

		<p>RAYMOND LYNCH, JR., Conservator, filed a Petition for Order Authorizing Payment of Fees to Attorney for Conservator and Court-Appointed Attorney for Conservatee on 4-24-13.</p>	<p>NEEDS/PROBLEMS/COMMENTS: <u>Continued from 8-8-13</u> Minute Order 8-8-13: The Court is advised that very little cash is left. Ms. Boyett requests to continue the balance of her fees. The Court approves costs in the amount of \$930.50. Continued to 2-7-14. Note: The First Account and Report of Conservator filed 1-31-14 is set for hearing on 3-6-14. The Court may require review of the accounting prior to authorization of the fees per Cal. Rules of Court 7.752.</p>
<p>Cont. from 080813</p>			
<input type="checkbox"/>	Aff.Sub.Wit.	<p>Petitioner requested that the Court approve fees of \$6,750.50 to Attorney Boyett for 27.90 hours @ \$235-250/hr, as well as fees to Attorney Fanucchi.</p> <p>At hearing on 5-30-13, Judge Snauffer approved fees to Mr. Fanucchi as modified per minute order, and approved \$3,500.00 in fees to Ms. Boyett, with the balance to be determined at a later date.</p> <p>The Court set this status hearing for review re the balance of Ms. Boyett's fees.</p>	
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<input type="checkbox"/>	FTB Notice	<p>Updates:</p>	
		<p>Recommendation:</p>	
		<p>File 1A – Lynch</p>	

2A Alex and Lillian G. Lamm Living Trust (Trust)

Case No. 12CEPR00687

Atty Baldwin, Kenneth A. (of McCormick Barstow, for Allene Joyce Lamm O'Neal – Co-Trustee – Petitioner)
 Atty Poochigian, Mark (for Duane Lamm – Co-Trustee)

Petition to Compel Co-Trustee Duane Alan Lamm to File Report and Account After Written Request; to Remove Duane Alan Lamm as a Co-Trustee; to Redress Breaches of the Trust by Duane Alan Lamm; to Divide and Distribute the Trust Estate; and to Terminate the Trust [Prob. C. 15642 & 17200 et seq.]

<p>Alex Lamm DOD: 11-17-90</p>	<p>ALLENE JOYCE LAMM O'NEAL, Co-Trustee, is Petitioner and states:</p>	<p>NEEDS/PROBLEMS/COMMENTS: Page 2B is the 5th Status Re Settlement</p>
<p>Lillian Lamm DOD: 11-19-06</p>	<ul style="list-style-type: none"> Trustors Alex and Lillian created the Alex and Lillian Lamm Living Trust (the "Trust") on 3-11-88. 	<p>Minute Order 9-20-12: Paul O'Rourke [McCormick Barstow] is appearing via conference call. Mr. Poochigian advises the Court that he filed his objections this morning. The Court accepts Mr. O'Rourke's representation that no additional parties need to be provided notice. The Court notes that there is no objection by Mr. Poochigian regarding the issue of notice. At the request of Mr. O'Rourke, the Court orders Mr. Poochigian to prepare a formal accounting for the period commencing from the date of death to the present. The Court orders that the accounting to be completed by 11/19/12. Continued to 11/29/12, Status Conference Set on 11/29/12.</p>
	<ul style="list-style-type: none"> The Trust was amended and restated on 9-21-90. 	
<p>Cont. from 092012, 112912, 022513, 031813, 071913, 092013, 120613</p>	<ul style="list-style-type: none"> Alex died on 11-17-90, causing the trust to be divided among the Alex Lamm By-Pass Trust, the Alex Lamm Marital Trust, and the Lillian G. Lamm Survivor's Trust, which remained revocable. 	
<p><input type="checkbox"/> Aff.Sub.Wit.</p>	<ul style="list-style-type: none"> The Survivor's Trust was amended twice: on 6-7-04 and 2-17-05. 	
<p><input checked="" type="checkbox"/> Verified</p>	<ul style="list-style-type: none"> Lillian died on 11-19-06. 	
<p><input type="checkbox"/> Inventory</p>	<ul style="list-style-type: none"> For purposes of this petition, "Trust" refers to all three trusts collectively. 	
<p><input type="checkbox"/> PTC</p>	<p>Petitioner states the Trust provides that she and her brother DUANE ALAN LAMM were to become co-trustees on the death of the Trustors; however, since Lillian's death, Duane has asserted exclusive control over most of the assets of the Trust.</p>	
<p><input type="checkbox"/> Not.Cred.</p>	<p>The Trust as amended provides that the Marital Trust and the By-Pass Trust are to terminate and be distributed to Duane and Allene in equal shares immediately following Lillian's death.</p>	
<p><input checked="" type="checkbox"/> Notice of Hrg</p>	<p>The Survivor's Trust as amended provides that the Survivor's Trust is to terminate at Lillian's death and is to be distributed as follows:</p>	
<p><input checked="" type="checkbox"/> Aff.Mail W</p>	<ul style="list-style-type: none"> To BLAKE LAMM (Trustors' grandson) a fractional portion (56.64%) of the Survivor Trust's ownership interest (45.56%) in certain real property in Reedley consisting of approx. 76 acres; and 	
<p><input type="checkbox"/> Aff.Pub.</p>	<ul style="list-style-type: none"> To DUANE and ALLENE, the residue of the Survivor's Trust estate, in equal shares, which includes that the share apportioned to ALLENE is to include a certain residence ("Allene's Residence") and that the share apportioned to DUANE is to include the Trustors' residence, without affecting the equality of the shares. 	<p>Minute Order 11-29-12: Parties request the matter be set for trial. Matter set for Court Trial on 3/29/13 with a one-day estimate. The Court sets a Settlement Conference on 2/25/13. Counsel is directed to submit their settlement conference statements along with a courtesy copy for the Court on the Thursday before the hearing. The Court authorizes Mr. O'Rourke to file his objections. The Court advises counsel that it will accept the objections subject to any filing fees. Set on 2-25-13 at 10:30am for Settlement Conference. Additional hearing date: 3-29-13 at 10am for Court Trial.</p>
<p><input type="checkbox"/> Sp.Ntc.</p>	<p>SEE ADDITIONAL PAGES</p>	<p>1. The proposed order includes a blank for a surcharge amount to be filled in for attorney's fees. The Court may require clarification and further documentation regarding the amount requested.</p>
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<p><input type="checkbox"/> Letters</p>		<p>Reviewed on: 2-3-14</p>
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<p><input checked="" type="checkbox"/> Objections</p>		<p>Recommendation:</p>
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Petitioner states:

- The Trust Estate includes real estate, corporate stock, gemstones and cash, including an undivided 75% ownership interest as tenant in common in certain commercial real property consisting of an office building (the "commercial building") in Reedley, which is leased to Chase Bank. (The other 25% is owned by Duane's former spouse, Linda W. Lamm.)
- Petitioner states that since Lillian's death, Duane has been and continues to collect all rent from the Commercial Building personally and deposits same into his bank account without Allene's consent and in breach of the terms of the Trust.
- The Trust Estate also includes gemstones and precious metals, including specified items, and a Wells Fargo checking account, which is under Duane's exclusive control in breach of the terms of the Trust.
- The Trust Estate also includes 55% of the issued and outstanding common stock of Al Lamm Ranch, Inc., a California corporation. Allene and Duane each own 22.5%. Petitioner states Duane possesses and controls all of the assets of the Corporation and uses those assets for the exclusive benefit of his personal farming operations to the detriment of the Corporation and its majority owner, the Trust.
- The 76 acres of farmland (the "Home Ranch") located in Reedley is owned by the Trust and leased to Rio Vista Limited Partnership under a lease dated 10-1-05 that expires 9-30-20. Petitioner states all rent from the Home Ranch has been and continues to be collected by Duane and deposited in his personal accounts over which he has exclusive control. Duane has not provided Allene with any accounting nor made any distributions of such rental income to Allene in breach of the Trust.

Examiner's Note: It is unclear if this is the same 76 acres as is specified in the devise to Blake Lamm, since the devise indicates that the Trust owns only a partial interest of 45.56%, but this section of the petition indicates that the Trust owns this real property. The Court may require clarification.

- Petitioner states that at Lillian's death, Duane unilaterally assumed the primary duties of administering the Trust Estate, and appointed himself as the Trust decision maker and used his knowledge of the family holdings to single-handedly control the management of the Trust Estate while excluding Allene as a trustee in violation of Probate Code § 15620, which requires unanimous consent of co-trustees for action. Specifically, Petitioner states Duane has insisted on exercising exclusive control over the Commercial Building, Home Ranch and Corporation because those assets provide him with his primary source of income. Duane also holds physical possession of the specified gemstones and precious metals.
- Petitioner states she formally demanded an accounting and proposed division and distribution of the Trust Estate in a letter to Duane's attorney Mark Poochigian on 5-17-12, which letter has been ignored. Duane appears reticent in providing a full and complete disclosure of this acts and proceedings involving the Trust and has been less than forthcoming in his response to Allene's requests for information. Because of Duane's refusal to provide information and his exclusive control over the assets, including all bank accounts, for over five years, Duane should be directed to file full accounting.
- Petitioner states Duane has committed numerous breaches of trust by collecting all rents in connection with the Commercial Building and Home Ranch and depositing them into his personal accounts. By doing so, he has converted assets – a clear breach of trust.
- Duane has personally benefitted from his exclusive control and use of the equipment owned by the Corporation, the controlling shares of which are owned by the Trust. Neither the Corporation nor the Trust has received any benefit from Duane's personal use of such equipment.
- Petitioner further alleges that Duane has taken unauthorized withdrawals of cash from the Trust – another clear breach of the Trust and Probate Code § 15620 – without her consent, and no equalizing distributions have been made to Petitioner.

SEE ADDITIONAL PAGES

- Finally, Duane has refused for well over five years to cooperate with Petitioner in division and distribution of the Trust Estate to the beneficiaries notwithstanding the terms of the Trust which require termination and immediate division and distribution following Lillian's death.
- Probate Code § 15642 empowers this Court to remove a trustee who has committed a breach or whose hostility or lack of cooperation with the other co-trustees impairs the administration of the Trust. Redress should also include removal of Duane as a co-trustee for his conversion of assets, unauthorized withdrawals, and refusal to cooperate. Such redress will allow Petitioner as the sole trustee to complete the necessary division and distribution as required by the express terms of the Trust.
- Redress should also include attorneys' fees and legal costs, as Petitioner has been forced to take extreme measures to compel Duane to carry out his fiduciary duties. Section 1(f) of the Trust allows the trustee to employ attorneys on behalf of the trust to assist in carrying out her duties. Petitioner, in carrying out her duties, has been required to retain counsel and incur legal costs to compel Duane to carry out his duties. Such fees and costs should be surcharged against Duane's beneficial interest in an amount according to proof.
- The Trust was to terminate on Lillian's death, which was over five years ago. Duane has refused to cooperate with Allene in dividing and distributing the Trust Estate to beneficiaries in accordance with the express terms of the Trust. Under Probate Code §§ 17200(b)(13) and (14), this Court has the authority and should order termination and distribution.

Petitioner requests the Court Order:

- **That Duane be directed to prepare and file within 30 days an account of the Trust from Lillian's death (11-19-06) through present, accompanied by a schedule of property, current market value, and all liabilities of the Trust;**
- **That Duane be compelled to restore to the Trust all Trust assets that he has converted for his personal use and benefit;**
- **That Duane be compelled to either return to the Trust all unauthorized cash advances that he has taken from the Trust Estate as described, plus interest at the max. legal rate, or in the alternative, be compelled to cause the Trust to make an equalizing distribution to Allene, plus interest;**
- **That Duane be removed as a co-trustee of the Trust;**
- **Directing that the Trust be terminated and the Trust Estate be divided and distributed to the Trust beneficiaries in accordance with the express terms of the Trust;**
- **For attorneys' fees and legal costs incurred by Petitioner in connection with this Petition to be surcharged against Duane's share of the Trust Estate; and**
- **For such other and further orders and relief as the Court may deem appropriate.**

Further Notes re status:

On 9-20-12, at the request of Mr. O'Rourke, the Court ordered Mr. Poochigian to prepare a formal accounting for the period commencing from the date of death to the present be completed by 11-19-12.

On 11-20-12, Mr. Poochigian filed a Declaration stating that his office sent a letter to Kenneth Baldwin's office on 11-19-12 enclosing an accounting from 11-19-06 through 10-31-12 (attached).

Minute Order 9-20-12: Paul O'Rourke [*McCormick Barstow*] is appearing via conference call. Mr. Poochigian advises the Court that he filed his objections this morning. The Court accepts Mr. O'Rourke's representation that no additional parties need to be provided notice. The Court notes that there is no objection by Mr. Poochigian regarding the issue of notice. At the request of Mr. O'Rourke, the Court orders Mr. Poochigian to prepare a formal accounting for the period commencing from the date of death to the present. The Court orders that the accounting to be completed by 11/19/12. Continued to 11/29/12, Status Conference Set on 11/29/12.

Note: The objections filed 9-20-12 state that in approx. Oct. 2007, Duane and Allene came to an agreement regarding division and distribution of trust property, only to have Allene later contend that she did not agree to the distribution. Late in 2009, without involvement of counsel, Duane and Allene came to agreement in principle re division and distribution, which was memorialized by Duane's counsel in a proposed agreement that Allene refused to sign. Allene incorrectly alleges that Duane has excluded her from administration. To the contrary, Duane was forced to assume primary responsibility due to her refusal to respond to calls for participation. Moreover, she has shown herself to be untrustworthy by her conversion of trust assets for personal use. Duane has attempted to fulfill his duties as co-trustee with the utmost good faith. Duane objects to the petition to the extent it is in conflict with these facts. Duane has not committed any breaches of trust, has not converted trust assets for his personal use and/or benefit, should not be removed as a co-trustee, and no attorney fees should be awarded to Allene. In approx. Further, Allene's conversion of trust assets of more than \$23,000 to her own personal use and that of her son should be charged and offset against her beneficial share. Objector prays the petition be denied, for attorney fees and costs, costs of suit incurred herein, and such other and further relief as the Court deems proper.

Note: No accounting has been properly filed for Court review; however, Objections to Accounting of Co-Trustee, Duane Alan Lamm were filed 11-30-12.

Examiner notes that an accounting (attached to Declaration) was sent to Petitioner's attorney; however, the accounting was not filed as a Petition for Court review.

Therefore, Examiner has not reviewed the schedules or the objections.

If the Co-Trustee's Accounting is to be reviewed by the Court, need Petition with appropriate filing fee.

Minute Order 2-25-13: Counsel informs the Court that a settlement agreement is in progress. Matter continued. Status hearing set (Page 2B).

	ALLENE JOYCE LAMM O'NEAL , Co-Trustee, filed Petition to Compel Co-Trustee DUANE ALAN LAMM to File Report and Account after Written Request, to Remove DUANE ALAN LAMM as Co-Trustee, to Redress Breaches of the Trust by DUANE ALAN LAMM , to Divide and Distribute the Trust Estate, and to Terminate the Trust on 8-6-12.	NEEDS/PROBLEMS/COMMENTS:
Cont. from 031813, 071913, 092013, 120613	DUANE ALAN LAMM filed Objections on 9-20-12.	<u>Minute Order 9-20-13:</u> Mr. Poochigian informs the Court that the case has been settled but they are working on one minor issue.
Aff.Sub.Wit.	At hearing on 9-20-12, the Court ordered Mr. Poochigian to prepare a formal accounting for the period commencing from the date of death to the present by 11-19-12, and the matter was continued to 11-29-12.	<u>Minute Order 12-6-13:</u> Matter continued to 2-7-14. If the necessary documents are filed by 2-7-14, no appearance will be necessary.
Verified	On 11-20-12 , Attorney Poochigian filed a declaration that appears to contain an informal unverified "accounting" that was sent to Mr. Baldwin.	As of 2-3-14, nothing further has been filed.
Inventory	At hearing on 11-29-12, the matter was set for trial on 3-29-13, settlement conference to be held on 2-25-13.	1. Need status of settlement agreement. The petition at Page 2A remains pending.
PTC	On 11-30-12 , Allene Joyce Lamm O'Neal filed Objections to Accounting.	
Not.Cred.	At hearing on 2-25-13 , Counsel informed the Court that a settlement agreement is in progress. The Settlement Conference was taken off calendar and the Court set this status hearing re: Settlement Agreement.	
Notice of Hrg	Due to continuances (see minute orders), this is the 5th Status Hearing re Settlement Agreement.	
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		Reviewed on: 2-3-14
		Updates:
		Recommendation:
		File 2B – Lamm

Age:		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>CONTINUED TO 4-25-14</u></p> <p>Per Minute Order 1-31-14.</p>
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		Reviewed by: skc
		Reviewed on: 2-3-14
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		Recommendation:
		File 3 – Shaver

Atty Boyett, Deborah K., of Walter & Wilhelm Law Group (for Jesusita T. Gonzalez, Executor)

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

DOD: 8/23/2012		<p>JESUSITA T. GONZALEZ, daughter-in-law, was appointed Executor with Full IAEA without bond on 10/24/2012.</p> <p>Letters issued on 10/24/2012.</p> <p>Final Inventory and Appraisal filed 1/30/2013 shows an estate value \$981,571.25.</p> <p>Pursuant to Probate Code § 12200, first account and/or petition for final distribution was due 10/24/2013.</p> <p>Minute Order dated 10/24/2012 set this status hearing on 2/7/2014 for filing of the first account and/or petition for final distribution.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need first and/or final account, or a current verified Status Report and proof of service of the Status Report pursuant to Local Rule 7.5(B).</p> <p>Note: Court records show numerous creditors' claims and notices of proposed action (for sale of real properties) have been filed in this estate, the latest having been filed on 11/27/2013.</p>
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		Reviewed on: 2/3/14	
		Updates:	
		Recommendation:	
		File 4 – Gonzalez	

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

DOD: 7-13-12	<p>SUSIE S. VERDUZCO-SAMANC, daughter, was appointed as Executor with Limited IAEA without bond on 10-24-12.</p> <p>On 10-24-12, the Court set this status hearing for filing the first account or petition for final distribution.</p> <p>Inventory and Appraisal filed 12-28-12 indicated a partial estate value of \$455,800.00. Correction filed 2-7-13 states that is actually the final estate value. The estate consists of four (4) parcels of real property and misc. personal property and one vehicle.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need first account or petition for final distribution or status report pursuant to local rules.</p> <p><u>Note:</u> A Petition to Determine Administrative Expenses Allocable to Encumbered Property Prior to Satisfaction of Lien, and for Deposit of Purchase Money with Court in Satisfaction of Lien and Expenses filed 12-11-12 with regard to one of the properties was denied by the Court per Order filed 5-10-13. This does not affect the time frame for closing the estate pursuant to Probate Code § 12200.</p>
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	<p>Reviewed by: skc</p> <p>Reviewed on: 2-3-14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 5 – Verduzco</p>	

Pro Per Nix, Jeannie (Pro Per Executor)

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

DOD: 9/6/2012		<p>JEANNIE NIX, sister, was appointed Executor with Full IAEA authority without bond on 12/10/2012, and Letters issued on that date.</p> <p><i>Final Inventory and Appraisal</i> was filed 12/3/2012 showing an estate value of \$14,119.85.</p> <p>Pursuant to Probate Code § 12200, first account and/or petition for final distribution was due 12/10/2013.</p> <p>Minute Order dated 12/10/2012 set this status hearing for filing of the first account and/or petition for final distribution.</p> <p>Progress Report filed 1/23/2014 by Executor Jeannie Nix states:</p> <ul style="list-style-type: none"> • Creditors were given notice of death of the Decedent on various dates [provided in the report]; • Notice to the Franchise Tax Board was given on 1/15/2014; no claim from the Franchise Tax Board is expected; however, sufficient time for a response has not elapsed since notification; • Exhibit A lists all claims filed against the estate; the Decedent's estate is insolvent; pro-rated payments were made to claimants according to Probate Code § 11420 and 11421; • Most debts of the Decedent's estate, including advertising and probate referee's fees have been paid in full or pro-rated; some administration expenses have not yet been paid; • Partial reimbursement of funds advanced by the [Executor] on behalf of the estate to preserve the estate assets during the time frame when the estate was without any funds has been paid; final payment is pending until four months after the notice to the Franchise Tax Board has passed; <p align="center">~Please see additional page~</p>	<p>NEEDS/PROBLEMS/ COMMENTS:</p> <ol style="list-style-type: none"> 1. Progress Report filed on 1/23/2014 is not verified pursuant to Probate Code § 1021, CA Rule of Court 7.103 and Local Rule 7.5. 2. Need proof of service of notice of the status hearing Progress Report filed 1/23/2014 for all interested parties pursuant to Local Rule 7.5(B), including TYLER BEZONA, the sole estate beneficiary. 3. Need proof of service of notice of the status hearing Progress Report filed 1/23/2014 for the Department of Health Care Services per <i>Request for Special Notice</i> filed 3/6/2013. <p align="center">~Please see additional page~</p> <p>Reviewed by: LEG</p> <p>Reviewed on: 2/4/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 6 – Bezona</p>	
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Progress Report filed 1/23/2014, continued:

- The [Executor] performed the following actions without Court supervision after giving *Notice of Proposed Action* with proof of service:
 - Sold Decedent's mobile home residence for **\$13,000.00**; the mobile home was held jointly with Decedent's ex-wife, **LINDY JO LANE**, and the proceeds were divided 50/50 according to the declarations in the final Divorce Decree, Case #10CEFL00438 filed on 8/26/2010; net proceeds of **\$5,514.78** were deposited into the estate checking account; *Notice of Proposed Action* was given on 11/5/2012 to all persons whose interest was affected by the sale, and no objections were received; *Notice of Proposed Action* was filed with the Court [on 11/27/2012.]
 - Sold Decedent's vehicle for **\$5,000.00** cash; *Notice of Proposed Action* was given on 11/5/2012 to all persons whose interest was affected by the sale, and no objections were received; *Notice of Proposed Action* was filed with the Court [on 11/27/2012.]
 - On 9/16/2012, the Executor allowed the estate's sole beneficiary, **TYLER BEZONA**, Decedent's grandchild, to take possession of items of Decedent's household furniture, furnishings and personal effects; presumably he was entitled to those items as authorized by Probate Code § 9650(c).
 - On 10/2/2012, after a burglary of Decedent's residence, the Executor preserved the value of the assets and relocated the remaining household furniture, furnishings and personal effects into storage and later the items were sold for cash; *Notice of Proposed Action* was given on 11/5/2012 to all persons whose interest was affected by the sale, and no objections were received; *Notice of Proposed Action* was filed with the Court [on 11/27/2012.]
- The beneficiary **TYLER BEZONA** [Decedent's grandchild] has requested a final account; Executor attaches Exhibit C, a summary of income, expenses and payments made to date on behalf of the estate;
- **[Executor] requests that this Court accept Exhibit C as meeting the requirement for a final accounting;**
- Future updates to Exhibit C will be provided in due course using a similar format and supporting documentation;
- No compensation has been paid from estate assets to the [Executor]; the Decedent had minimal cash at his date of death; the [Executor] has been partially reimbursed for advances of monies to the estate from her personal funds to pay essential expenses of the estate, including but not limited to: space rental, insurance, storage and essential repairs; the financial advances from the [Executor] were essential to preserve the assets of the estate pending sale(s) of the non-liquid assets of the estate;
- After acquisition of some cash through the sale of some of Decedent's household items, [Executor] opened an estate checking account to facilitate accounting and administration of the estate; no deposits or withdrawals were made to or from the savings account in existence prior to Decedent's death; however, the Decedent's savings account was held open until 9/16/2013, when **\$85.05** from the closed savings account was deposited on 9/25/2012 into the estate checking account.

[Executor] requests the Court set a future date, not to occur sooner than four months hence, for a progress review or for consideration of a request for final distribution in anticipation of bringing administration of the estate to a close.

NEEDS/PROBLEMS/COMMENTS, continued:

4. Creditor's Claim filed 3/6/2013 by the Department of Health Care Services (DOH) in amount of **\$4,802.32** was partially paid by the Executor in the amount of **\$4,642.07**. Receipt of payment and/or release of claim has not been filed for the payment to the DOH (as the Executor has done for the other paid creditor's claims.) Need receipt from DOH and/or proof of satisfaction and withdrawal of the DOH creditor's claim.

5. *Progress Report* filed 1/23/2014 states: "partial reimbursement of funds advanced by the [Executor] on behalf of the estate to preserve the estate assets during the time frame when the estate was without any funds has been paid; final payment is pending until four months after the notice to the Franchise Tax Board has passed." It appears from the attached exhibits that the Executor has reimbursed herself from the estate the sum of **~\$7,913.03**. The Executor should be aware that reimbursement of funds advanced by the personal representative is authorized by Probate Code § 9252 to be done **after** Court approval of the reimbursement (including payment for funeral expenses, which appear to be already reimbursed in the sum of **\$1,313.73**.) Executor has not filed an *Allowance of Creditor's Claim* for the amount of funds she advanced, including funeral expenses, nor has she filed a petition requesting approval. The instant *Progress Report* does not qualify as a petition, and the expenditures of the Executor detailed in the report on exhibits appear to be expenses not typically authorized by Local Rule 7.17, such as gas for travel to court (from Pismo Beach to Fresno), postage, photocopies and "legal advice" (as listed in Exhibit C.) The *Progress Report* also states Decedent's mobile home was held jointly with Decedent's ex-wife, **LINDY JO LANE**, and the proceeds were distributed per the Divorce decree issued in the Family Law case. Executor's actions in these matters cannot be considered authorized under IAEA, and Executor should be admonished that, while apparently forthcoming with reporting the information, the actions appear to violate many Probate Code provisions. However, it appears that the Executor has been diligent in record-keeping and in disclosure to the Court of the actions and transactions made during her administration of the estate. Court may require that the Executor pay back to the estate any sums which the Court finds in its discretion should not have been reimbursed to the Executor without prior Court authorization pursuant to Probate Code § 9252.

Note: Property on hand in the estate as stated on Exhibit B as of 1/22/2014 is **\$1,601.83**. The sole beneficiary of Decedent's Will, **TYLER BEZONA**, grandchild, does not appear to have been served with notice of the *Progress Report* filed 1/23/2014 (*please refer to notice defects*), and he therefore may not be aware that the remaining estate contains this sum of cash, with outstanding costs advanced by the Executor of **~\$1,248.21** as of 1/22/2014, as well as a statutory fee to which the Executor is entitled if requested, and the **\$435.00** filing fee that will be required for filing a final accounting and payable from the estate.

Status Hearing Re: Filing of the Next Account

	BRUCE D. BICKEL is Successor Trustee.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need accounting or verified status report.</p>
	PERINE & DICKEN resigned pursuant to Petition and Order of 2-5-13.	
	On 2-5-13, the Court signed the Order Settling Resigning Trustee's First and Final Account, Allowing Fees and Costs for the Resigning Trustee and its Counsel and Discharging the Resigning Trustee.	
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg	At the hearing on 2-5-13, the Court set this status hearing for the filing of the next account.	
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: 2-3-14
		Updates:
		Recommendation:
		File 7 – Rodriguez

	<p>ROSANNA TOROSIAN was appointed Administrator with Limited IAEA with bond of \$285,000.00 on 8-6-13.</p> <p>On 1-8-14, the Court confirmed the sale of real property and ordered the bond increased to \$385,000.00.</p> <p>The Court set this status hearing for the filing of the additional bond.</p> <p>Status Hearing Report filed 1-30-14 by Attorney Natalie Nuttall requests an additional 30 days for the administrator to post the additional bond amount.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need additional bond totaling \$385,000.00.</p>
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
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Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: skc
		Reviewed on: 2-4-14
		Updates: 2-5-14
		Recommendation:
		File 8 – Otrakjian

Status Hearing Re: Additional Settlement Proceeds

	<p>ISABEL VELASQUEZ, Mother, was appointed as Guardian of the Estate on 9-5-13 without bond, all funds to be deposited to a blocked account.</p> <p>Receipt and Acknowledgment of Order for the Deposit of Money Into Blocked account filed 11-25-13 indicates \$7,423.75 was received.</p> <p>Final Inventory and Appraisal filed 11-25-13 reflects \$7,423.75.</p> <p>Status Report of Guardian filed 10-31-13 indicates that the funds deposited into a blocked account represent a <u>portion</u> of the settlement proceeds payable to the minor.</p> <p>Therefore, at status hearing on 12-12-13, the Court set this status hearing Re Additional Settlement Proceeds.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need status of additional settlement proceeds.</p> <p>Status Report filed 2-4-14 by Attorney Knudson states that the additional funds will be a 1/5 portion of a possible \$1,500 trust, less fees, probably no more than \$200.00. It is respectfully requested that this status hearing be taken off calendar and if there are additional funds received, an ex parte petition will be filed for deposit to the blocked account.</p>
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: skc
		Reviewed on: 2-4-14
		Updates: 2-5-14
		Recommendation:
		File 9B – Espinosa

DOD: 3-18-13	<p>JOHN KEVIN WILSON, Brother, was appointed as Administrator with Full IAEA without bond and Letters issued on 9-5-13.</p> <p>The Administrator is a resident of Getzville, NY.</p> <p>The original petition estimated the estate to contain real property valued at \$175,000.00.</p> <p>At hearing on 9-5-13, the Court set this status hearing for the filing of the Inventory and Appraisal.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need Inventory and Appraisal or verified status report.</p> <p>Status Report filed 2-4-14 by Attorney Knudson states there has been a delay in filing the inventory due to the need to get information concerning the decedent's vehicle and motorhome. The decedent owned real property in the Sanger area. It is still necessary to have the non-cash items appraised by the probate referee. The attorney was recently hospitalized and unable to complete the inventory or follow up. The attorney anticipates filing within four weeks and requests continuance of this status hearing for 4-6 weeks.</p>
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
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Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		<p>Reviewed by: skc</p> <p>Reviewed on: 2-4-14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 10 – Wilson</p>

DOD: 8-15-12	<p>HARPREET BASSI, Brother, was appointed Administrator with Full IAEA without bond on 10-3-13 and Letters issued on 10-14-13.</p> <p>At the hearing on 10-3-13, the Court set this status hearing for the filing of the Inventory and Appraisal.</p> <p>Status Report filed 1-23-14 states the Administrator was granted court approval to enter into a contingency fee agreement with the Frantz Law Group, APLC, to pursue a wrongful death action on behalf of the estate. On 11-11-13, Administrator participated in a mediation in the wrongful death action in Tulsa, OK, which resulted in a global settlement of the wrongful death action. On or about 1-15-14, the parties executed a written settlement agreement that sets forth all of the terms of the settlement.</p> <p>Administrator states he will file the Inventory and Appraisal after receipt of the settlement proceeds and petition the Court to distribute the estate and close administration.</p> <p>Administrator requests an extension of 35 days to file the I&A and petition to close the estate.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need Inventory and Appraisal.</p>
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Verified		
Inventory		
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Duties/Supp		
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Citation		
FTB Notice		
	<p>Reviewed by: skc</p> <p>Reviewed on: 2-4-14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 11 – Bassi</p>	

Petition for Termination of Guardianship

Age: 18	SONAE MARSHALL, Guardian of the Estate, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. No accounting is provided. The Court may require a release from David Marshall, Jr., pursuant to Probate Code §2627. <u>Note: Other than the \$3,000.00 authorized on 1-7-14, it does not appear there have been any disbursements from the account since the funds were received.</u>
	Petitioner states the minor is now 18 and wants control of his own estate.	
<input type="checkbox"/> Aff.Sub.Wit.	DAVID GENE MARSHALL JR. , filed a Declaration in support of the Petition for Termination of Guardianship Estate on 12-30-13.	
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory	Pursuant to Receipt and Acknowledgment of Order for the Deposit of Money into Blocked Account filed 5-23-13, the account contained \$105,008.54.	
<input type="checkbox"/> PTC	On 1-7-14, David G. Marshall, Jr., filed a Petition for Withdrawal of Funds from Blocked Account.	
<input type="checkbox"/> Not.Cred.	On 1-7-14, the Court authorized release of \$3,000.00.	
<input type="checkbox"/> Notice of Hrg		
<input type="checkbox"/> Aff.Mail		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<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: 2-4-14
		Updates:
		Recommendation:
		File 12 – Marshall

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

DOD: 2-11-00	<p>MARK ADANALIAN, Spouse, was appointed as Administrator with Full IAEA with bond amount unspecified and Letters issued on 10-5-04.</p> <p>Nothing further was ever filed in this case.</p> <p>No Inventory and Appraisal was filed, and no account or petition for final distribution was filed. Therefore, this probate case remains open.</p> <p>On 11-20-13, the Court set this status hearing for failure to file bond, failure to have Letters issue, failure to file a first account/petition for final distribution.</p> <p>Notice was mailed to Attorney Robyn Esraelian and Administrator Mark Adanalian on 11-20-13.</p>	NEEDS/PROBLEMS/COMMENTS:
Aff.Sub.Wit.		
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Inventory		
PTC		
Not.Cred.		
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Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
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Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
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Aff. Posting		
Status Rpt		
UCCJEA		
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FTB Notice		
	<p>Reviewed by: skc</p> <p>Reviewed on: 2-4-14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 13 – Adanalian</p>	

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

DOD: 03/11/2003	<p>JACQUELINE YBARRA, daughter, was appointed Administrator with full IAEA authority without bond on 02/10/2004.</p> <p>Letters issued on 02/09/2004.</p> <p>Inventory and Appraisal was due 07/2004.</p> <p>First Account or Petition for Final Distribution was due on 04/2005.</p> <p>Notice of Status Hearing was mailed to Jacqueline Yabarra on 11/20/2013.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need Final Inventory and Appraisal and First Account or Petition for Final Distribution or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.</p>
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FTB Notice		
		Reviewed by: LV
		Reviewed on: 02/04/2014
		Updates:
		Recommendation:
		File 14 – Souza

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

DOD: 06/13/2003		<p>RICHARD MONIZ and HELEN MONIZ, were appointed Executors with full IAEA authority without bond on 09/30/2002.</p> <p>Letters issued on 02/23/2004.</p> <p>Inventory and Appraisal was due 02/23/2004.</p> <p>First Account or Petition for Final Distribution was due on 11/2004.</p> <p>Notice of Status Hearing was mailed to Michael Milnes, Attorney, Richard Moniz, and Helen Moniz on 11/20/2013.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>2. Need Final Inventory and Appraisal and First Account or Petition for Final Distribution or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.</p>
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UCCJEA			
Citation			
FTB Notice			
		Reviewed by: LV	
		Reviewed on: 02/04/2014	
		Updates:	
		Recommendation:	
		File 15 – Gracie	

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

DOD: 9/19/2003		<p>ROBERT DONNY and HUBERT DONNY were appointed Co-Executors without bond and without IAEA authority.</p> <p>On 4/14/04 the court signed and order granting full IAEA authority.</p> <p>I & A filed 10/21/2004 showing the estate valued at \$225,000.00</p> <p>Notice of Status Hearing was mailed to attorney Lawson Renge and Executors Robert Donny and Hubert Donny on 11/20/2013.</p> <p>Request for Dismissal filed on 1/29/14 was not entered and states "Letters issued 1/13/04, I & A filed 10/21/04 reflects assets valued at \$225,000.00. Therefore the estate must be properly closed."</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need First Account, Petition for Final Distribution <u>or</u> 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>
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Duties/Supp			
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Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		<p>Reviewed by: KT</p> <p>Reviewed on: 2/4/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 16 – Donny</p>	

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

DOD: 6/9/1999	<p>JUDITH WHITE was appointed Executor with full IAEA authority and without bond on 9/7/2004.</p> <p>Letters issued on 9/8/2004.</p> <p>Inventory and Appraisal was due February 2004.</p> <p>First Account or Petition for Final Distribution was due September 2005.</p> <p>Notice of Status Hearing was mailed to Attorney J. Todd Armas and to Executor Judith White on 11/20/14.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need Inventory and Appraisal and First Account, Petition for Final Distribution <u>or</u> 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>
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Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: KT
		Reviewed on: 2/4/2014
		Updates:
		Recommendation:
		File 17 – Kachadoorian

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

DOD: 2/6/2004	MARTIN WAYDE CHANEY and RHONDA ANN CHANEY MALEWSKI were appointed co-administrators with full IAEA authority and without bond on 10/12/2004.	NEEDS/PROBLEMS/COMMENTS: Note: Steven Salazar substituted in as attorney of record for Martin Wade Chaney on 2/5/14. <ol style="list-style-type: none"> Need inventory and appraisal, first account or petition for final distribution. Need substitution of Attorney, substituting Mark S. Poochigian as attorney of record for Rhonda A. Malewski.
	Letters issued on 10/12/2004.	
Cont. from		
Aff.Sub.Wit.	Inventory and appraisal was due March 2005.	
Verified		
Inventory	First account or petition for final distribution was due October 2005.	
PTC		
Not.Cred.	Creditor's Claims filed: U.S. Bank - \$1,778.52.	
Notice of Hrg		
Aff.Mail		
Aff.Pub.	Notice of Status Hearing was mailed to attorney David Gromis and Administrators Martin Wayde Chaney and Rhonda Malewski on 11/20/14.	
Sp.Ntc.		
Pers.Serv.		
Conf. Screen	Status Report of Co-Personal Representative Rhonda A. Malewski filed on 2/5/14 states with the assistance of new and working together with co-personal representative, Ms. Malewski anticipates preparing and filing the Inventory and Appraisal in this matter as soon as possible and subsequently working on concluding the probate administration.	
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report	Status Report of Martin Wade Chaney filed on 2/5/14 states it is estimated that an additional six months is required to close the estate.	
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: KT
		Reviewed on: 2/4/2014
		Updates:
		Recommendation:
		File 18 – Chaney

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

Age:		NEEDS/PROBLEMS/COMMENTS: <p style="text-align: center;"><u>OFF CALENDAR</u> Petition for Final Distribution on Waiver of Accounting filed 01/30/14 and set for hearing on 03/05/14</p>
DOD:		
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
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Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
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Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: JF
		Reviewed on: 02/04/14
		Updates:
		Recommendation:
		File 19 – Burdine

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

DOD: 09/09/09	<p>STEPHEN J. GOODALL, son, was appointed Executor with full IAEA authority and without bond on 08/27/10. Letters of Administration were issued on 08/27/10.</p> <p>Mr. Goodall also served as Special Administrator of the Estate from 06/15/10 – 08/27/10.</p> <p>HERMAN BANKS, former spouse, filed a Petition for Removal of the Personal Representative on 10/14/10; said Petition was denied on 12/06/10. Minute Order from 12/06/10 states: The court finds a lack of standing and finds there are no grounds to remove the Personal Representative. Atty Sanoian to submit an order regarding the court's denial.</p> <p>It appears that no Order was submitted or signed.</p> <p>Notice of Status Hearing filed 11/18/13 set this matter for status regarding failure to file an Inventory & Appraisal and failure to file an Accounting/Petition for Final Distribution. Clerk's Certificate of Mailing indicates that the Notice of Status Hearing was mailed to attorney Joanne Sanoian and Stephen Goodall on 11/18/13.</p> <p>Status Hearing Report filed 01/30/14 requests a 45 to 60 day continuance so that the Administrator can prepare a First and Final Account.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need Inventory & Appraisal. 2. Need Accounting/Report of Executor on waiver of Account and Petition for Final Distribution.
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Citation		
FTB Notice		
	<p>Reviewed by: JF</p> <p>Reviewed on: 02/04/14</p> <p>Updates: 02/05/14</p> <p>Recommendation:</p> <p>File 20 – Goodall</p>	

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

DOD: 10/23/11		<p>BETSY McMILLAN, daughter, was appointed as Executor with full IAEA and without bond on 01/04/12. Letters Testamentary were issued on 01/05/12.</p> <p>Inventory & Appraisal, partial no. 1, filed 03/14/12 - \$64,500.00</p> <p>Inventory & Appraisal, final, filed 11/20/12 - \$72,367.01</p> <p>Notice of Status Hearing filed 11/18/13 set this matter for status regarding failure to file a First Account or Petition for Final Distribution. Clerk’s Certificate of Mailing states that a copy of the Notice of Status Hearing was mailed to attorney Joanne Sanoian and Betsy McMillan on 11/18/13.</p> <p>Unverified Status Report filed 01/30/14 requests a 60 day continuance for the Executor to prepare the First and Final Account.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need First Account or Petition for Final Distribution First Account or Petition for Final Distribution and/or current verified status report.</p>	
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Status Rpt				
UCCJEA				
Citation				
FTB Notice				
				<p>Reviewed by: JF</p> <p>Reviewed on: 02/04/14</p> <p>Updates: 02/05/14</p> <p>Recommendation:</p> <p>File 21 – Castle</p>