

(1) Petition for Settlement of First and Final Report on Waiver of Account; (2) for Allowance of Attorneys' Fees; (3) for Reimbursement of Costs Advanced by Attorneys; and (4) for Final Distribution [Prob. C. 9202, 10800, 10810, 10951, 11600 & 11640]

<b>DOD: 01/05/05</b>		<b>JOHN BERRY</b> , Administrator, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b><u>OFF CALENDAR</u></b> <b>Petition was granted on</b> <b>11/26/12</b>
		<b>Accounting is waived.</b>	
		I & A - <b>\$224,500.00</b>	
		POH - <b>\$63,244.55</b>	
<b>Cont. from 112612</b>		Administrator - <b>waives</b>	
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>	Attorney - <b>\$4,360.00</b> (statutory)	
<input checked="" type="checkbox"/>	<b>Verified</b>	Attorney x/o - <b>\$1,711.00</b> (for services rendered related to the sale of real property)	
<input checked="" type="checkbox"/>	<b>Inventory</b>	Costs - <b>\$1,267.00</b> (for filing fees, publication, certified copies, probate referee)	
<input checked="" type="checkbox"/>	<b>PTC</b>	Closing- <b>\$1,000.00</b>	
<input checked="" type="checkbox"/>	<b>Not.Cred.</b>	<b>Distribution, pursuant to intestate succession, is to:</b>	
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>	John Berry - <b>\$18,302.18</b>	
<input checked="" type="checkbox"/>	<b>Aff.Mail</b> w/	Connie Albonico - <b>\$18,302.18</b>	
<input type="checkbox"/>	<b>Aff.Pub.</b>	Sandra Bello - <b>\$18,302.18</b>	
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
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<input type="checkbox"/>	<b>Letters</b> 04/11/05		
<input type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input checked="" type="checkbox"/>	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b> n/a		
			<b>Reviewed by:</b> JF
			<b>Reviewed on:</b> 01/17/13
			<b>Updates:</b>
			<b>Recommendation:</b>
			<b>File 1 - Berry</b>

**2 Lillian Salwasser (Estate)**

Case No. 07CEPR00104

Atty Matthai, Edith (for Craig A. Houghton – Objector)  
 Atty Manock, Charles K. (for George Salwasser/Executor of the Estate of Lillian Salwasser)  
 Atty Chiepegian, Michael S (for Marvin Salwasser/Administrator with Will Annexed of Walter Respondent) Salwasser  
 Atty Wright, Janet L. (for George Salwasser/Executor)  
 Atty Farley, Michael L. (of Visalia, for Gary E. Salwasser - Beneficiary)  
**Amended and Restated First Account and Report (Status)**

	<b>George Salwasser is Executor.</b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
	An Amended and Restated First Account was filed on 1-13-10 and has been continued with reference to additional ongoing matters in this and other related cases.	<u>Continued from 6-25-12, 9-24-12.</u>
Cont from 062512, 092412, 112612		<b>Note:</b> It is Examiner's understanding that at this point a further amended petition for final distribution is expected from Executor to close the estate once the other related matters are settled. This continued hearing is for status on such expected petition for final distribution.
Aff.Sub.Wit.		<u>Status Report and Request for Continuance filed 9-19-12 by Attorney Janet Wright states all matters impeding the filing of the petition appear to have been completed and a draft has been prepared; however, due to an unexpected illness and death in the family of the attorney for the Executor, the draft has not been finalized. Attorney requests 60 days to finalize the petition and continuance to 11-26-12.</u>
Verified		<b>Minute Order 11-26-13:</b> Matter off calendar. Stipulation to continue matter to 1-25-13 filed by counsel.
Inventory	<b>For background, Executor's Status Report filed 10/24/11 states:</b> The purpose of this hearing was to determine whether any further accounting would be necessary as the PrC §850 petitions of the Lillian Salwasser Estate and Walter Salwasser Estate were settled by Settlement Agreement and Release entered into on 6/21/11. Based on the Settlement terms it appears no further accounting should be required for any account reported in the pending Account for accounts held in Decedent or her surviving spouse's names at the time of Decedent's death.	<b>Note:</b> As of 1-17-13, nothing further has been filed.
PTC		1. Need amended petition for final distribution.
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
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9202		
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Aff. Posting		
Status Rpt	X	
UCCJEA		
Citation		
FTB Notice	<p>The Probate Estate Account (opened after Decedent's date of death) and collections, if any, on Promissory Notes reported in the Account, would need to be supplemented through date of distribution (Two notes are currently the subject of lawsuits); until there is determination as to the collectability on the Notes, tax matters cannot be finally determined.</p> <p>A mediation is scheduled for 11/16/11 between George and Gary Salwasser; therefore, a continuance of 4 to 6 months is appropriate under the circumstances.</p> <p><b>Since then, the matter has been continued to 2-27-12 and now to 6-25-12 per stipulation of the parties.</b></p> <p><b>Status Report and Request for Continuance filed 6-21-12</b> states all litigation matters have recently been settled. Executor requests 90 days to finalize the petition for final distribution and complete related matters.</p>	
		<b>Reviewed by:</b> NRN / skc
		<b>Reviewed on:</b> 1-17-13
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 2 – Salwasser</b>

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

<b>DOD: 3-17-02</b>	<b>MARY LOUISE PATTEN</b> , Granddaughter, was appointed Executor with Full IAEA without bond and Letters issued on 7-23-02.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
	Inventory and Appraisal filed 7-23-02 reflected a total estate value of \$141,559.24 consisting of cash and real and personal property.	<u>Continued from 6-19-12, 7-31-12, 9-28-12, 11-30-12.</u>
<b>Cont. from 061912, 07312, 092812, 113012</b>	The real property was sold for \$120,000.00 pursuant to Court confirmation on 4-15-04.	<b>Minute Order 9-28-12:</b> Mr. Bagdasarian advises the Court that they've received no cooperation from Ms. Patten. Mr. Jimenez informs the Court that he spoke with Ms. Patten who indicated to him that there was \$65,000.00 left, but it's all gone now. Matter continued to 11/30/12. Ms. Kruthers is directed to prepare a final accounting with a noticed hearing. Ms. Kruthers informs the Court that she will be attaching Mr. Bagdasarian's declaration as an exhibit. Continued to 11/30/12.
<b>Aff.Sub.Wit.</b>	<b>On 5-8-12</b> , the Court set this status hearing for failure to file a first account or petition for final distribution. Notice was mailed to the Executor on 5-8-12.	<b>Minute Order 11-30-12: Mr. Bagdasarian requests a continuance.</b>
<b>Verified</b>	<b>On 6-19-12</b> , Ms. Patten did not appear. The Court issued an Order to Show Cause Re: Failure to File and Failure to Appear. The Court removed Ms. Patten as Executor and appointed the Public Guardian.	<b>Note:</b> The Executor was formerly represented by Attorney William Irwin, who is now deceased.
<b>Inventory</b>	The Order to Show Cause and a copy of the minute order were mailed to Ms. Patten on 6-22-12.	<b>Note:</b> Attorney Gary Bagdasarian represents heir Bobby Ray Smith, II, a grandson of the Decedent.
<b>PTC</b>	<b>On 7-31-12</b> , Bobby Ray Smith and his counsel Gary Bagdasarian were present; however, Mary Patten did not appear. The Court ordered sanctions of \$500.00, which may come from her proceeds, and continued the status hearing. A copy of the minute order was mailed to Ms. Patten on 7-31-12.	<b>Note:</b> The Decedent's will devises the estate to Mary Louise Patten (Executor) and Bobby Ray Smith, II, in equal shares.
<b>Not.Cred.</b>	<b>Attorney Bagdasarian filed a Declaration in Support of Surcharge of Former Administrator on 9-28-12.</b>	<b>Note: Status Report filed 11-27-12 by Public Administrator requested 60 days. As of 1-17-13, nothing further has been filed.</b>
<b>Notice of Hrg</b>	The Declaration requests that Ms. Patten's compensation for serving as personal representative be reduced to \$0 due to the unnecessary delay, and that half the value of the probate estate pursuant to the I&A (\$83,279.62), interest at the legal rate, and the previous \$500 sanction be charged against her 50% interest in the estate, with attorney fees and costs in bringing the action to remove her and obtaining a surcharge, according to proof. According to the Public Administrator, the former administrator does not have any of the assets of the estate and there was no bond. Therefore, a request is made that the Public Administrator close the estate by filing its report and distribute this surcharge as determined by the court, to Bobby Ray Smith, II for a collection against Mary Louise Patten.	<b>Reviewed by:</b> skc
<b>Aff.Mail</b>		<b>Reviewed on:</b> 1-17-13
<b>Aff.Pub.</b>		<b>Updates:</b>
<b>Sp.Ntc.</b>		<b>Recommendation:</b>
<b>Pers.Serv.</b>		<b>File 3 - Smith</b>
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		

**4A Darleen Joyce Parks (CONS/PE)**

**Case No. 03CEPR01192**

**Atty Connie Lynn Rana (pro per Petitioner and former conservator)**

**Atty Kruthers, Heather (for the Public Guardian/current conservator of the estate)**

**(1) Third Account and Report of Conservator and (2) Petition for Fees**

<b>Age: 76 years</b>		<p><b>CONNIE RANA</b>, former Conservator, is petitioner.</p> <p>Account period: 1/8/08 – 12/31/09</p> <p>Accounting - <b>\$782,889.76</b>                  Beginning POH- <b>\$642,039.07</b>                  Ending POH - <b>\$496,754.10</b></p> <p>Conservator - <b>waives</b></p> <p>Attorney - <b>\$4,187.50</b> (per itemization and declaration, 16.75 hours at \$250.00 per hour)</p> <p><b>Current bond: \$800,000.00</b></p> <p><b>Petitioner prays for an Order:</b></p> <ol style="list-style-type: none"> <li>Settling and allowing the third account and report and approving and confirming the acts of petitioner as filed;</li> <li>Authorizing Petitioner to pay her attorney the sum of \$4,187.50 for ordinary legal services provided to the conservator and the estate during the period of the account.</li> </ol>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>Continued from 11/29/12. Minute order states the Court directs Ms. Kruthers to prepare a petition setting forth the appropriate information regarding surcharges. The court sets a status hearing on 1/25/13 regarding the Petition for Surcharge. The court directs that this matter be continued to the date given on the petition for surcharge. As of 1/18/13 a Petition for Surcharge has not been filed.</p> <p><b>Note:</b> Attorney Steven Shahbazian substituted out as attorney of record on 1/8/13</p> <p><b>Note:</b> Petitioner, Connie Rana, was removed as Conservator of the Estate and the Public Guardian was appointed by Minute Order dated 6/18/12.</p> <p style="text-align: center;"><i>Please see additional page</i></p>	
Cont. from 102511, 120611, 012412, 030812, 050712, 061812, 072312, 082712, 102512, 112912				
<input type="checkbox"/>	Aff.Sub.Wit.			
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<input type="checkbox"/>	UCCJEA			
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		<p><b>Reviewed by: KT</b></p> <p><b>Reviewed on: 1/18/13</b></p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 4A - Parks</b></p>		

1. **Disbursement schedule shows payments bi-monthly of \$2,700 to Rana and Rana for rent. The court may require clarification regarding these rent payments and whether or not Rana and Rana has any relationship to the conservator. California Rules of Court 7.1059(a)(4) states the conservator must not engage his or her family members to provide services to the conservatee for a profit of fee when other alternatives are available. Where family members do provide services, their relationship must be fully disclosed to the court and their terms of engagement must be in the best interest of the conservatee compared with the terms available from other independent service providers.** – Declaration of Conservator filed on 11/30/11 states the rental property is owned by the conservator and her husband; however, the sub-market rent is not sufficient to pay the mortgage, property taxes, insurance, and maintenance costs for the property. Conservator states she and her husband do not make any profit from the conservatee's tenancy.
2. **Disbursement schedule shows several months where it appears the conservatorship is paying the cell phone of the live in care provider Sandra Martin. Court may require clarification.** – Declaration of Conservator filed on 11/30/11 states the cell phone payments for Sandra Martin, live in care provider, because the care provider would often take the conservatee to various places and therefore, it was required that the care provider have a cell phone. Because it was a requirement for this care provider, it was agreed that the conservatorship would pay the costs.
3. **Disbursement schedule shows several months where there are two payments per month for Las Vegas Valley Water (utilities), Pesky Pete's Pest control, Embarq (phone), Cox Enterprises (cable service), Southwest Gas (utilities), Republic Service (trash), Nevada Power (utilities). It appears the conservatorship may be paying for more than just the conservatee's expenses. Court may require clarification.** – Declaration of Conservator filed on 11/30/11 states some payment were made, on behalf of the care providers, as part of the "barter" agreement between the care providers and the conservator. The various utilities or cable services expenses would be paid, on occasion, for the conservatee at her residence and on occasion as the "barter" for services by a care provider.
4. **Disbursement schedule shows items purchased that should be included on the property on hand schedule such as:**
  - a. **3/11/08 – TV Surround + patio furniture for \$1,723.65**
  - b. **4/22/08 – Washer and dryer for \$1,578.90**
  - c. **12/22/09 – firmer sofa (?) for \$2,196.19** - Declaration of Conservator filed on 11/30/11 states the purchases were necessary. (**Note:** The Examiner does not question whether not the purchases were necessary but that they are not listed on the property on hand schedule as required.).
5. **Disbursement schedule shows gifts of cash on 12/28/09 to the conservatee's great nephews, Josh Rana - \$250.00 and Jacob Rana - \$200.00. California Rules of Court, Rule 7.1059(b)(3) states the conservator must refrain from making loans or gifts of estate property, except as authorized by the court after full disclosure.** – Declaration of Conservator filed on 11/30/11 states the cash gifts are minimal reflections of the conservatee's affection for her great nephews.

*Please see additional page*

6. Disbursement schedule shows payments identified as Summerlin Dues (without stating the nature and purpose of the payment) as follows:

- 4/15/08 - \$271.00
- 4/15/08 - \$271.00
- 8/26/08 - \$271.00
- 8/26/08 - \$271.00 - Declaration of Conservator filed on 11/30/11 states Summerlin is the name of the large planned development where the Conservatee (and conservator and her husband) reside. Because of the lower rental payments Conservator states she has paid (quarterly) the Summerlin assessment for the rental house. The four assessment payments are the only ones paid and the conservatorship has not been further charged for these homeowner assessments.

7. Disbursement schedule shows a disbursement for "Home Warranty" in the amount of \$313.95 on 5/27/09. Court may require explanation as to why the conservatorship is paying for home warranty when renting (see item #1 above). - Declaration of Conservator filed on 11/30/11 states this is a 50-50 split for payment on the home warranty for the rental house.

8. This conservatorship was established in 2003. Property on hand schedule from the 2<sup>nd</sup> account ending on 12/31/2007 shows promissory notes (all apparently established during the 2<sup>nd</sup> account period) as follows:

- \$38,000 dated 6/27/05 from Aaron Wallace secured by a Deed of Trust with interest at 16% per annum
- \$252,000.00 dated 7/19/05 from Aaron Wallace secured by a Deed of Trust with interest at 13% per annum.
- \$60,000.00 dated 10/11/05 from John P. Rana and Kea Rana with interest at 4% per annum. (It appears that John P. Rana is the son of the petitioner.)

Probate Code §2570 requires the Conservator to obtain prior court approval before investing money of the estate. There is nothing in the file to indicate the conservator obtained permission from the Court to invest money of the estate. - Declaration of Conservator filed on 11/30/11 states the promissory notes contained in the 2<sup>nd</sup> account were paid current, principal and interest included. All the notes were first trust deeds secured by real properties with sufficient equities. However, because the notes were of such a high rate of return (16% and 13% interest annum), the mortgagor was in danger of being unable to make further payments, which would have resulted in the requirement of the conservatorship to foreclose on the properties. To avoid foreclosure and subsequent costs incurred, and to avoid owning the properties, the conservator, through her husband who is a real estate investor, replaced these notes with other notes also secured by first trust deeds which are now paying at a more normal rate of return of 4%.

9. Property on hand schedule for this (the 3<sup>rd</sup>) accounting shows two promissory notes as follows:

- \$95,000 secured by 1209 Coral Isle Way, Las Vegas, NV with interest at 4% per annum and an outstanding balance of \$95,000.00
- \$205,000 secured by 11464 Crimson Rock, Las Vegas, NV with interest at 4% per annum an outstanding balance of \$191,286.22.

It appears that the promissory notes in the second account are not the same promissory notes in the third account. What happened to the promissory notes in the second account? Where they paid in full? Need clarification and need change in asset schedule. - Declaration of Conservator filed on 11/30/11 states the questions raised herein are addressed in the answer above. All principal and interest payments and current interest rates and principal balances are recorded on the Third Account and Report are accurate.

**Please see additional page**

**10. Need Order**

**Public Guardian's Objections to the Third Account and Report of Conservator and Petition for Fees was filed on 9/7/12.** After reviewing the Account the Public Guardian objects as follow:

1. There are two utility bills paid every month within days of each other.
2. There is an extensive amount of supplies and food purchased for Ms. Parks and her care providers monthly.
3. Although Ms. Rana states that she uses the car (which is Ms. Parks' Jaguar) to transport her sister to outings, there is a van that is used to transport Ms. Parks. Why is the conservatee paying for two cars when she cannot drive?
4. There are many insurance payments made, but do not specify for why type of insurance. There are also large gaps as to when insurance payments are being made. They are not monthly or quarterly.
5. Two different pest control company bills are being paid.
6. There is a monthly cleaning bill. In the Public Guardian's experience, care providers do the cleaning while the person receiving the care is resting or not needing assistance. Furthermore, the cleaning company was coming twice a month, sometimes within 3 days of each other.
7. Charges were made to Charlotte Rouse clothing store, which caters to the 15 – 25 year old age group. The conservatee is older than 65.
8. Two monthly trash service bills are being paid each month.
9. In late 2008 there were two cable bills being paid each month.
10. There was \$4,460 paid for the installation of window fixtures on a home that the conservatee rents.
11. There was insurance with different medical companies. What was paid for as a co-pay or deductible? On 2/5/08, she paid "Insurance, med pay" (\$1,079.14), 04/17/08 – "Insurance" (\$1,132.00) but does not specify what insurance, listed Humana Health Insurance deductible (\$1,620.00 – 09/05/08), Health Net, Right Source Rx, and "A&A Insurance add on H.O. prem." (\$300.00) What is Medicare covering? Physical therapy should be covered under insurance if the doctor is prescribing it. Some insurance companies, whether primary or secondary to Medicare, should be picking up some of the expenses and visa-versa.
12. What is RC Wille Firmer So?? Purchased on 12/22/09?
13. Why were new lamps purchased on 12/22/09 for \$285.65?

**Wherefore, the Public Guardian requests the Court deny Petitioner's third account as set forth.**

**Please see additional page**

## 4A (additional page 4 of 5) Darleen Joyce Parks (CONS/PE) Case No. 03CEPR01192

Second Supplemental Declaration of the former Conservator, Connie Rana filed on 10/3/12. Ms. Rana responds to the Public Guardian's Objections number 1-13 in sequence, as follows:

1. **Utilities** - There are two utility bills paid because there is a similar "barter" paid for the Conservatee's in-home care givers. The amounts paid are an "offset" or "barter" for the caregivers in exchange for their services. There is no personal benefit of any of these payments for the Conservator. The amounts are quite modest and do not cause harm or threat to the estate.
2. **Supplies and Food** - Some supplies and expenses are for the care providers, who are often there for 10 hours at a time and require meals. However, much of the expense is to buy the conservatee her adult diapers at \$50 per box, of which she wears at least 5 per day, plus other supplies such as lotions, shampoos, toothpaste, paper products as well as food.
3. **Vehicle** - The conservatee has two vehicles (and has had these throughout the conservatorship). The van is necessary to transport the conservatee, as she is wheelchair bound. She also likes to drive in her other vehicle, a Jaguar, which is paid for. The cost of maintaining the two vehicles is minimal compared to the convenience it provides. The Conservatee is proud of her Jaguar (which was almost new when she had her stroke) and she enjoys being in it. The Conservator and her family have extensive vehicles of their own and do not use the Conservatee's vehicles.
4. **Insurance** - The only insurance that is paid for on behalf of the conservatee is for the vehicles and for her renter's insurance. This is generally paid on a semi-annual basis.
5. **Pest Control** - Besides the monthly bill for the conservatee's residence, a second bill is often paid for for an in-home care provider as a "barter." These payments are included in the general costs to care for the Conservatee and have been previously reviewed and approved by this court including, on the Second Account and Report, which was approved on 7/14/11.
6. **House Cleaning** - The home is relatively large and has other persons (care providers) in it daily, in addition to the conservatee. Contrary to the Public Guardian's "experience" the care providers that Ms. Rana has hired do not do the cleaning and have not been hired to do so. All cleaning bills were for the benefit of the Conservatee.
7. **Charlotte Rouse** - The Conservator is informed that Charlotte Rouse has stores other than the "15-25 year old group" and also for "larger" women like the Conservatee. The only purchases at Charlotte Rouse would have been the Conservatee's nightgowns.
8. **and 9 Trash Services and Cable Bill** - These are the same "barter services" for care givers necessary to maintain 24 hour care for the Conservatee
10. **Window Fixtures** - New windows were necessary in the home for the comfort of the Conservatee.
11. **Insurance** - The only insurance available to the Conservatee, and of which she has been a member since she retired, is Humana Insurance. Humana is not part of the Medicare system; it is separate coverage and is excluded from Medicare.
12. **RC Willey** - Is a furniture store where the Conservator purchased a new and firmer sofa for the conservatee.
13. **New Lamps** - New lamps were necessary because the old ones in her bedroom broke.

The above expenditures are generally minimal and are necessary and convenient for the maintenance of the household and the care and comfort of the conservatee, who has been in Las Vegas for over 7 years and resides 24 hours per day in her residence.

Please see additional page

Dept. 303, 9:00 a.m. Friday, January 25, 2013

Ms. Rana states she has been appointed guardian of the person and estate of Darlene Parks in Clark County, Nevada. An Order for Emergency Release of Funds for Guardian to Pay Monthly Expenses from Blocked Accounts was filed on 8/15/12 in Clark County, Nevada. The order was prepared after Ms. Rana submitted a budget, through her attorney in Nevada, for funds to be removed from the blocked accounts for the care of the Conservatee. The budget was approved in the amount of \$8,460 per month. Ms. Rana states that she has approval from the Nevada Court, which now has jurisdiction over the person and estate of the conservatee of nearly the same expenses and budget that she has previously expended for the ongoing care of the conservatee.

**Memorandum Re Third Account and Report of Conservatee filed by Connie Rana on 10/3/12.** States she was appointed as conservator in 2003 because it was determined that Darlene [conservatee] was incapable of caring for herself or her financial matters as a result of a stroke. This condition has remained unchanged for nearly 9 years and Darlene receives the same 24 hour a day care she has had since her stroke. This court granted Ms. Rana's petition to move the Darlene to Nevada on 3/16/2005. Darlene has resided primarily in Nevada since that time. The Third Account has been submitted and is pending approval by this court subject to various questions by the probate examiners, the court and now the Public Guardian.

Petitioner contends that since the court granted permission for the conservatee to move to Nevada and a new proceeding is in effect in Nevada, California courts have no jurisdiction to order the "return" of the Conservatee to this state or to cancel the previous order by which the Conservatee was removed to Nevada. The Court's jurisdiction is now limited to Probate Code §2630. Without fully addressing this jurisdictional issue, there are no substantive reasons for this court not to approve the current Third Account and Report.

From review of the Probate Examiner's notes, and the Court's various comments, the primary concerns are that the Conservator failed to disclose, or failed to receive prior approval of certain transactions which may have been considered "self-dealing" by the court. These matters have been fully explained, and justified in the "Supplemental Declaration and Report of the Conservator." Primarily there has been no showing of harm or loss to the estate of the Conservatee. In fact, as the Third Account and Report shows, the investments provided higher than market value returns.

The Court and the examiners have had more than ample opportunity to review the "transactions" that they may have considered questionable. The fact that the examiners may have decided to "over analyze" every transaction, and point out to the court such *di minimis* matters as the payment of a caregiver's cell phone bill or gifts to the conservatee's great nephews does not create a breach of fiduciary duty.

Upon request by this court, the Public Guardian's office filed objections to the Third Account. The objections have been addressed by Ms. Rana in her Second Supplemental Declaration.

Under the above circumstances and law in this area, the Court is well within its authority in reviewing all transactions and actions by the conservator to approve such transactions which may have required prior court approval, as well as final approval of the Third Account. It should be noted that Ms. Rana is the conservatee's only sibling and closest relative. She has devoted herself for over 9 years to the care of her sister without compensation. She has provided 24 hour, 7 days a week care of her sister with the specific intent not to transfer her to a skilled nursing facility and has expended personal time and effort, well beyond that of any normal conservator's obligation, for her sister. If it is the position of the examiners and this court that, for example, the Conservatee should not be in a quality home owned by the conservator but should, instead, perhaps live next door in a house owned by some other person and pay the same or more rent, it would be the triumph of "procedure" over "substance" and would not provide any greater care or comfort to the conservatee.

**(1) Fourth and Final Account and Report of Conservator and (2) Petition for Fees**

<b>Age: 76 years</b>	<p><b>CONNIE RANA</b>, former Conservator, is petitioner.</p> <p>Account period: 1/8/08 – 12/31/09</p> <p>Accounting - <b>\$833,886.44</b>                  Beginning POH- <b>\$496,754.10</b>                  Ending POH - <b>\$278,000.80</b></p> <p>Conservator - <b>waives</b></p> <p>Attorney - <b>\$2,000.00</b> (per Local Rule)</p> <p><b>Current bond: \$800,000.00</b></p> <p><b>Petitioner prays for an Order:</b></p> <p>3. Settling and allowing the fourth account and report and approving and confirming the acts of petitioner as filed;</p> <p>4. Authorizing Petitioner to pay her attorney the sum of \$2,000.00 for ordinary legal services provided to the conservator and the estate during the period of the account.</p>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		<p>1. According to the accounting the Conservatee rents the residence in which she resides from the Conservator. The monthly rent appears to be \$1,350.00 however the disbursement schedule shows that the rent was over paid by \$2,086.00.</p> <p><b>Please see additional page</b></p>
<b>Cont. from 112912</b>		
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/> <b>Verified</b>		
<input type="checkbox"/> <b>Inventory</b>		
<input type="checkbox"/> <b>PTC</b>		
<input type="checkbox"/> <b>Not.Cred.</b>		
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>		
<input checked="" type="checkbox"/> <b>Aff.Mail</b>		
<input type="checkbox"/> <b>Aff.Pub.</b>		
<input type="checkbox"/> <b>Sp.Ntc.</b>		
<input type="checkbox"/> <b>Pers.Serv.</b>		
<input type="checkbox"/> <b>Conf. Screen</b>		
<input type="checkbox"/> <b>Letters</b>		
<input type="checkbox"/> <b>Duties/Supp</b>		
<input type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>		
<input type="checkbox"/> <b>CI Report</b>		
<input type="checkbox"/> <b>9202</b>		
<input checked="" type="checkbox"/> <b>Order</b>		
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>		
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		
		<p><b>Reviewed by: KT</b></p> <p><b>Reviewed on: 1/18/13</b></p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 4B - Parks</b></p>

2. Disbursement schedule includes payments to Costco for groceries and supplies that appear to be excessive. Court may require more information.

3/1/10 - \$324.65

3/1/10 - \$102.81 (why 2 separate charges on the same day totaling \$427.46?)

4/5/10 - \$104.58

4/5/10 - \$47.84 (why 2 separate charges on the same day totaling \$152.42?)

5/3/10 - \$201.06

5/3/10 - \$152.54 (why 2 separate charges on the same day totaling \$353.60?)

1/3/11 - \$274.11

1/3/11 - \$281.66

1/3/11 - \$168.30 (why 3 separate charges on the same day totaling \$724.07?)

7/5/11 - \$184.46

7/5/11 - \$301.66

7/5/11 - \$77.16 (why 3 separate charges on the same day totaling \$563.28?)

9/8/11 - \$440.69

9/8/11 - \$125.21

9/8/11 - \$247.72 (why 3 separate charges on the same day totaling \$813.62?)

10/3/11 - \$254.45

10/3/11 - \$378.23 (why 2 separate charges on the same day totaling \$632.68?)

11/2/11 - \$314.36

11/2/11 - \$47.68

11/2/11 - \$279.77 (why 3 separate charges on the same day totaling \$641.81?)

12/5/11 - \$106.68

12/5/11 - \$343.25

12/5/12 - \$12.46 (why 3 separate charges on the same day totaling \$426.39?)

1/3/12 - \$292.40

1/3/12 - \$48.33

1/3/12 - \$178.34 (why 3 separate charges on the same day totaling \$519.07?)

2/6/12 - \$158.21

2/6/12 - \$51.56

2/6/12 - \$139.24

2/6/12 - \$235.01 (why 4 separate charges on the same day Totaling \$584.02?)

4/3/12 - \$208.57

4/3/12 - \$206.63

4/3/12 - \$663.97 (why 3 separate charges on the same day totaling \$1,079.14?)

5/4/12 - \$657.89

5/4/12 - \$449.51 (why 2 separate charges on the same day totaling \$1,107.40?)

3. Disbursement schedule shows a payment of \$300.00 to Republic Trash on 9/12/11. This amount is much larger than the other payments to Republic Trash. Court may require clarification.
4. Disbursement includes entries that may require additional information.
  - 5/7/10 to Connie Rana for reimbursement for groceries in the amount of \$405.00.
  - 11/30/10 to Connie credit card on for Ft. Dr. Diapers in the amount of \$756.01.
  - 12/28/10 to Connie reimbursement expenses in the amount of \$301.60
  - 1/20/11 Home Health care cash paid out in the amount of \$500.00.
  - 1/25/11 Check cash and re-deposited in the amount of \$350.00
  - 2/17/11 Home care help – cash paid out in the amount of \$400.00
  - 4/13/11 Connie groceries card for Sandy in the amount of \$250.00
  - 3/29/11 Sandra Martin reimburse grocery and cards in the amount of \$372.40
  - 3/17/11 Home warranty on appliances in the amount of \$396.13 - Conservatee is a renter why would she be paying for the home warranty on appliances?
  - 8/23/11 Rano Final Accounting in the amount of \$1,234.00
  - 8/29/11 Furniture for vacant room in the amount of \$2,700.00. Why is a vacant room being furnished and why is this furniture not listed on the property on hand schedule as an asset of the conservatorship?
  - 8/30/11 Bedroom Chair to replace vacant in the amount of \$1,102.64. Why is this chair not listed on the property on hand schedule as an asset of the conservatorship?
  - 8/30/11 Sandra Martin severance pay in the amount of \$5,000.00
  - 8/31/11
    - RC Willey sofa - \$56.85
    - RC Willey Chair - \$102.75
    - RC Willey New home person care \$373.98
    - RC Willey reimbursement for furniture - \$1,180.45, again, why is this property not listed on the property on hand schedule as an asset of the conservatorship?
  - 9/6/11 Marshalls Firmer sofa - \$165.31
  - 9/6/11 RC Willey Sofa TV Chair - \$373.98. Why is this property not listed on the property on hand schedule as an asset of the conservatorship?
  - 4/23/12 – Walmart fans reimbursements - \$401.00

**Please see additional page**

5. Petition indicates the conservator is waiving her fees however the disbursement schedule appears to indicate the conservator has been paying herself a monthly salary without court order.

1/15/10 – Reimb Connie for sheets, rx, gas - \$500.00

4/19/10 - auto fuel reimbursement - \$400.00.

10/20/10 – reimburse for cas/oil/time & transport - \$500.00

12/20/11 - Dec Mgt fee/shopping/home care/gas/bills etc - \$500.00

1/25/12 – Transport/gas/home care/apt - \$500.00

2/28/12 – Transport/gas/shopping/home care/appts - \$500.00

3/30/12 – Transport/gas/shopping/home care/appts - \$500.00

4/30/12 – Transport/gas/shopping/home care/appts - \$500.00

5/29/12 – Transport/gas/shopping/home care/appts - \$500.00

6/18/12 – Transport/gas/shopping/home care/appts - \$500.00

**Objections of the Public Guardian filed on 11/20/12 states the Public Guardian has reviewed the fourth and final account and has the following concerns:**

1. Because of the lack of description, it is not possible to ascertain if the value given for the cars is accurate.
2. Furniture purchased on 8/29/11 for a vacant room. It does not seem that this expense should be borne by the conservatorship estate.
3. On 8/30/11, there was a severance payment made to one of the care providers in the amount of \$5,000.00. The Public Guardian has never paid severance to their care provider, nor has any care provider ever asked for one.

This is a case that was referred to the Public Guardian after the conservatee had already moved to Nevada. The Public Guardian's objections are based mostly on their regular practices and understanding of appropriate expenses. If the court determines that a surcharge is appropriate, the Public Guardian notes that she will seek fees for her and her attorney for the services they have provided to the Court in this matter.

4C Darleen Joyce Parks (CONS/PE)

Case No. 03CEPR01192

Atty Kruthers, Heather H (for Public Guardian/current conservator of the Estate)

Atty Rana, Connie Lynn (pro per former Conservator)

Status Hearing Re: Filing of Petition for Surcharge

<b>Age: 76 years</b>	<p><b>PUBLIC GUARDIAN</b> was appointed successor Conservator of the Estate minute order dated 6/18/2012.</p> <p><b>CONNIE RANA</b>, former conservator was removed as conservator by minute order dated 6/18/2012.</p> <p><b>Minute order dated 11/29/12</b> set this status hearing and directed the Public Guardian to prepare a petition setting forth the appropriate information regarding surcharges.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. Need Petition for Surcharge or current written status report pursuant to Local Rule 7.5.</p>
<b>Cont. from</b>		
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
	<p><b>Reviewed by: KT</b></p> <p><b>Reviewed on: 1/18/13</b></p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 4C - Parks</b></p>	

4C

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

<b>DOD: 1-29-04</b>	<b>MARGARET GREEN</b> was appointed Administrator with full IAEA with bond of \$10,000.00 on 5-25-04.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><u>Note:</u> Administrator was previously represented by Attorney C. Michael Farmer; however, pursuant to Substitution of Attorney filed 9-4-12, Administrator is now self-represented.</p> <p><u>Minute Order 11-30-12: No Appearances.</u> The Court sets the matter for an Order to Show Cause on 1/25/13 regarding the failure to proceed timely with the administration of the estate and imposition of sanctions in the amount of \$500.00. The Court orders Margaret Green to be personally present on 1/25/13. The Court further orders that Mr. Farmer be provided a copy of the minute order and Order to Show Cause. The Court directs the court examiner to provide notice to the bonding company. Continued to 1-25-13 at 9am in Dept 303. Set on 1-25-13 at 9am in Dept 303 for Order to Show Cause Re: Failure to Proceed Timely with the Administration of the Estate; Imposition of Sanctions in the Amount of \$500.00.</p> <p><u>Note:</u> Page 5B is the OSC.</p> <p>1. Need first account or petition for final distribution.</p> <p><u>Note:</u> Administrator Margaret Green is the surviving spouse, and Decedent also had six children. At the time of appointment, five of the six children were adults and waived bond; however, the minor heir lacked capacity to waive bond. Therefore, the bond of \$10,000.00 was requested as that was the estimated share of the minor heir.</p> <p>Reviewed by: skc</p> <p>Reviewed on: 1-17-13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 5A - Green</p>
<b>Cont. from 113012</b>		
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>		
<b>Inventory</b>	Inventory and Appraisal filed 10-21-04 reflected a total estate value of \$95,000.00 consisting of real property at 255 West Hawes Ave. in Fresno.	
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>	Notice of Proposed Action filed 4-1-05 indicated intent to sell for \$153,000.00 cash.	
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>	No further action occurred in this estate until 9-4-12 when Attorney C. Michael Farmer filed a Substitution of Attorney.	
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>	The Court then set this status hearing for failure to file a first account or petition for final distribution and sent notice to the Administrator at 255 West Hawes.	
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		

**Order to Show Cause Re: Failure to Proceed Timely with the Administration of the Estate; Imposition of Sanctions in the Amount of \$500.00**

<b>DOD: 1-29-04</b>	<b>MARGARET GREEN</b> was appointed Administrator with full IAEA with bond of \$10,000.00 on 5-25-04.	<b>NEEDS/PROBLEMS/COMMENTS:</b>	
	Inventory and Appraisal filed 10-21-04 reflected a total estate value of \$95,000.00 consisting of real property at 255 West Hawes Ave. in Fresno.		
<b>Aff.Sub.Wit.</b>	Notice of Proposed Action filed 4-1-05 indicated intent to sell for \$153,000.00 cash.		
<b>Verified</b>	No further action occurred in this estate until 9-4-12 when Attorney C. Michael Farmer filed a Substitution of Attorney.		
<b>Inventory</b>	The Court then set status hearing for failure to file a first account or petition for final distribution and sent notice to the Administrator at 255 West Hawes.		
<b>PTC</b>	<b>Minute Order 11-30-12:</b> No Appearances. The Court sets the matter for an Order to Show Cause on 1/25/13 regarding the failure to proceed timely with the administration of the estate and imposition of sanctions in the amount of \$500.00. The Court orders Margaret Green to be personally present on 1/25/13. The Court further orders that Mr. Farmer be provided a copy of the minute order and Order to Show Cause. The Court directs the court examiner to provide notice to the bonding company. Continued to 1-25-13 at 9am in Dept 303. Set on 1-25-13 at 9am in Dept 303 for Order to Show Cause Re: Failure to Proceed Timely with the Administration of the Estate; Imposition of Sanctions in the Amount of \$500.00.		
<b>Not.Cred.</b>	Minute order was mailed to Administrator and Attorney Michael C. Farmer on 12-10-12. Notice was mailed to bonding company on 1-10-13.		
<b>Notice of Hrg</b>			
<b>Aff.Mail</b>			
<b>Aff.Pub.</b>			
<b>Sp.Ntc.</b>			
<b>Pers.Serv.</b>			
<b>Conf. Screen</b>			
<b>Letters</b>			
<b>Duties/Supp</b>			
<b>Objections</b>			
<b>Video Receipt</b>			
<b>CI Report</b>			
<b>9202</b>			
<b>Order</b>			
<b>Aff. Posting</b>			
<b>Status Rpt</b>			
<b>UCCJEA</b>			
<b>Citation</b>			
<b>FTB Notice</b>			
			<b>Reviewed by:</b> skc
			<b>Reviewed on:</b> 1-17-13
		<b>Updates:</b>	
		<b>Recommendation:</b>	
		<b>File 5B - Green</b>	

**Status Hearing Re: Filing Receipt for Blocked Account**

<b>DOD: 10/3/2006</b>	<p><b>LARRY G. STEWART</b>, Executor, petitioned the court for approval of the first and final account.</p> <p>On 12/11/12 the Court approved the First and Final Account however ordered distributions to the minor beneficiaries held in blocked accounts for said minors.</p> <p>Minute Order dated 12/11/12 set this status hearing for the filing of the receipts for blocked accounts.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. Need receipts for blocked account for:</p> <p>a. Bethany Brandau - \$1,509.04</p> <p>b. Stacy Phebus - \$1,509.04</p> <p>c. Shelley "Stephanie" Phebus - \$1,509.04.</p>
<b>Cont. from</b>		
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
	<p><b>Reviewed by: KT</b></p> <p><b>Reviewed on: 1/18/13</b></p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 6 – O'Brien</b></p>	

**Probate Status Hearing Re: Filing of the Inventory and Appraisal, and Petition for Final Distribution or Release from Ward Pursuant to Probate Code 2627**

<b>DOD: 12-14-06</b>	<p><b>JOANNE MILLER</b>, sister, was appointed Administrator and Letters were issue on 07/17/07.</p> <p><b>Inventory &amp; Appraisal</b> - \$185,000.00 filed 07/09/07.</p> <p><b>The Court set a status hearing for 6/27/12</b> and notice was mailed to Joanne Miller and Attorney Philip Flanigan on 05/15/12.</p> <p><b>Declaration of Philip Flanigan and Status Report filed 10/25/12</b> states: the personal representative, Joanne Miller, is frail and has not been able deal with the sole asset of the estate, real property located at 638 N. Fisher in Fresno. The property is in very poor condition and has been vandalized. Despite the I&amp;A reflecting estate assets of \$185,000.00, the property is presently worth very little and the only offer received for the property has been \$20,000.00. There is a mortgage from the City of Fresno in the amount of \$40,000.00 on the property. There is also a lien by the Department of Health against the estate. Thus there is no equity in the property and no desire on the part of the personal representative to continue spending money on probate proceedings. Mr. Flanigan states that he is currently attempting to elicit an offer to purchase the property and is in the process of negotiating the liens in order to allow the property to be sold, counsel to recoup some fees and costs and to allow the probate to close. If however, the liens cannot be negotiated then counsel will seek to withdraw from the matter and the City of Fresno can foreclose.</p> <p>The personal representative is the sole heir and there are no other claims superior to those of the city and state. Counsel requests a 90 day continuance to attempt to work out a resolution or to file a Petition to close the Probate proceedings.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Minute Order 10-26-12:</b> Counsel informs the Court that the property is still in the decedent's name with the City having a lien on it. Status hearing set for 1-25-13.</p> <p><b>As of 1-17-13, nothing further has been filed.</b></p> <p>1. <b>Need First Account and/or Petition for Final Distribution.</b></p>
<b>Cont. from 062712, 083112, 102612</b>		
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>	<p><b>Reviewed by:</b> skc</p> <p><b>Reviewed on:</b> 1-17-13</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 7 - Murchison</b></p>	

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

<b>DOD: 5-4-07</b>	<b>JOHN G. LEBLANC</b> was appointed Executor with Full IAEA without bond on 8-7-07.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
<b>Cont. from 113012</b>	I&A filed 9-20-07 reflects a total estate value of \$210,000.00 consisting of real property.	<b>Note:</b> A reappraisal for sale was filed 10-23-12 reflecting a value of \$55,000.00 for the real property located at 244 E. Strother Ave., in Fresno, and Notice of Proposed Action was filed 10-24-12 indicating that a sale would be final on or after 11-12-12.
<b>Aff.Sub.Wit.</b>	California Dept. of Health Care Services filed a Creditor's Claim in the amount of \$33,817.55.	<b>Minute Order 11-30-12:</b> Counsel informs the Court that the checks have been sent out. Matter continued to 1-25-13.
<b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>	City of Fresno filed a Creditor's Claim in the amount of \$9,757.94.	
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>	The Court previously set status hearing for failure to file a first account or petition for final distribution.	1. <u>Need first account or petition for final distribution.</u>
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>	<b>At hearing on 7-27-12,</b> Counsel advised the Court that the property was listed for sale, but that debts exceed whatever will be received. The Court was informed that there are four heirs. Counsel is directed to have the property reappraised. Accounting to be completed.	
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>	The Court set this status hearing for filing of the first account or petition for final distribution.	<b>Reviewed by:</b> skc
<b>Video Receipt</b>		<b>Reviewed on:</b> 1-17-13
<b>CI Report</b>		<b>Updates:</b>
<b>9202</b>	<b>Minute Order 11-30-12:</b> Counsel informs the Court that the checks have been sent out. Matter continued to 1-25-13.	<b>Recommendation:</b>
<b>Order</b>		<b>File 8 - LeBlanc</b>
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		

Atty Donaldson, Larry A. (for Larry A. Donaldson – Executor)  
 Atty Leonard, Laura (pro per – daughter)

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

<b>DOD: 06/22/07</b>	<p><b>LARRY A. DONALDSON</b>, friend, was appointed as Executor without bond on 05/27/08 and Letters were issued on 06/18/08.</p> <p><b>No Inventory &amp; Appraisal has been filed.</b></p> <p><b>Notice of Status Hearing</b> filed 11/28/12 set this matter for status. Clerk's Certificate of Mailing states that the Notice of Status Hearing was mailed to Larry A. Donaldson on 10/19/12.</p> <p><b>Declaration of Beneficiary Laura Leonard re Probate Status Hearing – Failure to File First Account or Petition for Final Distribution filed 01/13/11</b> states: she and her brother (both beneficiaries of the estate) have made many written and verbal requests to Mr. Donaldson requesting an accounting and for their father's estate be brought to a close. Ms. Leonard states that Mr. Donaldson has ignored their requests and repeatedly failed to communicate with them regarding the estate. Ms. Leonard and her brother had an attorney, Frederick Borges, contact Mr. Donaldson on their behalf to request that he move forward with the estate. Mr. Donaldson responded that he would move forward, but has failed to do so. Ms. Leonard states that she and her brother have also made a complaint to the state bar of California regarding Mr. Donaldson's failure to act. Ms. Leonard states that after all of these efforts, Mr. Donaldson recently provided them with a sloppy, incomplete "accounting", however several years' worth of information is absent and many of the transactions are questionable. Declarant further states that she and her brother were supposed to receive a distribution in early January, but have not received anything.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <ol style="list-style-type: none"> <li>1. Need <b>Inventory &amp; Appraisal</b>.</li> <li>2. Need <b>Accounting and/or Petition for Final Distribution</b>.</li> </ol> <p><b>Note:</b> The Notice of Status Hearing mailed to Mr. Donaldson on 10/19/12 was returned as undeliverable. The Notice was mailed to Mr. Donaldson at a new address on 01/18/13.</p>
<b>Cont. from</b>		
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/> <b>Verified</b>		
<input type="checkbox"/> <b>Inventory</b>		
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<input type="checkbox"/> <b>Notice of Hrg</b>		
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<input type="checkbox"/> <b>Aff.Pub.</b>		
<input type="checkbox"/> <b>Sp.Ntc.</b>		
<input type="checkbox"/> <b>Pers.Serv.</b>		
<input type="checkbox"/> <b>Conf. Screen</b>		
<input type="checkbox"/> <b>Letters</b>		
<input type="checkbox"/> <b>Duties/Supp</b>		
<input type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>		
<input type="checkbox"/> <b>CI Report</b>		
<input type="checkbox"/> <b>9202</b>		
<input type="checkbox"/> <b>Order</b>		
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>		
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		
<p><b>Reviewed by:</b> JF</p> <p><b>Reviewed on:</b> 01/17/13</p> <p><b>Updates:</b> 01/22/13</p> <p><b>Recommendation:</b></p> <p><b>File 9 - Wallace</b></p>		

Status Hearing Re: Amended Petition

		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><b>OFF CALENDAR.</b> Order signed on 1/22/13.</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: KT
		Reviewed on: 1/22/13
		Updates:
		Recommendation:
		File 10 - Golden

Probate Status Hearing Re: Filing of First Account or Petition for Final Distribution  
 (Prob. C. §12200, et seq.)

<b>DOD: 8/31/2010</b>	<p><b>PAUL A. FILLION</b> was appointed as Executor of the Estate with full IAEA Authority and without bond on 11/15/10.</p> <p>Corrected I &amp; A filed on 9/23/11 showing the estate value as \$125,000.00</p> <p>First account or petition for final distribution was due 11/15/11.</p> <p><b>Attorney's Statement Regarding Status of the Estate filed on 10/11/12.</b> Mr. Roberts reports that in July, 2012 John Barrus had prepared a draft of the First and Final Account. Mr. Barrus met with the Executor in August to obtain his signature, however shortly thereafter the real property of the estate sold. Mr. Barrus died on 9/28/12 prior to the revision of the petition.</p> <p>The account and petition for final distribution must be revised and a fairly complex accounting prepared to include in detail all of the personal expenditures of the executor for which he has not yet been reimbursed. The executor had heart surgery on 9/25/12, and is still recovering, with some unresolved health issues.</p> <p>Mr. Roberts respectfully requested the court set the next status hearing date no less than 60 days from 10/26/12.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. Need First Account or Petition for Final Distribution or current written status report pursuant to Local Rule 7.5.</p>
<b>Cont. from 012312, 022212, 062112, 083112, 102612</b>		
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
		<b>Reviewed by: KT</b>
		<b>Reviewed on: 1/18/13</b>
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 11 - Fillion</b>

<b>DOD: 3/9/12</b>	<p><b>MICHAEL A. HARRIS</b> and <b>HILARY A. RODRIGUEZ</b> were appointed Co-Executors with full IAEA and without bond on 5/3/12.</p> <p><b>Minute order dated 5/3/12</b> set this status hearing for the filing of the inventory and appraisal.</p> <p><b>Status Report filed on 10/3/12</b> states the first notice counsel received of any status hearing was received in the mail following the hearing. No notice of a status hearing was provided prior to the 9/4/12 status hearing.</p> <p>Counsel for the Executors cannot personally attend the 10/12/12 status hearing as he will be out of the state on that date for a family event scheduled months ago that cannot be rescheduled. Counsel will have one of his partners appear at the status hearing.</p> <p>An inventory and appraisal is due to be filed. The inventory has been sent to the probate referee. The inventory includes real property out of Fresno County. It is expected to take additional time to obtain all the appraisals. <b>Counsel requests an additional 30 to 45 days to completion of the appraisal and filing of the inventory.</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p style="text-align: center;"><b><u>OFF CALENDAR</u></b></p> <p>I&amp;A filed 11-30-12</p>
<b>Cont. from 090412, 101212, 113012</b>		
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>		
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<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
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<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
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<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
<b>Reviewed by: skc</b>		
<b>Reviewed on: 1-17-12</b>		
<b>Updates:</b>		
<b>Recommendation:</b>		
File 12 - Harris		

<b>DOD: 09/07/12</b>	<p><b>MICHELLE R. CURLEY</b>, daughter, was appointed Administrator with Full IAEA and bond set at \$30,000.00 on 11/07/12.</p> <p>No bond has been filed and Letters have not issued.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>CONTINUED FROM 12/14/12</b>  <b>Minute Order from 12/14/12 states:</b>  <b>Counsel informs the Court that his client was rejected for a bond in the amount of \$30,000.00. The court advises counsel that an alternative will be needed. Matter continued to 01/25/13.</b></p> <p>As of 01/17/13, nothing further has been filed in this matter.</p> <p>1. Need bond in the amount of \$30,000.00.</p>
<b>Cont. from 121412</b>		
Aff.Sub.Wit.		
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Inventory		
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Notice of Hrg		
Aff.Mail		
Aff.Pub.		
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Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
	<p><b>Reviewed by:</b> JF</p>	
	<p><b>Reviewed on:</b> 01/17/13</p>	
	<p><b>Updates:</b></p>	
	<p><b>Recommendation:</b></p>	
	<p><b>File 13 - Martinez</b></p>	

Probate Status Hearing Re: Filing of Inventory and Appraisal

DOD: 9-13-10	<p><b>EARL CUNNINGHAM</b> was appointed Administrator with Full IAEA without bond and Letters issued on 5-19-11.</p> <p>On 7-24-12, a Substitution of Attorney was filed by attorney Curtis Rindlisbacher indicating that he no longer represents the Administrator.</p> <p>The Court set this status hearing for the filing of the Inventory and Appraisal and sent notice to Mr. Cunningham on 8-24-12.</p> <p>I&amp;A Partial #1 was filed 12-5-12.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><u>Continued from 10-19-12, 12-7-12</u></p> <p><u>Minute Order 10-19-12:</u> Mr. Cunningham is appearing via conference call. Mr. Cunningham advises the Court that he has the original appraisals for the two items in the estate and will file them within the coming week. He further advises that the appraisals were done by Steven Diebert. Continued to 12-7-12</p> <p><u>I&amp;A Partial #1 was filed 12-5-12.</u></p> <p><u>Minute Order 12-7-12:</u> No appearances. The Court orders Mr. Cunningham to appear in person or by courtcall on 1-25-13 unless the I&amp;A is filed. Mailed to Mr. Cunningham on 12-10-12.</p> <p>1. Need Final Inventory and Appraisal.</p> <p><u>Examiner Notes:</u></p> <ul style="list-style-type: none"> <li>Administrator Earl Cunningham resides in Carlsbad, New Mexico and is one of four heirs to the estate.</li> <li>At filing, Administrator estimated that the estate contained approx. \$60,000.00 in personal property.</li> <li>There has been at least one Creditor's Claim filed against the estate.</li> </ul>
Cont from 101912, 120712		
Aff.Sub.Wit.		
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Notice of Hrg		
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Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
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Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
Reviewed by: skc		
Reviewed on: 1-17-13		
Updates:		
Recommendation:		
File 14 - Martin		

Probate Status Hearing Re: Filing of Waiver of Bond and/or Issuance of Letters

DOD: 10/11/2010		NEEDS/PROBLEMS/COMMENTS:  OFF CALENDAR. Letters issued on 1/15/13.
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: KT
		Reviewed on: 1/17/13
		Updates:
		Recommendation:
		File 15 - Johnson

Probate Status Hearing Re: Filing of Inventory and Appraisal

<b>DOD: 5/19/2012</b>	<p><b>SUZIE ANTUNA</b> was appointed as Administrator without bond and with full IAEA authority on 8/22/12.</p> <p>Letters issued on 8/22/12.</p> <p>This status hearing was set for the filing of the inventory and appraisal. Notice of the status hearing was mailed to Suzie Antuna on 9/6/12.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. Need inventory and appraisal or current written status report pursuant to Local Rule 7.5.</p>
<b>Cont. from</b>		
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
	<b>Reviewed by: KT</b>	
	<b>Reviewed on: 1/17/13</b>	
	<b>Updates:</b>	
	<b>Recommendation:</b>	
	<b>File 16 - Rocha</b>	