor Trustee of the Deutsch Park Trust, excluding gross negligence, and that the **DISCOVERY CENTER** as the new Successor Trustee, be responsible for all tax preparation and required filings with any tax authority after 6/30/2015;
- Gloria Kosbie requests to be fully discharged from any liabilities in connection with her term as Successor Trustee of the Deutsch Park Trust, and that the accounting be accepted;
- Petitioner requests that the assets reflected on *Schedule H - Property on Hand* as of 6/30/2015 in the amount of **\$86,085.52**, less a reserve of **\$3,500.00** for payment of final professional fees and closing costs, be distributed to the **DISCOVERY CENTER** as the Successor Trustee of the Deutsch Park Trust;
- Petitioner requests that the Court determine the amount of bond, if any, that is required by the Successor Trustee.

Petitioner requests the Court:

1. Appoint the **DISCOVERY CENTER** as the Successor Trustee of the **DEUTSCH PARK AND BOTANICAL GARDENS CHARITABLE TRUST**;
2. Authorize Gloria Kosbie, CPA, to retain a reserve of **\$3,500.00** for the payment of final professional fees and closing costs, and to distribute the remaining balance of any of the reserve to the **DISCOVERY CENTER** as Successor Trustee;
3. Determine the amount of bond, if any, that is required by the Successor Trustee;
4. Accept the Trust Account dated 6/6/2012 to 6/30/2015;
5. Order the assets described in *Schedule H - Property on Hand* in a supplemental trust accounting to be filed as of the appointment of the **DISCOVERY CENTER** as Successor Trustee be distributed to the **DISCOVERY CENTER** as Successor Trustee; and
6. Upon filing of a receipt for transfer of assets to the **DISCOVERY CENTER** as Successor Trustee, discharging Gloria Kosbie as Successor Trustee, releasing her from any liability for her actions taken as Successor Trustee as disclosed in the Trust Account, and exonerating her bond.

Petition for Appointment of Guardian of the Person

Richard, 11	<u>TEMPORARY EXPIRES 01/19/16</u>		NEEDS/PROBLEMS/COMMENTS: This Petition is for Richard only. Petitioner was appointed Guardian of Skilit on 08/13/07. 1. Proof of service filed 11/16/15 for personal service on Steven Gastellum and Skilit Barajas is incomplete. It does not indicate that they were served with a copy of the Petition, is not completed with the name and address of the person who completed service, and is signed by Petitioner. Notice must be made by a person who is over 18 and not a party to the action. 2. Proof of Service filed 12/04/15 for personal service on Christopher Barajas (father) is not marked indicating that a copy of the <i>Petition</i> was served along with the Notice of Hearing.
Skilit, 14	JUANITA ABDULLA , paternal grandmother, is Petitioner. Father: CHRISTOPHER BARAJAS – <i>currently incarcerated; personally served on 11/19/15 with Notice of Hearing only</i> Mother: MIRNA AGUILERA – <i>personally served on 11/14/15</i> Paternal grandfather: RICHARD BARAJAS – <i>served by mail on 11/11/15</i> Maternal grandfather: HEILBERTO AGUILERA – <i>served by mail on 11/11/15</i> Maternal grandmother: REBECCA AGUILERA – <i>served by mail on 11/11/15</i> Siblings: STEVEN GASTELUM (18) – <i>personally served on 10/13/15</i> , GABBRELLA MEZA (15) – <i>served by mail on 11/11/15</i> , ALBERT BARAJAS (5) , CHRISTOPHER BARAJAS (6) Petitioner states [see file for details]. Court Investigator Charlotte Bien filed a report on 12/18/15.		
Cont. from			
<input type="checkbox"/> Aff.Sub.Wit.			
<input checked="" type="checkbox"/> Verified			
<input type="checkbox"/> Inventory			
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<input checked="" type="checkbox"/> Letters			
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<input type="checkbox"/> Objections			
<input type="checkbox"/> Video Receipt			
<input checked="" type="checkbox"/> CI Report			
<input type="checkbox"/> 9202			
<input checked="" type="checkbox"/> Order			
<input type="checkbox"/> Aff. Posting			
<input type="checkbox"/> Status Rpt			
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Reviewed by: JF			
Reviewed on: 01/13/16			
Updates:			
Recommendation:			
File 2- Barajas			

First and Final Account and Report of Executor and Petition for Its Settlement, for Allowance of Compensation to Attorney for Ordinary Services, and for Final Distribution

DOD: 10/26/07	JONATHAN HOLCOMB , Executor with Full IAEA without bond, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need revised order. The order should state the balance of the estate on hand pursuant to Local Rule 7.6.1.C. Also, reimbursement of the filing cost appears to be missing.</p>
	Account period: 5/26/09-10/31/15	
	Accounting: \$24,713.77	
	Beginning POH: \$23,738.31	
	Ending POH: \$24,088.25	
<input type="checkbox"/> Aff.Sub.Wit.	Executor (Statutory): Waived	
<input checked="" type="checkbox"/> Verified	Attorney (Statutory): \$988.55	
<input checked="" type="checkbox"/> Inventory	Costs: \$435.00 (filing)	
<input checked="" type="checkbox"/> PTC	Distribution pursuant to the decedent's will:	
<input checked="" type="checkbox"/> Not.Cred.	Phillip Holcomb: \$5,666.17	
<input checked="" type="checkbox"/> Notice of Hrg	Melody Doris: \$5,666.17	
<input checked="" type="checkbox"/> Aff.Mail <small>w</small>	Jennifer Easley: \$5,666.18	
<input type="checkbox"/> Aff.Pub.	Jon Holcomb: \$\$5,666.18	
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
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<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input checked="" type="checkbox"/> FTB Notice		
		Reviewed by: skc
		Reviewed on: 1/14/16
		Updates:
		Recommendation:
		File 3- Holcomb

DOD: 10/01/2009	<p>CANDY ATKINS, former spouse, was appointed Administrator with Will annexed with full IAEA authority without bond on 03/25/2010.</p> <p>Letters issued on 03/25/2010.</p> <p>Inventory and Appraisal was filed on 09/08/2011 showing an estate valued at \$209,700.00 consisting of real property.</p> <p>Seventh Status Report of Personal Representative filed 01/05/2016 states the estate is not in a condition to be closed. The estate has no liquid assets to pay the administration expenses or the creditor's claims. Petitioner has listed for sale the decedent's unimproved real property in Madera County, California. The real property consists of two parcels- a 20 acre parcel and a 60 acre parcel. The real property is raw land and has no access to water and utilities.</p> <p>Since the last status hearing, Petitioner has lowered the asking price on the real property from \$169,000 for both parcels of real property and changed the real estate agents. Petitioner has now engaged the services of Wanda Fries, an agent with London Properties.</p> <p>Wherefore, the petitioner requests this Court to order that:</p> <ol style="list-style-type: none"> 1. The administration of the estate be allowed to continue for one year; and 2. Such further order be made as the Court considers proper. 	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Minute Order of 01/20/2015: Mr. Jaech request one year.</p> <p>1. Need First Account or Petition for Final Distribution.</p>
Cont. from 072613, 071814, 012015		
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
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<input type="checkbox"/> Notice of Hrg		
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<input type="checkbox"/> Status Rpt		
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<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
	<p>Reviewed by: LV</p> <p>Reviewed on: 01/14/2016</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 4 – Atkins</p>	

8 In Re: Cheryle Moon (Special Needs Trust) Case No. 14CEPR00410

Attorney: Steven M. Matlak (for Petitioner/Trustee Jeffrey Meyer)

Petition for Settlement of First Account Current and Report of Trustee, and for Approval of Attorney's Fees and Costs

	JEFFREY MEYER , Trustee, is petitioner.		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 10/13/15. Minute order states examiner notes addressed in open court. The Court does not condone the sale of the real property without approval first. Counsel withdraws his request for reimbursement as mentioned in #2 of the notes. Mr. Matlak needs more time to address issue #3 on the examiner notes. Also Mr. Matlak reduces his fees previously requested by \$520.00.</p> <p>1. Petition states the Trustee sold the ½ interest in real property owned by the trust. The trust instrument provides that any sale of real property must be authorized by the court pursuant to Probate Code §2540(b). – Addressed in open court on 10/13/15.</p> <p>Please see additional page</p> <p>Reviewed by: KT</p> <p>Reviewed on: 1/13/16</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 8 – Moon</p>
	Account period: 7/21/14 – 6/15/15		
	Accounting	- \$465,184.53	
	Beginning POH	- \$0	
	Ending POH	- \$418,716.01	
	Trustee	- waives	
	Attorney	- \$7,637.00	
	(\$8,157.00 less \$520.00 as stated in the minute order dated 10/13/15)		
	itemization and declaration attached to petition.		
	Costs	- \$200.00	
	(filing fee)		
	Petitioner prays for an order:		
	1. The First Account current and Report of Trustee be settled, allowed, and approved as filed and all acts and transactions of Petitioner be ratified, approved and confirmed;		
	2. Petitioner be authorized and directed to pay Frank Cortez \$18,325.00 reimbursement for shelter and necessities he provided to Cheryle in 2013-2014;		
	3. Petitioner be authorized to pay attorney fees and costs totaling \$8,357.00. \$7,837.00.		
	Cont. from 101315		
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	W/	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
✓	2620(c)		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

8 In Re: Cheryle Moon (Special Needs Trust) Case No. 14CEPR00410

NEEDS/PROBLEMS/COMMENTS (Cont.):

2. ~~Petition states when the beneficiary was homeless, Frank Cortez offered her shelter and provided her a room in his shop. In addition he provided her with cash, toiletries, paper and utensil products and coffee. Petition requests authority to reimburse Mr. Cortez \$18,325.00 from the trust for rent and costs. Housing costs, maintenance costs are generally not special needs. In addition the statement from Frank Cortez is not itemized, but just lists each category's total such as "cash 421 days x \$25 per day = \$10,525.00." Request withdrawn per minute order dated 10/13/15.~~
3. Petition states the trust received distribution from the Estate of Bernard M. Meyer (beneficiary's father). When Jeffery Meyer (petitioner herein), as executor of the estate, distributed cash from the estate to the Trust he failed to hold aside cash in the estate to cover the final costs of administration and final income taxes due from the estate in 2013. Petitioner states the trust was required to reimburse the executor a total of \$9,563.70, which includes attorney fees of \$1,811.70. The Order for distribution in the estate ordered \$228,010.21 to be paid to the trust. Receipt schedule in the Trust show receipt of \$235,746.41 from the estate to the trust. The over payment to the trust from the estate totals \$7,736.21 and the reimbursement back to the estate from the trust totals \$9,563.70. An overpayment to the estate of \$1,827.49. There is no authority for this trust to pay expenses for the estate that were not ordered in the estate. The petitioner also states he paid attorney fees totaling \$1,811.70. Where these attorney fees in addition to those ordered in the estate or are they part of the statutory attorney fees?

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

- **Wednesday, February 24, 2016** at 9:00 a.m. in Department 303, for the filing of the second final account of the special needs trust.

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

9 Rafaela Perez Sambrano (Estate) Case No. 14CEPR00640

Petitioner Sambrano, Lorenzo Perez (Pro Per – Administrator)

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

DOD: 01/31/2010	LORENZO PEREZ SAMBRANO , son, was appointed Administrator with limited IAEA authority without bond on 11/18/2014.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need 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 11/24/2014.	
Cont. from	Final Inventory and Appraisal filed 11/05/2014 shows an estate valued at \$60,437.00.	
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg	Minute Order of 11/18/2014 set this status hearing for the filing of the First Account and/or Petition for Final Distribution.	
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: 01/14/2016
		Updates:
		Recommendation:
		File 9- Sambrano

Probate Status Hearing RE: First Account

DOD: 5/8/14		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p style="text-align: center;"><u>OFF CALENDAR</u></p> <p>Petition for Final Distribution filed 1/11/16 is set for hearing on 2/23/16.</p>
Cont. from 120815		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
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Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: skc
		Reviewed on: 1/13/16
		Updates:
		Recommendation:
		File 10 – Hearst

13 Matthew H. Tange (Estate) Case No. 15CEPR00270

Attorney Willoughby, Hugh W (for Christopher Tange – Administrator)

Probate Status Hearing RE: Filing of the Inventory and Appraisal

DOD: 08/10/2014	CHRISTOPHER TANGE , was appointed Administrator with full IAEA authority with bond set at \$150,000.00 on 05/19/2015.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Minute Order of 10/20/2015: Counsel requests 90 days. If the Inventory and Appraisal is filed at least two Court days prior, then no appearance is necessary on 01/19/2016.</p> <p>1. Need Inventory and Appraisal 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 102015	Receipt of Bond filed on 05/19/2015 in the amount of \$150,000.00.		
Aff.Sub.Wit.	Letters issued on 05/29/2015		
Verified	Minute Order of 05/19/2015 set this Status Hearing for the filing of the Inventory and Appraisal.		
Inventory	Status Report filed 10/08/2015 for hearing on 10/20/2015 states the sole asset of this estate consists of the decedent's intestate share of the estate of his late father, Ted Tange, as his sole heir at law. Ted Tange's estate is pending administration in this Court as Case no. 15CEPR00591. Christopher Tange is the Administrator of both estates, having been appointed in Ted Tange's estate on 07/22/2015; the undersigned is the attorney for Christopher in both matters.		
PTC	No Inventory has been filed in this estate for the reason Administrator has not yet completed an Inventory and Appraisal for the estate of the father which is believed to consist of both real and personal property of unknown values at present. Once an Inventory and Appraisal is completed in Ted Tange's (the father's) estate an accurate Inventory and Appraisal can be prepared for this estate. For the forgoing reasons, an additional 90 days is requested in order to complete and file the Inventories in both the estates.		
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			
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Status Rpt			
UCCJEA			
Citation			
FTB Notice			
			Reviewed by: LV
			Reviewed on: 01/04/2016
		Updates:	
		Recommendation:	
		File 13 – Tange	

Petitioner: Tina Upstill (pro per)

Petition to Fix Residence Outside the State of California

		TINA UPSTILL, guardian/paternal grandmother, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Please see petition for details.	
Cont. from			<ol style="list-style-type: none"> Need Notice of Hearing. Need proof of service of the Notice of Hearing along with a copy of the Petition on: <ol style="list-style-type: none"> Zoey Ray (father) Brittney Booth (mother) Scott Leatherberry (paternal grandfather) Bradley Booth (maternal grandfather) Shelly Booth (maternal grandmother) Petition does not state the physical address of the proposed moved, just the city and state. <p>Note: Pursuant to Probate Code 2352 the guardian must serve a <i>Pre-Move Notice of Proposed Change of Personal Residence of the Ward</i> (Judicial Council form #GC-079) on the minors' parents at least 15 days prior to the proposed move and then file the original with the court. After the move the guardian must serve the a <i>Post-Move Notice of Change of Residence of the Ward</i> (Judicial Council form #GC-080) on the minors' parents within 30 days of the move and then file the original with the court. Copies of said forms are in the file to give to petitioner.</p> <p>Note: If the petition is granted, status hearings will be set as follows:</p> <ul style="list-style-type: none"> Wednesday, July 20, 2016 at 9:00 a.m. in Department 303, for the proof of the establishment of a guardianship or its equivalent in Tennessee. <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.</p>
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg	X	
	Aff.Mail	X	
	Aff.Pub.		
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	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: KT
			Reviewed on: 1/14/16
			Updates:
			Recommendation:
			File 14-Ray

15A In Re: Gramenz Family Living Trust Agreement Case No. 15CEPR00398

Attorney: Steven S. Picone, (for Objectors Daniel Caballero & Baldermar Martinez)

Attorney: Lisa Horton (for Petitioner Rande L Gramenz)

Amended First Account and Report of Trustee and Petition for its Settlement

		RANDE L. GRAMENZ , Successor Trustee, is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 10/13/15.</p> <p>Minute order from 9/1/16 states Ms. Horton reports that she is trying to work things out with Mr. Picone.</p>
		Petitioner states settlor, Opal E. Gramenz, died on 12/28/12.	
Cont. from 090115, 101315		Account period: 12/29/12 – 6/30/15	
	Aff.Sub.Wit.	Accounting - \$1,575,344.83	
✓	Verified	Beginning POH - \$1,432,128.43	
	Inventory	Ending POH - \$1,334,752.81	
	PTC		
	Not.Cred.	Petition states pursuant to Article V section 1 of the trust he has paid his attorney \$5,000.00. Pursuant to Probate Code §15681 he is entitled to reasonable compensation from the Trust. Trust funds totaling \$14,850.00 have been used to pay Trustee's reasonable compensation for his services. This figure was derived from 1% of the total sale price (\$1,485,000) of the duplex.	
✓	Notice of Hrg		
✓	Aff.Mail	W/	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen	Petitioner states the decedent has a bank account at Chase with Kenneth Caballero for the purpose of having someone available to sign checks. Kenneth Caballero was a joint owner but never signed a check, deposited or withdrew funds from the account while the Decedent was alive. All of the funds in the account on Decedent's date of death were hers. After Decedent's death, Kenneth Caballero used some of the funds to pay for funeral expenses, but kept the remaining funds. Trustee demanded the funds so that they could be deposited into the trust account but Kenneth Caballero refused. Since Kenneth Caballero kept those funds, then in the sum of those funds (\$59,494.49, after the payment of funeral expenses) will be counted as a preliminary distribution and taken from Kenneth Caballero's distributive share.	
	Letters		
	Duties/Supp		
✓	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice	Petitioner prays that the Trustee's first account and report be settled, allowed and approved as filed.	
			Reviewed by: KT
			Reviewed on: 1/13/16
			Updates:
			Recommendation:
			File 15A - Gramenz

15A In Re: Gramenz Family Living Trust Agreement Case No. 15CEPR00398

Objections to Amended First Account and Report filed by Daniel Caballero and Baldemar Martinez on 8/31/15. Objectors object to the Accounting with respect to Petitioner Trustee's assertion that the joint checking account titled in the name of Kenneth Caballero and Opal Gramenz was a Trust asset and that Kenneth Caballero's beneficial interest in the Trust should be reduced by the amounts left in the joint account at the date of Opal Gramenz's death.

Petitioner's assertion that the funds in the Chase Bank joint account are trust assets and should be counted against Kenneth Caballero's share is flatly wrong as a matter of law. As such the accounting should be revised.

Probate Code §5302 (a) establishes in pertinent part that:

"Sums remaining on deposit at the death of a party to a joint account belong to the surviving party or parties as against the estate of the decedent unless there is clear and convincing evidence of a different intent. . ."

Petitioner has not alleged, let alone proven, that Opal Gramenz and Kenneth Caballero intended for the money held in the Chase joint checking account to be distributed in a different manner other than that provided for by law.

Wherefore, Objectors pray as follows:

1. That the Petition to Approve the Amended Account be denied;
2. That Rande L. Gramenz be ordered to file and serve a code compliant amended accounting of the Trust within 45 days of issuance of the order;
3. For costs, and for such other and further relief as the Court deems just and proper.

15B In Re: Gramenz Family Living Trust Agreement Case No. 15CEPR00398

Attorney: Steven S. Picone, (for Objectors Daniel Caballero & Baldemar Martinez)

Attorney: Lisa Horton (for Petitioner Rande L Gramenz)

Probate Status Hearing: Settling

	RANDE L. GRAMENZ , Successor Trustee, filed an Amended First and Final Account and Report of Trustee.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need 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		
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: KT</p>
		<p>Reviewed on: 1/13/16</p>
		<p>Updates:</p>
		<p>Recommendation:</p>
		<p>File 15B- Gramenz</p>

17 Fredrick Holley (Estate)

Case No. 15CEPR00519

Petitioner DeShazor-Holley, Laura R. (Pro Per – Petitioner – Surviving Spouse)

Petitioner Holley, Sierra Jeanay (Pro Per – Petitioner – Daughter)

Petitioner Holley, Garret (Pro Per – Petitioner – Son)

Petition for Letters of Administration with IAEA

DOD: 10/27/2014	LAURA DESHAZOR-HOLLEY , surviving spouse, SIERRA HOLLEY , daughter, and GARRET HOLLEY , son, are petitioners and request LAURA DESHAZOR-HOLLEY be appointed administrator without bond.	NEEDS/PROBLEMS/COMMENTS:
Cont. from 100515, 120115		
<input type="checkbox"/> Aff.Sub.Wit.	All heirs waive bond	
<input checked="" type="checkbox"/> Verified	Full IAEA – o.k.	
<input type="checkbox"/> Inventory	Decedent died intestate	
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.	Residence: Fresno	
<input checked="" type="checkbox"/> Notice of Hrg	Publication: The Fresno Bee	
<input checked="" type="checkbox"/> Aff.Mail	Estimated valued of Estate:	
<input checked="" type="checkbox"/> Aff.Pub.	Personal property - \$13,000.00	
<input type="checkbox"/> Sp.Ntc.	Real property - \$217,000.00	
<input type="checkbox"/> Pers.Serv.	Less encumbrances - \$108,360.00	
<input type="checkbox"/> Conf. Screen	Total - \$121,640.00	
<input checked="" type="checkbox"/> Letters	Probate Referee: Rick Smith	
<input checked="" type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Note: Minute Order of 12/01/2015: The Court indicates it is prepared to grant the petition, but bond will be required in the amount of \$150,000.00. Petitioner is to look into bonding companies and bring proof on 01/19/2016 if it is determined she will be able to post bond.
		Note: Final Inventory and Appraisal was filed 08/24/2015 therefore no status hearing for the filing of the Inventory and Appraisal was set.
		Note: If the petition is granted status hearings will be set as follows: • Monday, 03/21/2017 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.
		Reviewed by: LV
		Reviewed on: 01/14/2016
		Updates:
		Recommendation:
		File 17 – Holley

Amended Petition to Determine Succession to Real Property

DOD: 4/24/15		JOHN DANIEL HERNANDEZ, JR., Grandson, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: Minute Order 11/17/15: Herminia Rosas states her objections in open court; written objections are to be filed and served by 12/8/15. Note: As of 1/13/16, no objections have been filed.
		40 days since DOD	
Cont. from 092215, 111715		No other proceedings	
<input type="checkbox"/>	Aff.Sub.Wit.	I&A: \$130,000.00 (real property located at 5310 Carmel St., in Del Rey, CA)	
<input checked="" type="checkbox"/>	Verified		
<input checked="" type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC	Will dated 1/12/15 devises the decedent's house at 5310 Carmel St., Del Rey, CA, to Petitioner.	
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg	Petitioner requests Court determination that the real property passes to him pursuant to the decedent's will.	
<input checked="" type="checkbox"/>	Aff.Mail		W
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: skc
			Reviewed on: 1/13/16
			Updates:
			Recommendation:
			File 18 – Hernandez

Petition for Appointment of Guardian of the Person

		See petition for details.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 11/17/15. The following issues remain noted:</p> <ol style="list-style-type: none"> 1. Petitioner filed a Declaration of Due Diligence as to Jose Alisardava (Father) and the paternal grandparents on 11/24/15. If diligence is not found, need notice pursuant to Probate Code §1511. 2. The proof of personal service attached to the Notice of Hearing filed 10/26/15 is blank at #6 and does not contain the server's information re service on the maternal grandparents. 	
Cont. from 111715				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail			
	Aff.Pub.			
	Sp.Ntc.			
✓	Pers.Serv.			W
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
✓	CI Report			
✓	Clearances			
✓	Order			
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			
			<p>Reviewed by: skC</p> <p>Reviewed on: 1/13/16</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 20 – Becerra</p>	

Petition for Appointment of Probate Conservator of the Person

Age: 59		<p align="center"><u>NO TEMPORARY REQUESTED</u></p> <p>CECILIA ALFARO, daughter, is Petitioner and request appointment as Conservator of the Person with medical consent powers.</p> <p>Petitioner states [see file].</p> <p>Court Investigator Charlotte Bien filed a report on 11/03/15.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>See page 22 for related petition regarding Mr. Martinez' wife, Maria Contreras de Martinez.</p> <p><u>CONTINUED FROM 11/17/15</u> As of 01/13/16, nothing further has been filed and the following notes remain:</p> <ol style="list-style-type: none"> Item 8 of the petition does not appear to list all of the proposed conservatee's relatives within the second degree (parents, grandparents, children, grandchildren and brothers and sisters). Only wife and children are listed and have been provided notice. 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 of the Person</i> for <u>all</u> relatives within the second degree. Need Citation. Need proof of personal service at least 15 days before the hearing of <i>Citation</i> with a copy of the <i>Petition for Appointment of Conservator of the Person</i> on the proposed conservatee. 	
Cont. from 111715				
<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.			x
<input checked="" type="checkbox"/>	Conf. Screen			
<input checked="" type="checkbox"/>	Letters			
<input checked="" type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input checked="" type="checkbox"/>	Video Receipt			
<input checked="" type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation	x		
<input type="checkbox"/>	FTB Notice			
<p>Reviewed by: JF</p> <p>Reviewed on: 01/13/16</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 21 – Martinez</p>				

22 Maria Nicolasa Contreras De Martinez (CONS/P) Case No. 15CEPR01009

Petitioner Alfaro, Cecilia (pro per – daughter)

Petition for Appointment of Probate Conservator of the Person

Age: 61	<u>NO TEMPORARY REQUESTED</u>	NEEDS/PROBLEMS/COMMENTS:
	CECILIA ALFARO , daughter, is Petitioner and requests appointment as conservator of the person with medical consent powers.	<u>CONTINUED FROM 11/17/15</u> As of 01/13/16, nothing further has been filed and the following notes remain:
Cont. from 111715	Petitioner states [see file for details].	1. Capacity Declaration filed 10/09/15 is missing Dr. Guzman's initials at 7(b). Although Dr. Guzman checked the box at item 7(b) stating that the proposed conservatee lacks capacity to give informed consent to medical treatment, the Dr. must also initial if 7(b) applies. Need amended Capacity Declaration.
<input type="checkbox"/> Aff.Sub.Wit.	Court Investigator Charlotte Bien filed a report on 11/03/15.	2. Item 8 of the petition does not appear to list all of the proposed conservatee's relatives within the second degree (parents, grandparents, children, grandchildren and brothers and sisters). Only spouse and children are listed and have been provided notice.
<input checked="" type="checkbox"/> Verified		3. 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 of the Person</i> for <u>all relatives within the second degree</u> .
<input type="checkbox"/> Inventory		4. Need Citation.
<input type="checkbox"/> PTC		5. Need proof of personal service at least 15 days before the hearing of <i>Citation</i> with a copy of the <i>Petition for Appointment of Conservator of the Person</i> on the proposed conservatee.
<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. x		
<input checked="" type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters		
<input checked="" type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input checked="" type="checkbox"/> Video Receipt		
<input checked="" type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		Reviewed by: JF
<input type="checkbox"/> Status Rpt		Reviewed on: 01/13/16
<input type="checkbox"/> UCCJEA		Updates:
<input type="checkbox"/> Citation x		Recommendation:
<input type="checkbox"/> FTB Notice		File 22 – Contreras De Martinez

23A

**Araceli Meza, Esmeralda Meza, Cesar Meza, Daniel Meza,
Jesse Montalvo (GUARD/P) Case No. 15CEPR01016**

Petitioner Navarro, Jose Antano (pro per – maternal uncle)
Petitioner Hernandez, Lidia (pro per – maternal grandmother)

Petition for Appointment of Guardian of the Person

Araceli, 12	<u>TEMPORARY EXPIRES 01/19/16</u>		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need proof of service at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Guardian of the Person</i> <u>or</u> <i>Consent & Waiver of Notice</i> <u>or</u> <i>Declaration of Due Diligence</i> for:</p> <p>a. Cesar Meza, Sr. – service by mail ok (unless diligence is found)</p>
Esmeralda, 12	<p>JOSE NAVARRO and LIDIA HERNANDEZ, maternal uncle and grandmother, are Petitioners.</p>		
Cesar, 10	<p>Mother: ANA HERNANDEZ – <i>Consent & Waiver of Notice</i> filed 01/05/16</p>		
Daniel, 2	<p>Maternal grandfather: EUSEBIO HERNANDEZ - deceased</p>		
Jesse, 5 mos.	<p>Araceli, Esmeralda, Cesar and Daniel:</p>		
Cont. from 121615	<p>Father: CESAR MEZA, JR. – personally served on 11/26/15</p>		
<input type="checkbox"/> Aff.Sub.Wit.	<p>Paternal grandfather: CESAR MEZA, SR. – <i>Declaration of Due Diligence</i> filed 01/05/16 states he was deported to Mexico years ago and has not been seen or heard from since</p>		
<input checked="" type="checkbox"/> Verified	<p>Paternal grandmother: THERESA MEZA – personally served on 12/26/15</p>		
<input type="checkbox"/> Inventory	<p>Jesse:</p>		
<input type="checkbox"/> PTC	<p>Father: RONALD MONTALVO - deceased</p>		
<input type="checkbox"/> Not.Cred.	<p>Paternal grandfather: RICHARD MONTALVO – personally served on 01/04/16</p>		
<input checked="" type="checkbox"/> Notice of Hrg	<p>Paternal grandmother: ARTEMIA MONTALVO – personally served on 01/04/16</p>		
<input type="checkbox"/> Aff.Mail	x	<p>Petitioners state: [see file].</p>	
<input type="checkbox"/> Aff.Pub.		<p>Court Investigator Charlotte Bien filed a report on 11/30/15.</p>	
<input type="checkbox"/> Sp.Ntc.			
<input checked="" type="checkbox"/> Pers.Serv.	w/		
<input checked="" type="checkbox"/> Conf. Screen			
<input checked="" type="checkbox"/> Letters			
<input checked="" type="checkbox"/> Duties/Supp			
<input type="checkbox"/> Objections			
<input type="checkbox"/> Video Receipt			
<input checked="" type="checkbox"/> CI Report			
<input type="checkbox"/> 9202			
<input checked="" type="checkbox"/> Order			
<input type="checkbox"/> Aff. Posting			
<input type="checkbox"/> Status Rpt			
<input checked="" type="checkbox"/> UCCJEA			
<input type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice			
			<p>Reviewed by: JF</p>
			<p>Reviewed on: 01/13/16</p>
			<p>Updates:</p>
			<p>Recommendation:</p>
			<p>File 23A – Meza/Montalvo</p>

23A

24 Romaine Bautista (GUARD/P) Case No. 15CEPR01108

Petitioner Vega, Alma Balase (Pro Per – Non-Relative)

Petitioner Vega, Ariel Rosal (Pro Per – Non-Relative)

Petition for Appointment of Guardian of the Person

Age: 11		<p align="center">TEMPORARY NOT REQUESTED</p> <p>ALMA BALASE VEGA, and ARIEL ROSAL VEGA, non-relatives, are petitioners.</p> <p align="center"><u>Please see petition for details</u></p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Notice of Hearing filed 12/29/2015 is incomplete as it was not completed at #4 of page 2 a. regarding date mailed; and 2 b. Place mailed; and #5 if Notice of Hearing was served with a copy of the Guardianship Petition. Therefore, service is defective. 2. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for: <ul style="list-style-type: none"> • Teofista Bautista (Paternal grandmother) • Angelina Cadelina (Maternal grandmother) • Any siblings over the age of 12
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail w/o		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv. n/a		
<input checked="" type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report x		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input checked="" type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		Reviewed by: LV	
		Reviewed on: 01/14/2016	
		Updates:	
		Recommendation:	
		File 24- Bautista	

25 Angel Harvey (GUARD/P)

Case No. 15CEPR01110

Petitioner Bonboster, Jazmine Yvette Marie (Pro Per – Sister)

Petition for Appointment of Guardian of the Person

Age: 15	TEMPORARY PETITION DENIED 11/30/2015		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for:</p> <ul style="list-style-type: none"> • Paternal Grandparents (Not Listed)
	JAZMINE BONBOSTER, Sister, is Petitioner.		
	<u>Please see petition for details</u>		
Cont. from			
<input type="checkbox"/> Aff.Sub.Wit.			
<input checked="" type="checkbox"/> Verified			
<input type="checkbox"/> Inventory			
<input type="checkbox"/> PTC			
<input type="checkbox"/> Not.Cred.			
<input checked="" type="checkbox"/> Notice of Hrg			
<input checked="" type="checkbox"/> Aff.Mail	w/		
<input type="checkbox"/> Aff.Pub.			
<input type="checkbox"/> Sp.Ntc.			
<input checked="" type="checkbox"/> Pers.Serv.	w/		
<input checked="" type="checkbox"/> Conf. Screen			
<input checked="" type="checkbox"/> Letters			
<input checked="" type="checkbox"/> Duties/Supp			
<input type="checkbox"/> Objections			
<input type="checkbox"/> Video Receipt			
<input checked="" type="checkbox"/> CI Report			
<input type="checkbox"/> 9202			
<input checked="" type="checkbox"/> Order			
<input type="checkbox"/> Aff. Posting			
<input type="checkbox"/> Status Rpt			
<input checked="" type="checkbox"/> UCCJEA			
<input type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice			
			Reviewed by: LV
			Reviewed on: 01/14/2016
			Updates:
			Recommendation:
			File 25- Harvey

First Amended First and Final Account and Report of Executor and Petition for its Settlement for Allowance of Attorneys' Fees' and for Final Distribution

DOD: 5/29/09		<p>DALE GEORGE MELL, Executor, is petitioner.</p> <p>Account period: 5/29/09 – 10/31/15</p> <p>Accounting - \$261,554.97 Beginning POH- \$247,942.08 Ending POH- \$230,951.50</p> <p>Executor - waives</p> <p>Attorney - \$7,702.98 (statutory)</p> <p>Attorney X/O - \$8,275.50 (see note #8)</p> <p>Petitioner states after he filed his First and Final Account, Dale L. Mell (son of predeceased beneficiary, Dean C. Mell) filed a petition for allowance of attorney fees and later filed an objection to the accounting. The court set the matters for trial. The parties mediated their dispute and entered into a settlement agreement. In connection with the settlement agreement, petitioner Dale G. Mell agreed to pay the sum of \$60,000 to objector Dale L. Mell. No funds belonging to the estate are payable to Dale L. Mell pursuant to the settlement.</p> <p style="text-align: center;">Please see additional page.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Need Second Amended Petition based on but not limited to the following:</p> <ol style="list-style-type: none"> 1. Disbursement schedule includes \$395.00 paid on 5/9/12 for objections. The objections were filed and paid for by Objector, Dale L. Mell, and therefore are not a costs of administration. 2. Disbursement schedule includes \$435.00 on 11/27/15 for the filing of this amended petition. There was no fee charged for this amended petition. 3. Disbursement schedule includes a service fee for Eddings of \$29.50. Local Rule 7.17 considers runners services to be a cost of doing business and therefore are not reimbursable. 4. Petition includes a handwritten copy of the loan payments and also a typewritten copy prepared by the attorney. However the typewritten copy does not include the payment of \$833.33 on 8/30/00 and an anniversary gift of \$1,000.00 on 10/24/00. Therefore the loan amount due appears to be incorrect and should be recalculated. <p style="text-align: center;">Please see additional page</p>
Cont. from 010416			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input checked="" type="checkbox"/>	Inventory		
<input checked="" type="checkbox"/>	PTC		
<input checked="" type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail W/		
<input type="checkbox"/>	Aff.Pub.		
<input checked="" type="checkbox"/>	Sp.Ntc. W/		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters 1/14/13		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input checked="" 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 checked="" type="checkbox"/>	FTB Notice		
		<p>Reviewed by: KT</p> <p>Reviewed on: 1/14/16</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 28 - Mell</p>	

Petitioner states the Will devises a life estate in the real property to the surviving spouse Alene Mell. Will states that Alene shall be responsible for paying any property taxes, assessments, insurance, maintenance, and ordinary reports on the property during the tenure of the life estate. Petitioner states he the estate has expended the sum of \$12,001.10 in payment of such property taxes, assessments, insurance, maintenance, and ordinary repairs on this property during the tenure of the life estate. Alene had not repaid the estate for said sums. Petitioner requests the amounts owed by Alene be reflected in the judgment for distribution entered herein, and be established a lien in favor of the holders of the remainder interest, namely Dale G. Mell, Larry F. Mell and Tina L. Liles.

Petition states in June 2000 Dean C. Mell (deceased son) borrowed the principal sum of \$65,000. The promissory note states that "In the event that Wilfred Mell's death precedes the payoff of this loan, the remainder of the loan will be deducted from Dean C. Mell's portion of his inheritance." The promissory note was amended on 10/2/02 to include 2% interest on the unpaid balance of the loan. As of 10/31/15, the unpaid balance with interest is \$14,437.85 (12,793.85 plus interest of \$1,644.55). Pursuant to the written agreement from Dean C. Mell, the sum of \$14,437.85 should be deducted from the amount otherwise distributable to Dean C. Mell, with said deduction distributed in equal shares to the other heirs.

NEEDS/PROBLEMS/COMMENTS (cont.):

5. Handwritten copy of the loan indicates that the amount yet to be paid on the loan as of 9/1/08 was \$11,500.00 with three \$500.00 payments after that date. The Petition alleges the balance on the loan is \$14,214.93. Need clarification.
6. Accounting lists the loan to Dean C. Mell as a loss. The loan cannot be listed as a loss if its value is being deducted from Dean C. Mell's share of the estate.
7. Accounting includes interest on the loan but does not include any interest on the estate bank account/CDs. Need clarification.
8. Petition requests extraordinary attorney fees in the amount of \$8,275.00. Declaration of Attorney in support of extraordinary attorney fees requests fees in the amount of \$8,000.00. Need clarification.
9. Signature of Dale G. Mell verifying the petition appears to be a faxed copy that someone wrote over the top of the signature in ink.
10. Need Order