

Second Account and Report of Successor Trustee and Petition for Allowance of Trustee Fees and Attorney Fees

| | | |
|--|--|---|
| | MARK OLSEN , private professional fiduciary, is petitioner. | NEEDS/PROBLEMS/COMMENTS: |
| | | Continued to 2/18/15 at the request of the attorney. |
| | Please see petition for details. | <ol style="list-style-type: none"> 1. Beginning property on hand in this, the 2nd account is \$335,240.14. The ending property on hand in the first account was \$324,340.99 a difference of \$10,900.15. The beginning property on hand for the 2nd account must be the same as the ending property on hand in the first account. Need amended accounting. 2. Attorney fees includes \$120 for communications with the Probate Examiner (identified as court investigator in the declaration). Local Rule 7.17B considers communication with the Probate Examiner to be a normal cost of doing business and is therefore not reimbursable. 3. Disbursement schedule shows payments totaling \$655.00 to Grey Roberts for professional services. Need more information on what professional services where provided. 4. Disbursement Schedule shows legal fees totaling \$6,223.26. Order approving the First Account allowed attorney fees totaling \$4,962.50. A difference of \$1,260.76. Need clarification. |
| Cont. from 121814 | | |
| <input type="checkbox"/> Aff.Sub.Wit. | | |
| <input checked="" type="checkbox"/> Verified | | |
| <input type="checkbox"/> Inventory | | |
| <input type="checkbox"/> PTC | | |
| <input type="checkbox"/> Not.Cred. | | |
| <input checked="" type="checkbox"/> Notice of Hrg | | |
| <input checked="" type="checkbox"/> Aff.Mail | W/ | |
| <input type="checkbox"/> Aff.Pub. | | |
| <input type="checkbox"/> Sp.Ntc. | | |
| <input type="checkbox"/> Pers.Serv. | | |
| <input type="checkbox"/> Conf. Screen | | |
| <input type="checkbox"/> Letters | | |
| <input type="checkbox"/> Duties/Supp | | |
| <input type="checkbox"/> Objections | | |
| <input type="checkbox"/> Video Receipt | | |
| <input type="checkbox"/> CI Report | | |
| <input type="checkbox"/> 9202 | | |
| <input checked="" type="checkbox"/> Order | | |
| <input type="checkbox"/> Aff. Posting | | |
| <input type="checkbox"/> Status Rpt | | |
| <input type="checkbox"/> UCCJEA | | |
| <input type="checkbox"/> Citation | | |
| <input type="checkbox"/> FTB Notice | | |
| | | Please see additional page. |
| | | Reviewed by: KT |
| | | Reviewed on: 12/15/14 |
| | | Updates: |
| | | Recommendation: |
| | | File 1 - Bustos |

NEEDS/PROBLEMS/COMMENTS (cont.):

5. Disbursement schedule identifies several disbursements (totaling \$6,000.08) as “- -split- -” Probate Code §1062(b) requires the disbursement schedule to include the nature and purpose of each item, the name of the payee and the date thereof. Need clarification.
6. Disbursement schedule shows a payment of \$507.40 on \$10/25/12 without identifying what the purchase was for. Need clarification.
7. Order does not comply with Local Rule 7.6.1C. All orders settling accounts shall contain a statement as to the balance of the estate on hand, specifically noting the amount of cash included in the balance.

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

- **Wednesday, September 28, 2016** at 9:00 a.m. in Department 303, for the filing of the third account.

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.

| | | |
|--|----------------------------------|---------------------------------|
| | See petition for details. | NEEDS/PROBLEMS/COMMENTS: |
| | | |
| | | |
| | | |
| | | |
| Cont from 121714 | | |
| <input type="checkbox"/> Aff.Sub.Wit. | | |
| <input checked="" type="checkbox"/> Verified | | |
| <input type="checkbox"/> Inventory | | |
| <input type="checkbox"/> PTC | | |
| <input type="checkbox"/> Not.Cred. | | |
| <input checked="" type="checkbox"/> Notice of Hrg | | |
| <input checked="" type="checkbox"/> Aff.Mail | w | |
| <input type="checkbox"/> Aff.Pub. | | |
| <input type="checkbox"/> Sp.Ntc. | | |
| <input type="checkbox"/> Pers.Serv. | | |
| <input 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 type="checkbox"/> CI Report | | |
| <input type="checkbox"/> 9202 | | |
| <input checked="" type="checkbox"/> Order | | |
| <input type="checkbox"/> Aff. Posting | | Reviewed by: skc |
| <input type="checkbox"/> Status Rpt | | Reviewed on: 1-27-15 |
| <input type="checkbox"/> UCCJEA | | Updates: |
| <input type="checkbox"/> Citation | | Recommendation: |
| <input type="checkbox"/> FTB Notice | | File 2B - Humphries |

Atty Perez, Holley H., of Perez, Williams, Medina & Rodriguez (for Petitioner Susan K. Medina)

(1) First and Final Report of Executor, (2) Waiver of Accounting and (3) Petition for Distribution

| | | |
|--------------------------|-----------------------------------|--|
| DOD: 2/25/2011 | | <p>NEEDS/PROBLEMS/COMMENTS:</p> <p style="text-align: center;">OFF CALENDAR</p> <p>First Amended First and Final Report of Executor, Waiver of Accounting and Petition for Distribution was filed 1/16/2015, and is set for hearing on <u>2/25/2015</u>.</p> |
| | | |
| | | |
| | | |
| Cont. from 121614 | | |
| | Aff.Sub.Wit. | |
| ✓ | Verified | |
| ✓ | Inventory | |
| ✓ | PTC | |
| ✓ | Not.Cred. | |
| ✓ | Notice of Hrg | |
| ✓ | Aff.Mail <small>W/</small> | |
| | Aff.Pub. | |
| | Sp.Ntc. | |
| | Pers.Serv. | |
| | Conf. Screen | |
| | Letters 081412 | |
| | Duties/Supp | |
| | Objections | |
| | Video Receipt | |
| | CI Report | |
| ✓ | 9202 | |
| ✓ | Order | |
| | Aff. Posting | |
| | Status Rpt | |
| | UCCJEA | |
| | Citation | |
| ✓ | FTB Notice | |
| | | Reviewed by: LEG |
| | | Reviewed on: 1/28/15 |
| | | Updates: |
| | | Recommendation: |
| | | File 3 - Medina |

| | | |
|---|---|--|
| DOD: 10-7-12 | <p>JOAN ST. LOUIS, Spouse, filed Petition for Assumption of Law Practice of David St. Louis on 9-6-13.</p> <p style="text-align: center;">See file for details.</p> | <p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: First Account of Iolfa Trust Funds by Court-Appointed Practice Administrator and Status Report filed 10-30-14 is Page B.</p> <p>This Status Hearing remains on calendar as it was continued by the Court.</p> |
| Cont. from 111313, 112013, 010814, 022614, 052814, 062514, 092214, 110314, 121614 | | |
| Aff.Sub.Wit. | | |
| Verified | | |
| Inventory | | |
| PTC | | |
| Not.Cred. | | |
| Notice of Hrg | | |
| Aff.Mail | | |
| Aff.Pub. | | |
| Sp.Ntc. | | |
| Pers.Serv. | | |
| Conf. Screen | | |
| Letters | | |
| Duties/Supp | | |
| Objections | | |
| Video Receipt | | |
| CI Report | | |
| 9202 | | |
| Order | | |
| Aff. Posting | | |
| Status Rpt | | |
| UCCJEA | | |
| Citation | | |
| FTB Notice | | |
| | | Reviewed by: skc |
| | | Reviewed on: 1-27-15 |
| | | Updates: |
| | | Recommendation: |
| | | File 5A – St. Louis |

First Account of Iolfa Trust Funds by Court-Appointed Practice Administrator and Status Report

| | | | |
|-------------------------|--|------------------------------|--|
| DOD: 10-7-12 | | See file for details. | NEEDS/PROBLEMS/COMMENTS: Note: If granted, the Court will set a status hearing for the filing of the next account as appropriate. The following issue remains: 1. Need proof of service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing pursuant to Request for Special Notice filed 9-30-13 and Probate Code §1252 on: - Walter Wentz -J. Patrick Sullivan |
| | | | |
| | | | |
| Cont from 121614 | | | |
| | Aff.Sub.Wit. | | |
| ✓ | Verified | | |
| | Inventory | | |
| | PTC | | |
| | Not.Cred. | | |
| ✓ | Notice of Hrg | | |
| ✓ | Aff.Mail w | | |
| | Aff.Pub. | | |
| | Sp.Ntc. | | |
| | Pers.Serv. | | |
| | Conf. Screen | | |
| | Letters | | |
| | Duties/Supp | | |
| | Objections | | |
| | Video Receipt | | |
| | CI Report | | |
| | 9202 | | |
| ✓ | Order | | |
| | Aff. Posting | | |
| | Status Rpt | | |
| | UCCJEA | | |
| | Citation | | |
| | FTB Notice | | |
| | | | |
| | | Reviewed on: 1-27-15 | |
| | | Updates: | |
| | | Recommendation: | |
| | | File 5C – St. Louis | |

| | | | | |
|-------------------------------------|------------------------|---|---------------------------------|----------------------------------|
| DOD: 2-15-14 | | <p>JOAN E. NAKAMURA, Administrator with Full IAEA without bond, is Petitioner.</p> <p>Accounting is waived.</p> <p>I&A: \$167,200.34 POH: \$48,947.55</p> <p>Administrator (Statutory): Waived</p> <p>Attorney (Statutory): \$5,251.01</p> <p>Closing: \$500.00</p> <p>Distribution pursuant to intestate succession:</p> <p>Joan E. Nakamura: \$14,698.84 Stanley M. Yomogida: \$14,398.85 Lynne Kyoko Wareham: \$14,398.85</p> | NEEDS/PROBLEMS/COMMENTS: | |
| <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/o | | | |
| <input type="checkbox"/> | Aff.Pub. | | | |
| <input type="checkbox"/> | Sp.Ntc. | | | |
| <input type="checkbox"/> | Pers.Serv. | | | |
| <input type="checkbox"/> | Conf. Screen | | | |
| <input checked="" type="checkbox"/> | Letters 6-10-14 | | | |
| <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 checked="" type="checkbox"/> | Order | | | |
| <input type="checkbox"/> | Aff. Posting | | | |
| <input type="checkbox"/> | Status Rpt | | | |
| <input type="checkbox"/> | UCCJEA | | | |
| <input type="checkbox"/> | Citation | | | |
| <input checked="" type="checkbox"/> | FTB Notice | | | |
| | | | | Reviewed by: skc |
| | | | | Reviewed on: 1-28-15 |
| | | | | Updates: |
| | | | | Recommendation: SUBMITTED |
| | | File 6 - Yomogida | | |

| | | |
|----------------------|-----------------------------|---------------------------------|
| DOD: 7-19-14 | | NEEDS/PROBLEMS/COMMENTS: |
| | | |
| | | |
| | | |
| | | |
| | | |
| 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 | Reviewed on: 1-28-15 | |
| UCCJEA | Updates: | |
| Citation | Recommendation: | |
| FTB Notice | File 7 - Hoyt | |

OFF CALENDAR

I&A filed 12-23-14

Atty Jaech, Jeffrey A., of Baker Manock & Jensen (for Petitioner Gregory Hinckley, Successor Trustee)

Petition to Establish Claim of Ownership in Favor of Trust, for an Order Directing Respondent to Return Trust Assets and for Damages under Probate Code 859; or for Instructions, if Return of the Assets is not Ordered to Charge Respondents share for the Value of the Unreturned Assets [Probate Code §§ 850(a)(3)(B); 17200]

| | | | |
|--------------------------|---|---------------------------------|--|
| DOD: 4/26/2014 | GREGORY HINCKLEY , son and Successor Trustee of the JOSEPHINE F. HINCKLEY FAMILY TRUST , is Petitioner. | NEEDS/PROBLEMS/COMMENTS: | |
| | | | |
| | | | |
| | | | |
| Cont. from 120114 | | | OFF CALENDAR Per Request for Dismissal entered 1/28/2015 |
| 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 | | | Reviewed by: LEG |
| Status Rpt | | | Reviewed on: 1/28/15 |
| UCCJEA | | | Updates: |
| Citation | | | Recommendation |
| FTB Notice | | | File 8 - Hinckley |

Atty **Teixeira, J. Stanley (for Jennifer Kapur Kirklin – Petitioner)**
 Atty **Roberts, Gregory J. (for Dana Kahler – Trustee/Respondent)**

Petition for Removal of Trust, Account and to Appoint Successor Trustee

| | | |
|--|--|--|
| DOD: 01/17/13 | JENNIFER KAPUR KIRKLIN , granddaughter and beneficiary is Petitioner. | NEEDS/PROBLEMS/COMMENTS: <u>CONTINUED FROM 01/20/15 Minute Order from 1/20/15 states: The Court indicates that it is seriously considering the removal of Dan Kahler as Trustee. Mr. Kahler has one week to file a written status report and is ordered to be personally present in court on 02/03/15.</u> |
| | | |
| | | |
| | | |
| Cont. from 121814, 012015 | | |
| <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. | | |
| <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"/> FIB Notice | | |

Petitioner states:

- Dana Kahler ("Kahler"), is the current acting trustee of the Bernice Kasabian Irrevocable Granddaughter's Trust, Number Two (the "Granddaughter Trust"). The Granddaughter Trust is irrevocable.
- The Granddaughter Trust was to have been funded with the remainder and residue of the Bernice C. Kasabian Trust, dated 03/24/99 (the "Kasabian Trust"), for which Kahler also served as trustee.
- While serving as trustee of the Kasabian Trust, Kahler loaned substantial trust funds to his son's winery business without obtaining any security for those loans.
- In the informal accounting provided for the Kasabian Trust, there were three large cash withdrawals totaling \$21,950.00. Despite requests for explanation and identification of the purposes of these withdrawals, Kahler has avoided providing any response.
- The informal accounting also revealed that Kahler was drawing \$300.00 per month for services to the John Kasabian Trust, though no such trust exists. There were also trustee fees paid for "extra trust work", though no statements were presented to substantiate these extra charges.
- Pursuant to the terms of the Granddaughter Trust, the beneficiary should be receiving \$4,000.00 per month. Petitioner has been informed that the administration of the Kasabian Trust has been completed and the Granddaughter Trust has been funded. However, no accounting of the funding of the Granddaughter Trust has been forthcoming and the \$4,000.00 monthly payments to the beneficiary have not been made as required by the terms and provisions of the Granddaughter Trust.

Continued on Page 2

Reviewed by: JF
Reviewed on: 02/02/15
Updates:
Recommendation:
 File 9 - Kasabian

9 Bernice Kasabian Irrevocable Granddaughter's Trust, Number Two (Trust)

Page 2

7. Despite being informed that the administration of the Kasabian Trust has been completed, no accounting was ever provided. Petitioner, who was also a beneficiary of the Kasabian Trust, received an informal accounting because she demanded it, but to her knowledge, no accounting was ever provided to the other beneficiaries of the Kasabian Trust.
8. The trust instrument does not appoint a successor trustee. Petitioner nominates Matt Bickel to serve as successor trustee, and in the event that he is unable to serve for any reason, Bruce Bickel may then serve as the alternate successor trustee. Petitioner requests that bond not be required of either successor trustee. **Consents to Serve by both Matt and Bruce Bickel attached to Petition.**
9. Petitioner requests that the Court order Dana Kahler to file an accounting within 45 days with the Court detailing his acts as trustee.

Petitioner prays for an Order:

1. Removing Dana Kahler as trustee;
2. Appointing Matt Bickel as successor trustee without bond, vesting him with all the powers of trustee under the trust terms;
3. Appointing Bruce Bickel as alternate successor trustee without bond, vesting him with all the powers of trustee under the trust terms, in the event that Matt Bickel is unable to serve as trustee;
4. Requiring Dana Kahler to deliver the trust assets to the successor trustee within 30 days after issuance of the Order;
5. Compelling Dana Kahler to account fully for all trust property; and
6. For costs of suit herein and any other orders the court may deem proper.

Response of Trustee to Petition for Removal or Trustee, Account and to Appoint Successor Trustee filed 01/27/15 states:

1. Respondent is the currently acting trustee of the Trust and Jennifer Kirklin is the beneficiary of the Trust.
2. Respondent is willing to resign as trustee as soon as the court approves and appoints a successor trustee.
3. The Trust was funded with the residue of the Bernice C. Kasabian Trust dated 03/24/99. An accounting was provided on 04/11/14. There were two binders of information provided.
4. On 04/11/14, the loans to JK Winery totaled \$410,784.11. These loans were made over a period of time when the stock market was dropping and banks were offering less than 1% interest on investments. The Trustee believed the loans to be a good safe investment for the Trust funds. All loans have been paid as agreed.
5. Trustee has not withdrawn any cash from the Trust. There were funds that were transferred from one account to another that were done in the form of cash so that no holds would be placed on the funds as they were transferred. The bank records will reflect that the monies were transferred into another account.
6. The John Kasabian Trust does exist and Trustee has been the Trustee of the John Kasabian Trust for many years. The only remaining assets in the John Kasabian Trust is some stock, with a value of less than \$15,000.00 that Trustee has been attempting to transfer into the Trust. There was some confusion with the social security numbers and tax ID numbers for the John Kasabian Trust that relate back to when Bernice Kasabian was alive and acting as trustee. Trustee has not been able to resolve this issue and get the stock transferred out of the John Kasabian Trust.

Continued on Page 3

9 Bernice Kasabian Irrevocable Granddaughter's Trust, Number Two (Trust)

Page 3

7. From his appointment as trustee, Respondent has always been paid trustee fees. The fees were agreed upon while Bernice Kasabian was alive and have been consistent after Bernice's incapacity and death. Petitioner has always known about the trustee's fees.
8. The Trust is to distribute the sum of \$4,000.00/month to Petitioner. Trustee has been distributing \$3,000.00/month to Petitioner and has been allowing Petitioner to reside in the Heaton residence. The Bernice Kasabian Trust, purchased a residence in Madera, CA many years ago. Tens of thousands of dollars have been spent over the years repairing the Madera property for Petitioner. Petitioner moved into the Heaton property several years ago and rented out the Madera Property. The Heaton property was to be sold or rented out for income after Bernice's death. The rental value of the Heaton property would be in excess of \$2,000/month. Trustee has been allowing Petitioner to reside in the Heaton property for \$1,000/month. Petitioner has not signed a rental agreement. The rent of \$1,000/month plus cash of \$3,000/month equals \$4,000/month. Petitioner has chosen to rent out the Madera property and live in the Heaton property. It is Respondent's position that Petitioner is required to pay rent for the Heaton property if she chooses to reside there.
9. Respondent provided an accounting to Petitioner in April 2014. While the accounting was not formal, in court format, it was complete and bank statements and receipts were provided to Petitioner. A formal accounting can be prepared. All of the beneficiaries of the Bernice Kasabian Trust, other than Petitioner, received a specific gift. Each beneficiary received their gift, signed a receipt and waiver. None of the other beneficiaries requested an accounting.
10. Trustee is willing to resign as Trustee upon the Court appointing a successor Trustee.
11. Trustee will provide a full accounting of the Trust and requests at least 45 days to prepare the accounting and file it with the Court.

Spousal or Domestic Partner Property Petition (Prob. C. 13650)

| | | |
|---------------|--|---|
| Age: | | NEEDS/PROBLEMS/COMMENTS: <u>CONTINUED TO 2-19-15</u> Per Attorney requeste |
| DOD: | | |
| | | |
| | | |
| Cont. from | | |
| Aff.Sub.Wit. | | |
| Verified | | |
| Inventory | | |
| PTC | | |
| Not.Cred. | | |
| Notice of Hrg | | |
| Aff.Mail | | |
| Aff.Pub. | | |
| Sp.Ntc. | | |
| Pers.Serv. | | |
| Conf. Screen | | |
| Letters | | |
| Duties/Supp | | |
| Objections | | |
| Video Receipt | | |
| CI Report | | |
| 9202 | | |
| Order | | |
| Aff. Posting | | |
| Status Rpt | | |
| UCCJEA | | |
| Citation | | |
| FTB Notice | | |
| | | Reviewed by: skc |
| | | Reviewed on: 1-28-15 |
| | | Updates: |
| | | Recommendation: |
| | | File 10 - Bone |

| | | |
|--|---|----------------------------------|
| DOD: 9-11-14 | BOBBY MARTIN, ERICA DAWN ALEXANDER, and BRANDI NICOLE REESE, adult children of the decedent, are Petitioners. | NEEDS/PROBLEMS/COMMENTS: |
| | | |
| | | |
| | 40 days since DOD | |
| <input type="checkbox"/> Aff.Sub.Wit. | | |
| <input checked="" type="checkbox"/> Verified | No other proceedings | |
| <input checked="" type="checkbox"/> Inventory | | |
| <input type="checkbox"/> PTC | I&A: \$130,000.00 (real property located at 1581 W. Strother Ave., in Fresno) | |
| <input type="checkbox"/> Not.Cred. | | |
| <input checked="" type="checkbox"/> Notice of Hrg | Decedent died intestate | |
| <input checked="" type="checkbox"/> Aff.Mail | Petitioners request Court determination that the decedent's 100% interest in the residential real property passes to them in undivided one-third interests each. | |
| <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: 1-28-15 |
| | | Updates: |
| | | Recommendation: SUBMITTED |
| | | File 12 - Nelson |

Status Hearing Re: Filing of the Petition for Final Distribution

| | | |
|---|--|---|
| DOD: 02/24/2012 | <p>KENNETH ROBERTS, was appointed Administrator with full IAEA and with bond set at \$20,000.00 on 10/18/2012.</p> <p>Proof of Bond was filed 2/22/2013 showing bond posted in the sum of \$20,000.00.</p> <p>Letters issued on 03/14/2013.</p> <p>Final Inventory and Appraisal filed on 10/15/2013 shows an estate valued at \$129,764.97.</p> <p>Minute Order of 10/18/2012 set this matter for hearing on 12/20/2013 for status of filing for final distribution.</p> <p>Minute Order dated 12/20/2013 [Judge Snauffer] states: No appearances. Matter continued to 1/2/2014. The Court orders Larry Donaldson to be personally present on 1/2/2014.</p> | <p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Minute Order of 12/16/2014 (Judge Cardoza): Counsel's request for continuance is granted. Counsel is ordered to file a status report before the next hearing if the first account and petition for final distribution has not been filed.</p> <p>Minute Order 10/21/2014: No appearances. The matter is continued to 12/16/2014. Attorney Larry Donaldson and Kenneth Roberts are ordered to be personally present on 12/16/2014. The Court orders that a status report be submitted before the next hearing.</p> <p>Minute Order dated 10/21/2014 was mailed to Attorney Donaldson and Kenneth Roberts on 10/24/2014.</p> <p>Minute Order of 04/30/2014: Counsel advises the Court that he now has all the paperwork needed to file the required documents.</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> |
| Cont. from 122013, 010214, 031314, 043014, 060414, 071614, 090214, 102114, 121614 | | |
| Aff.Sub.Wit. | | |
| Verified | | |
| Inventory | | |
| PTC | | |
| Not.Cred. | | |
| Notice of Hrg | | |
| Aff.Mail | | |
| Aff.Pub. | | |
| Sp.Ntc. | | |
| Pers.Serv. | | |
| Conf. Screen | | |
| Letters | | |
| Duties/Supp | | |
| Objections | | |
| Video Receipt | | |
| CI Report | | |
| 9202 | | |
| Order | | |
| Aff. Posting | | |
| ✓ Status Rpt | | |
| UCCJEA | | |
| Citation | | |
| FTB Notice | | |
| | | Reviewed by: LV |
| | | Reviewed on: 01/30/2015 |
| | | Updates: |
| | | Recommendation: |
| | | File 13– Roberts |

Probate Status Hearing RE: Filing of Petition to Terminate

| | | |
|---------------|--|---|
| Age: | | NEEDS/PROBLEMS/COMMENTS: <p style="text-align: center;"><u>OFF CALENDAR</u></p> Petition for Termination filed 1-22-15 is set for hearing on 2-26-15 |
| DOD: | | |
| | | |
| | | |
| Cont. from | | |
| Aff.Sub.Wit. | | |
| Verified | | |
| Inventory | | |
| PTC | | |
| Not.Cred. | | |
| Notice of Hrg | | |
| Aff.Mail | | |
| Aff.Pub. | | |
| Sp.Ntc. | | |
| Pers.Serv. | | |
| Conf. Screen | | |
| Letters | | |
| Duties/Supp | | |
| Objections | | |
| Video Receipt | | |
| CI Report | | |
| 9202 | | |
| Order | | |
| Aff. Posting | | |
| Status Rpt | | |
| UCCJEA | | |
| Citation | | |
| FTB Notice | | |
| | | Reviewed by: |
| | | Reviewed on: |
| | | Updates: |
| | | Recommendation: |
| | | File 14 - Siek |

Atty Shepard, Jeff S. (for Executor Dennis A. Turmon)

Status Hearing Re: Filing of the Inventory and Appraisal

| | | |
|-----------------------|--|---|
| DOD: 6/13/2014 | <p>DENNIS A. TURMON, son, was appointed Executor with Full IAEA authority with bond 11/13/2014.</p> <p><i>Proof of Bond</i> was filed on 11/18/2014.</p> <p><i>Letters issued</i> on 11/18/2014.</p> <p>Pursuant to Probate Code § 8800(b), <i>Final Inventory and Appraisal</i> is due 3/18/2015.</p> <p><i>Minute Order dated 10/21/2014</i> from the hearing on the petition for probate set the matter for a Status Hearing on 2/3/2015 for filing of the final inventory and appraisal.</p> | <p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: This Status Hearing will be continued to the following date:</p> <ul style="list-style-type: none"> Monday, April 20, 2015 at 9:00 a.m. in Dept. 303 for filing the final inventory and appraisal. <p>Pursuant Local Rule 7.5, if the document noted above is filed 10 days prior to the date listed, the hearing will be taken off calendar and no appearance will be required.</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: LEG |
| | | Reviewed on: 1/28/15 |
| | | Updates: |
| | | Recommendation: |
| | | File 16 - Turman |

| | | |
|---------------|---|--|
| | See petition and objection for details. | NEEDS/PROBLEMS/COMMENTS: |
| | | Note: Petitioner also filed a Petition for Termination of Guardianship that is set for hearing on 3-4-15. |
| | | 1. Need Notice of Hearing. |
| | | 2. Need proof of service of Notice of Hearing at least 15 days prior to the hearing on: - Johnny Clifford Burt (Guardian) - Kimberly Athans (Guardian) |
| | | 3. The Court may also require notice to the fathers and paternal grandparents. |
| | | Reviewed by: skc |
| | | Reviewed on: 1-28-15 |
| | | Updates: |
| | | Recommendation: |
| | | File 17 – Burt & Sorrells |
| Aff.Sub.Wit. | | |
| ✓ Verified | | |
| Inventory | | |
| PTC | | |
| Not.Cred. | | |
| Notice of Hrg | x | |
| Aff.Mail | x | |
| 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 | | |

| | | | | |
|---|---------------|---------------------------|--------------------------|-----|
| | | See petition for details. | NEEDS/PROBLEMS/COMMENTS: | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | Aff.Sub.Wit. | | | |
| ✓ | Verified | | | |
| | Inventory | | | |
| | PTC | | | |
| | Not.Cred. | | | |
| ✓ | Notice of Hrg | | | |
| ✓ | Aff.Mail | | | w/o |
| | Aff.Pub. | | | |
| | Sp.Ntc. | | | |
| ✓ | Pers.Serv. | | | w |
| | Conf. Screen | | | |
| | Letters | | | |
| | Duties/Supp | | | |
| | Objections | | | |
| | Video Receipt | | | |
| | CI Report | x | | |
| | 9202 | | | |
| ✓ | Order | | | |
| | Aff. Posting | | | |
| | Status Rpt | | | |
| | UCCJEA | | | |
| | Citation | | | |
| | FTB Notice | | | |
| | | | Reviewed by: skc | |
| | | | Reviewed on: 1-28-15 | |
| | | | Updates: | |
| | | | Recommendation: | |
| | | | File 18 – Fernandez | |

Pro Per Keithley, Patricia; Guthrie, Bill;; Guthrie, Randy, Earline Beem; Mobly, Linda; Branson, Debbie (Pro Per Petitioners)

Petition to Determine Succession to Real Property (Prob. C. 13151)

| | | | |
|----------------------|----|---|---|
| DOD: 5/9/2014 | | <p>PATRICIA KEITHLEY, BILL GUTHRIE, RANDY GUTHRIE, EARLENE BEEM, LINDA MOBLY, and DEBBIE BRANSON, children, are Petitioners.</p> <p>40 days since DOD.</p> <p>No other proceedings.</p> <p>I & A <i>-[assets and value unclear]</i></p> <p>[Decedent died intestate?] – [Decedent left a holographic unwitnessed Will dated 6/3/2011.]</p> <p>Petitioners request Court determination that Decedent's 100% interest in real property located on Auberry Road in Clovis, and Decedent's 100% interest in specified items of personal property <i>[specific items of property are improperly designated as to specified Petitioners]</i>, passes to the Petitioners pursuant to intestate succession.</p> | <p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need corrected <i>Final Inventory and Appraisal to be filed with the Court.</i> <i>Final Inventory and Appraisal</i> filed 7/24/2014 is altered with correction fluid at Line 1, in the space for the personal representative's appraisal amount, with <u>no value listed</u>. Additionally, the inventory lists on <i>Attachment 2</i>, Line 1: "Shoes and clothing (donated to Goodwill);" however, the shoes and clothing were given a value of \$200.00, and the <i>Petition</i> requests and the proposed order finds that the shoes and clothing be <u>distributed and divided</u> between Decedent's four daughters, which conflicts with the statement that those items were <u>donated</u>. Corrected <i>Final Inventory and Appraisal</i> is required to provide the Court with an accurate reflection of the estate assets, as follows:</p> <ul style="list-style-type: none"> • No improper alterations (no white-out); • Inventory must include all assets to be distributed on the attachments (not donated items); • Inventory must include all values on Page 1 at Items 1 and 2 as well as a total value. <p>~Please see additional page~</p> |
| Cont. from | | | |
| Aff.Sub.Wit. | | | |
| ✓ Verified | | | |
| Inventory | X | | |
| PTC | | | |
| Not.Cred. | | | |
| ✓ Notice of Hrg | | | |
| ✓ Aff.Mail | W/ | | |
| Aff.Pub. | | | |
| Sp.Ntc. | | | |
| Pers.Serv. | | | |
| Conf. Screen | | | |
| Letters | | | |
| Duties/Supp | | | |
| Objections | | | |
| Video Receipt | | | |
| CI Report | | | |
| 9202 | | | |
| ✓ Order | | | |
| Aff. Posting | | | |
| Status Rpt | | | |
| UCCJEA | | | |
| Citation | | | |
| FTB Notice | | | |
| | | <p>Reviewed by: LEG</p> <p>Reviewed on: 1/29/15</p> <p>Updates: 2/2/15</p> <p>Recommendation:</p> <p>File 19 – Guthrie</p> | |

NEEDS/PROBLEMS/COMMENTS, continue:

2. Decedent's daughter, **KATHY KINCADE** (DOD 11/18/1997), predeceased the Decedent and left issue, **RYAN KINCADE**, Decedent's grandson. Pursuant to Probate Code §§ 6402 and 240, the *Amended Petition* must be joined by **RYAN KINCADE** as an heir entitled to distribution from the Decedent's estate. Need amended petition which includes the verified signature of **RYAN KINCADE** as a Petitioner in the instant petition to determine succession pursuant to Probate Code § 13151 requiring that the petition must be joined by all those who succeed to the property by intestate succession.
3. Decedent left a Will, as indicated by the initial *Petition to Determine Succession* filed 7/2/2014, which included a copy and a typewritten version of Decedent's Will as required. Probate Code §§ 13151 and 13152 appear to require Petitioners to request that the Court make a determination as to the validity of Decedent's unwitnessed, holographic Will, before proceeding as if the Decedent died intestate.
4. *Attachment 9(a)* to the proposed order distributes the personal property according to the Decedent's Will, which is improper distribution if the instant Amended Petition is proceeding as if the Decedent died intestate. Probate Code § 13152(c) provides: "If the petitioner bases his or her claim to the described property upon the will of the decedent, a copy of the will shall be attached to the petition." This provision appears to allow the Petitioners the option of requesting the distribution of real property under intestate succession because the Will is not the basis upon which the Petitioners base their claims to the estate real property. Here, the Will is silent as to real property, and the Petitioners seek not to use the Will as the basis of their claims to the real property, yet they seek distribution of personal property pursuant to the terms of the Will by including *Attachment 9(a)*, which follows the distribution stated in the Will of *specific items of property designated as to specified Petitioners*. Need clarification of the Petitioners' request for distribution.
5. Need revised proposed order.

Notes to Petitioners:

- Decedent's grandson, **RYAN KINCADE**, who resides in Sindian, Taiwan was omitted from distribution in the initial petition filed 7/2/2014, even though he should succeed to the real property interest pursuant to Probate Code §§ 6402 and 240, since the Will is silent as to real property and silent as to the estate residue.
- Probate Code § 6400 provides that any part of the estate of a Decedent not effectively disposed of by Will passes to the Decedent's heirs as prescribed by intestate succession. Therefore, pursuant to the Probate Code, the Decedent's Will controls as the expression of Decedent's intent for disposing of her personal property, and the Petitioner must attempt to prove the validity of Decedent's Will in order to pass the personal property as Decedent intended by her Will. The estate real property must pass to the Decedent's heirs via intestate succession as noted above.
- The amended petition now appropriately includes **RYAN KINCADE** as an heir of the estate, but he must join in (by signing) the petition, therefore the pleadings are incorrect.
- **The Commentary to Probate Code § 13151 states: "If the Decedent left a Will, a court order determining the right to succeed necessarily includes a determination as to the validity of the Will even if the Will is technically not probated."** Here, the amended petition is treating the Decedent as "intestate" rather than attempting to prove the validity of the Decedent's unwitnessed, holographic Will. It appears the Petitioners must attempt to prove the validity of the Decedent's Will to pass the personal property, and request the Court make an order to pass the real property under intestate succession.
- Petitioners have opted to amend the Petition to proceed without the Will, though this does not appear appropriate based upon the Probate Code commentary about determining validity of the Will in this type of summary proceeding.

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

| | | | |
|-------------------|---------------|---|---|
| | | Temporary Expires 2/3/15 | <p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 12/9/15. Minute Order states Sumila Iniguez is sworn to interpret the Spanish language. Matter is continued for service of the paternal grandfather. As of 1/30/15 the following issues remain:</p> <ol style="list-style-type: none"> 1. Need proof of service of the Notice of Hearing along with a copy of the Petition or Consent and Waiver of Notice on: <ol style="list-style-type: none"> a. Arturo Garza (paternal grandfather) – if court does not dispense with notice. |
| | | <p>ILDA AGUILAR, maternal grandmother, is petitioner.</p> <p>Please see petition for details.</p> <p>Court Investigator Report filed on 12/2/14.</p> | |
| Cont. from 120914 | | | |
| | Aff.Sub.Wit. | | |
| ✓ | Verified | | |
| | Inventory | | |
| | PTC | | |
| | Not.Cred. | | |
| ✓ | Notice of Hrg | | |
| ✓ | Aff.Mail | W/ | |
| | Aff.Pub. | | |
| | Sp.Ntc. | | |
| ✓ | Pers.Serv. | W/ | |
| ✓ | Conf. Screen | | |
| ✓ | Letters | | |
| ✓ | Duties/Supp | | |
| | Objections | | |
| | Video Receipt | | |
| ✓ | CI Report | | |
| | 9202 | | |
| ✓ | Order | | |
| | Aff. Posting | | |
| | Status Rpt | | |
| ✓ | UCCJEA | | |
| | Citation | | |
| | FTB Notice | | |
| | | | |
| | | | Reviewed on: 1/30/15 |
| | | | Updates: |
| | | | Recommendation: |
| | | | File 20 - Garza |

| | | | | |
|---|---------------|--------------------------|--|---|
| | | See petition for details | NEEDS/PROBLEMS/COMMENTS: 1. Petitioner did not file the Declaration under UCCJEA (Form GC-120). This form provides residence history and includes information pursuant to Probate Code §1510 (other cases involving the minors, etc.). | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | Aff.Sub.Wit. | | | |
| ✓ | Verified | | | |
| | Inventory | | | |
| | PTC | | | |
| | Not.Cred. | | | |
| | Notice of Hrg | | | x |
| | Aff.Mail | | | |
| | Aff.Pub. | | | |
| | Sp.Ntc. | | | |
| | Pers.Serv. | | | |
| ✓ | Conf. Screen | | | |
| ✓ | Letters | | | |
| ✓ | Duties/Supp | | | |
| | Objections | | | |
| | Video Receipt | | | |
| ✓ | CI Report | | | |
| ✓ | Clearances | | | |
| ✓ | Order | | | |
| | Aff. Posting | | | |
| | Status Rpt | | | |
| | UCCJEA | x | | |
| | Citation | | | |
| | FTB Notice | | | |
| | | | Reviewed by: skc | |
| | | | Reviewed on: 1-29-15 | |
| | | | Updates: | |
| | | | Recommendation: | |
| | | | File 21 – Emerson | |

Pro Per Gonzales, Lidia (Pro Per Petitioner, mother)

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

| | | | |
|------------|---------------|---|--|
| | | <p>LIDIA GONZALES, mother, is Petitioner and requests appointment as Conservator of the Person with medical consent powers.</p> | <p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Court Investigator Advised Rights on 1/6/2015.</p> <p>Voting Rights Affected – Need Minute Order.</p> <p>1. Need Citation for Conservatorship pursuant to Probate Code § 1823, and proof of personal service of the Citation on the proposed Conservatee with a copy of the <i>Petition for Appointment of Probate Conservator</i> pursuant to Probate Code § 1824. (Note: Proof of Personal Service of Notice of Hearing filed 1/14/2015 is insufficient to satisfy this requirement and does not indicate the name of the person served or the time of service.)</p> <p>2. Item 11 of the Petition is incomplete as it does not list the proposed Conservatee's relatives. Need the names and residence addresses of the proposed Conservatee's parents, grandparents, brothers and sisters.</p> |
| | | | |
| Cont. from | | <p>~Please see Petition for details~</p> | <p>Court Investigator Report was filed on 1/14/2015.</p> |
| | Aff.Sub.Wit. | | |
| ✓ | Verified | | |
| | Inventory | | |
| | PTC | | |
| | Not.Cred. | | |
| | Notice of Hrg | X | |
| | Aff.Mail | X | |
| | Aff.Pub. | | |
| | Sp.Ntc. | | |
| | Pers.Serv. | X | |
| ✓ | Conf. Screen | | |
| ✓ | Letters | | |
| ✓ | Duties/Supp | | |
| | Objections | | |
| ✓ | Video Receipt | | |
| | CI Report | | |
| | 9202 | | |
| ✓ | Order | | |
| | Aff. Posting | | |
| | Status Rpt | | |
| | UCCJEA | | |
| | Citation | X | |
| | FTB Notice | | |
| | | | <p>~Please see additional page~</p> <p>Reviewed by: LEG</p> <p>Reviewed on: 1/29/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 22 - Torres</p> |

NEEDS/PROBLEMS/COMMENTS, continued:

3. Need *Notice of Hearing* and proof of service by mail of the notice with a copy of the *Petition* showing notice was mailed at least 15 days before the hearing pursuant to Probate Code § 1822 for all of the relatives of the proposed Conservatee.
4. Need proof of mailed service of the *Notice of Hearing* with a copy of the *Petition for Appointment of Probate Conservator*, showing service was mailed at least 30 days before the hearing, for the regional center, **CENTRAL VALLEY REGIONAL CENTER (CVRC)**, pursuant to Probate Code § 1822(e).
5. Item 5 of the *Confidential Conservator Screening* form filed 12/22/2014 is incomplete regarding registered domestic partner; Item 19 is incomplete regarding corporate officer; and Item 20 is incomplete regarding social worker, parole, or probation officer.

Pro Per Viney, Evelyn M. (Pro Per Petitioner, paternal aunt)

Petition for Appointment of Temporary Guardianship of the Person (Prob. C. 2250)

| | | | |
|-------------------|----------------------|--|--|
| | | <u>General Hearing set for 3/23/2015</u> | <p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. UCCJEA form filed on 1/12/2015 does not provide residence information for the last 5 years as required (form provides information back to January 2012.)</p> |
| | | EVELYN M. VINEY, paternal aunt, is Petitioner. | |
| Cont. from | | <u>~Please see Petition for details~</u> | |
| | Aff.Sub.Wit. | | |
| ✓ | Verified | | |
| | Inventory | | |
| | PTC | | |
| | Not.Cred. | | |
| ✓ | Notice of Hrg | | |
| | Aff.Mail | | |
| | Aff.Pub. | | |
| | Sp.Ntc. | | |
| ✓ | Pers.Serv. | | |
| ✓ | Conf. Screen | | |
| ✓ | Letters | | |
| ✓ | Duties/Supp | | |
| | Objections | | |
| | Video Receipt | | |
| | CI Report | | |
| | 9202 | | |
| ✓ | Order | | |
| | Aff. Posting | | |
| | Status Rpt | | |
| ✓ | UCCJEA | | |
| | Citation | | |
| | FTB Notice | | |
| | | | Reviewed by: LEG |
| | | | Reviewed on: 1/29/15 |
| | | | Updates: |
| | | | Recommendation: |
| | | | File 23 - Thomas |

