

Order to Show Cause RE: Failure to File a Final Account or Petition for Final Distribution

DOD: 04/05/03	<p>EDWARD L. MYERS, JR. and MONIQUE M. HUTCHINGS, were appointed as Co-Administrator's with Will Annexed on 08/19/03.</p> <p>Letters of Administration with Will Annexed were issued on 08/19/13.</p> <p>Inventory & Appraisal, partial No. 1 filed 04/08/04 - \$707,312.97</p> <p>Inventory & Appraisal, final filed 04/21/04 - \$16,968.64</p> <p>Inventory & Appraisal, partial No. 1 corrected filed 11/10/04 - \$877,312.97</p> <p>Petition for Preliminary Distribution and Statutory Fees filed 03/16/05 was granted on 06/02/05.</p> <p>Ex Parte Petition for Amended Letters granted 05/30/13 ordered that Monique M. Hutchings is the sole Administrator following the death of Edward L. Myers, Jr. and set this matter for status.</p> <p>Amended Letters of Administration with Will Annexed were issued on 06/05/13.</p> <p>Minute Order from Probate Status Hearing Re: Failure to File a Final Account or Petition for Final Distribution held on 01/09/15 set this matter for an Order to Show Cause and states: There are no appearances in this matter. The Court issues an Order to Show Cause as to why the Co- Administrators should not be removed for failure to file the Final Account or Petition for Final Distribution. Mr. Sullivan and the Co- Administrators are each ordered to be personally present in court on 02/10/15. Clerk's Certificate of Mailing attached to the Minute Order indicates that a copy of the Minute Order was mailed to Robert Sullivan on 01/09/15.</p>	NEEDS/PROBLEMS/COMMENTS:
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: JF
		Reviewed on: 02/04/15
		Updates:
		Recommendation:
		File 1 - Myers

Amended First and Final Account and Report of the Status of Administration and Petition for Settlement Thereof; For Allowance of Statutory Attorneys' Compensation and for Final Distribution (Probate Code 1060, et seq., 9611, 11640, 10800, 10810, 10900 and 12201)

DOD: 3-2-13	See petition and objection for details.	NEEDS/PROBLEMS/COMMENTS:	
		<u>Minute Order 1-6-15</u> : Parties have reached an agreement and request additional time.	
		The following issue remains noted:	
Cont. from 093014, 120214, 010615		1. Petitioner includes the \$10,400.00 that she owes the estate for rent as a "receipt" in calculating statutory compensation for herself and her attorney. However, this amount was not received by the estate during this account period. The Court may require authority to include this amount as a "receipt." If not approved, Examiner calculates statutory compensation at \$5,940.84.	
<input type="checkbox"/> Aff.Sub.Wit.		<u>Note</u> : This affects the distribution amount as well.	
<input checked="" type="checkbox"/> Verified		<u>Note</u> : Supplemental Declaration states this is revenue that should be included for fee calculation; however, no authority is provided.	
<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	
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
<input checked="" type="checkbox"/> Letters		11-15-13	
Duties/Supp			
<input checked="" type="checkbox"/> Objections			
Video Receipt			
CI Report			
<input checked="" type="checkbox"/> 9202	X		
<input checked="" type="checkbox"/> Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
<input checked="" type="checkbox"/> FTB Notice			
		Reviewed by: skc	
		Reviewed on: 2-4-15	
		Updates:	
		Recommendation:	
		File 2 - Esparza	

4 Madeline I Schepner (Estate)

Case No. 13CEPR00872

Atty Molsenbocker, Gary L. (for Kenneth W. Price – Administrator – Petitioner)

1) First and Final Account and Report of Administrator; and 2) Petition for its Settlement; 3) for Allowance of Compensation to Administrator and Attorney for Ordinary Services; and 4) for Final Distribution

DOD: 7-23-08		<p>KENNETH W. PRICE, Administrator with Limited IAEA without bond, is Petitioner.</p> <p>Account period: 7-23-08 through 12-31-14</p> <p>Accounting: \$250,526.76 Beginning POH: \$250,000.00 Ending POH: \$178,579.22 (Cash)</p> <p>Administrator (Statutory): Waived</p> <p>Attorney (Statutory): \$6,865.80</p> <p>Distribution pursuant to intestate succession: Estate of Mariangela Price: \$171,713.42</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Administrator was granted Limited IAEA without bond on 11-7-13, which does not allow sale of real property without Court approval. See Probate Code §10501(b). However, the Administrator sold the estate real property on 11-26-14 for \$95,000.00, which is a loss of \$55,000.00 from the I&A value of \$250,000.00. The Administrator did not request Court approval of the sale, and it does not appear that the sale complied with other requirements for Court approval, such as reappraisal, publishing, etc., See Probate Code §§ 10501, 10503, 10300. The Administrator also did not apply for bond after the sale pursuant to Cal. Rule of Court 7.204. The Court may require clarification with regard to the request to confirm and approve all acts and transactions of the Administrator.</p> <p>2. The decedent died in 2008. The real property identified on the I&A, which was sold 11-26-14, was a three-unit income property (duplex plus separate apartment). The Administrator was appointed 11-7-13; however, this account period begins at the decedent's death, 7-23-08. Examiner notes that no receipts or expenses are included in the accounting with respect to the property. The Court may require clarification or further accounting regarding the management of the real property since 2008. Who has been receiving rents?</p> <p>3. The petition states the estate will distribute to the Estate of Mariangela Price (Case No. 13CEPR00164). However, Court records indicate that 13CEPR00164 is the Estate of Mariangela <u>Straight</u> (not Price). That case does not indicate an "aka" of Price. The Court may require clarification and revised order reflecting the correct estate name for the order. (Note: Kenneth W. Price has been appointed Administrator in that matter, with bond.)</p>
	Aff.Sub.Wit.		
✓	Verified		
✓	Inventory		
✓	PTC		
✓	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	W	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
✓	Letters	11-7-13	
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
✓	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
✓	FTB Notice		

Order to Show Cause RE: Failure to Appear and Failure to File the Inventory and Appraisal

DOD: 02/10/2014	MICHAEL FREELY , cousin was appointed Executor with full IAEA with bond on 8/5/14.	NEEDS/PROBLEMS/COMMENTS:
	Bond was filed on 09/04/2014.	
	Letters issued on 09/10/2014.	
Cont. from	Minute Order of 08/05/2014 set a Status Hearing on 1/6/15 for the filing of the Inventory and Appraisal.	
Aff.Sub.Wit.	Minute Order dated 1/6/15 states there were no appearances the Court issued an Order to Show Cause to Gregory Roberts and Michael Freely as to why sanctions should not be imposed as to both parties for failure to appear and failure to file the inventory and appraisal. Mr. Roberts and Mr. Freely are ordered to be personally present in court on 2/10/15.	
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections	Declaration of Attorney Gregory Roberts filed on 1/15/15.	
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: KT
		Reviewed on: 2/4/15
		Updates:
		Recommendation:
		File 5 - Pelletier

(1) First and Final Report of Administration, (2) Petition for Statutory Attorney's Fees and for (3) Final Distribution on Waivers of Accounting

DOD: 07/24/2014	CONNIE REYNA , Administrator, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
	Accounting is waived.	1. Declaration Amending/Correcting First and Final Account filed 02/03/2015 changes the material facts of the distribution significantly. Petition lists the distribution to each of the beneficiaries as \$46,082.28 and the declaration amends the distribution to \$43,748.94 a difference of \$2,333.34. The Court may require an amended petition.
	I&A - \$452,894.79	2. Need notice of the Declaration Amending/Correcting First and Final Account on: <ul style="list-style-type: none"> • Connie Reyna • Vera Reyna • Martha Reyna
	POH - \$415,836.06	3. Need Notice of Hearing.
Cont. from	Administrator - Waives	4. Need Notice of Hearing to be served on the following: <ul style="list-style-type: none"> • Vera Reyna • Martha Dominguez
<input type="checkbox"/> Aff.Sub.Wit.	Attorney (Statutory) - \$12,057.90	
<input checked="" type="checkbox"/> Verified	Closing (taxes) - \$3,500.00	
<input checked="" type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input checked="" type="checkbox"/> Not.Cred.		
<input type="checkbox"/> Notice of Hrg x	Distribution, pursuant to decedent's Will, is to:	
<input type="checkbox"/> Aff.Mail x	<ul style="list-style-type: none"> • Vera Reyna - \$43,748.95; an undivided 1/3rd interest in and to: RBC Wealth Management Account Prime Money Market Fund, RBC Investor Class; Blackrock Equity Dividend Fund; Franklin Templeton Funds California Tax Free Income CL A; Franklin Income Series CL A; Growth Fund of America Inc, Class A; • Connie Reyna - \$43,748.94; 2007 Toyota Carolla; an undivided 1/3rd interest in and to: RBC Wealth Management Account Prime Money Market Fund, RBC Investor Class; Blackrock Equity Dividend Fund; Franklin Templeton Funds California Tax Free Income CL A; Franklin Income Series CL A; Growth Fund of America Inc, Class A; • Martha Dominguez - \$43,748.95; an undivided 1/3rd interest in and to: RBC Wealth Management Account Prime Money Market Fund, RBC Investor Class; Blackrock Equity Dividend Fund; Franklin Templeton Funds California Tax Free Income CL A; Franklin Income Series CL A; Growth Fund of America Inc, Class A; 	
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters 9/3/14		
<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: LV
		Reviewed on: 02/04/2015
		Updates:
		Recommendation:
		File 6 - Perez

7 Mary White (Det Succ)

Case No. 14CEPR00741

Atty Oviedo, Ovidio, Jr. (for Brian Sellai, Matt Sellai, Danielle Cruz, and Courtney White)

Amended Petition to Determine Succession to Real Property

DOD: 7-26-13	BRIAN SELLA, MATT SELLA, DANIELLE CRUZ, and COURTNEY WHITE , adult children of the decedent, are Petitioners.	NEEDS/PROBLEMS/COMMENTS:
	40 days since DOD	
Cont 121614	No other proceedings	
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory	I&A: \$73,500.00 (real property, vehicle, personal property)	
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.	Decedent died intestate	
<input checked="" type="checkbox"/> Notice of Hrg	Petitioners request Court determination that the decedent's real property, vehicle, and personal property passes to Petitioners jointly.	
<input checked="" type="checkbox"/> Aff.Mail	w	
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input type="checkbox"/> Order	x	
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: skc
		Reviewed on: 2-4-15
		Updates:
		Recommendation: SUBMITTED
		File 7 - White

8A Rose Rodriguez (CONS/PE)

Case No. 14CEPR00994

Atty Krbechek, Randolf (for Petitioner/son Dennis Rodriguez)

Atty McFarland, Pamela J (for Maxine Rodriguez)

Atty Knudson, David N. (court appointed for Conservatee)

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

		DENNIS RODRIGUEZ , son, is petitioner.	NEEDS/PROBLEMS/COMMENTS: Court Investigator advised rights on 12/18/14. Voting rights affected need minute order. 1. Petition for Appointment of Probate Conservator, Duties of Conservator, Confidential Conservator Screening Form, and Confidential Supplemental Information all have the place where the petitioner is to sign the document completed using a cursive computer font (<i>Dennis Rodriguez</i>). Need original signature of petitioner on the above named documents. 2. Need Notice of Hearing. (Notice of Hearing was filed for the 12/11/14 hearing however Minute Order dated 11/20/14 continued the matter to 1/13/15 therefore there was no hearing on 12/11/14.) Please see additional page
		Please see petition for details.	
Cont. from 011315			
<input type="checkbox"/>	Aff.Sub.Wit.	Court Investigator Report filed on 1/7/15.	
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC	Objections to the Appointment of Dennis Rodriguez as Conservator of the Estate filed by Maxine Rodriguez on 1/22/15.	
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg	X	
<input type="checkbox"/>	Aff.Mail	X	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input checked="" type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters	X	
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input checked="" type="checkbox"/>	Video Receipt		
<input checked="" type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input checked="" type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: KT
			Reviewed on: 2/4/15
			Updates:
			Recommendation:
			File 8A - Rodriguez

3. Need proof of service of the Notice of Hearing (with the 1/13/14 hearing date) on:
 - a. Lydia Henriques (sister)
 - b. Johnny M. Trejo (brother)(Maxine Rodriguez and David Knudson were at the 11/20/14 hearing)
4. Need Letters

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

- **Wednesday, June 17, 2015** at 9:00 a.m. in Department 303, for the filing of the inventory and appraisal.
- **Wednesday, April 27, 2016** at 9:00 a.m. in Department 303, for the filing of the first 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.

First Amended Petition for Appointment of Probate Conservator of the Person & Estate

		TEMPORARY OF THE PERSON ONLY EXPIRES 2/10/15	NEEDS/PROBLEMS/COMMENTS:
		MAXINE RODRIGUEZ , daughter, is petitioner.	Court Investigator advised rights on 12/18/14.
Cont. from 021015		See Petition for Details.	Voting rights affected need minute order.
<input type="checkbox"/>	Aff.Sub.Wit.	Court Investigator Report filed on 1/7/15.	<p>1. Capacity Declaration filed on 11/19/14 is incomplete. It is blank at #1 and #2 (name and address of the physician) and #7 is not initialed by the doctor as required indicating Rose Rodriguez lacks the capacity to give informed consent to medical treatment. (Note: the Capacity Declaration filed on 10/30/14 is blank on pages 2 and 3.)</p> <p>Note: If the petition is granted, status hearings will be set as follows:</p> <ul style="list-style-type: none"> Wednesday, June 17, 2015 at 9:00 a.m. in Department 303, for the filing of the inventory and appraisal. Wednesday, April 27, 2016 at 9:00 a.m. in Department 303, for the filing of the first account <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.</p>
<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 checked="" type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input checked="" type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: KT
			Reviewed on: 2/4/15
			Updates:
			Recommendation:
			File 8B - Rodriguez

Petition for Probate of Will and for Letters Testamentary; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

DOD: 07/25/2015		<p>MICHAEL A. DELANEY, son/named executor without bond, is petitioner.</p> <p>Full IAEA - o.k.</p> <p>Will dated: 01/07/1999</p> <p>Residence: Fresno Publication: The Business Journal</p> <p>Estimated valued of the Estate: Personal property - \$225,000.00</p> <p>Probate Referee: Steven Diebert</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: If the petition is granted status hearings will be set as follows:</p> <ul style="list-style-type: none"> • Tuesday, 06/09/2015 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal and • Tuesday, 04/12/2016 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution. <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.</p>
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit. s/p		
<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 checked="" type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<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		
		<p>Reviewed by: LV</p> <p>Reviewed on: 02/04/2015</p> <p>Updates:</p> <p>Recommendation: Submitted</p> <p>File 10 - Delaney</p>	

Petition for Probate of Will and for Letters Testamentary; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

DOD: 05/26/2014		BERTHA SOLTERO , spouse/named executor without bond, is petitioner.	NEEDS/PROBLEMS/COMMENTS: Note: If the petition is granted status hearings will be set as follows: <ul style="list-style-type: none"> • Tuesday, 06/09/2015 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal and • Tuesday, 04/12/2016 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution. Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.
		Full IAEA – o.k.	
		Will dated: 04/22/2014	
Cont. from		Residence: Kerman	
<input type="checkbox"/>	Aff.Sub.Wit.	s/p	
<input checked="" type="checkbox"/>	Verified	Publication: The Business Journal	
<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 checked="" type="checkbox"/>	Aff.Pub.	Probate Referee: Rick Smith	
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<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: LV
			Reviewed on: 02/04/2015
			Updates:
			Recommendation: Submitted
			File 11 - Soltero

Probate Status Hearing Re: Failure to File Petition for Final Distribution

DOD: 3-7-06	<p>HAL B. HAVLISCH was appointed Executor with Full IAEA without bond and Letters issued on 5-24-06.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: The Executor, attorney Hal B. Havlisch, was previously represented by attorney Thomas C. Peterson, now deceased.</p> <p>Note: The decedent's will devises the entire estate to GOOD SHEPHERD LUTHERAN HOME OF THE WEST in Fountain Valley, CA.</p> <p>Minute Order 12-9-14: Mr. Havlisch reports that the property was listed on 9-12-14; there has been one offer that was not accepted. The Court grants one last continuance. An updated status report is to be filed one week prior.</p> <p>Note: See Page 2 re updated status report.</p> <p>1. Need first account or petition for final distribution.</p> <p>Note: This estate has been open since 2006 (over 8 years) without accounting.</p>
Cont'd from 31414, 111814, 120914	<p>Final Inventory and Appraisal filed 10-27-06 indicated a total estate value of \$148,162.92, including \$3,517.92 cash plus real property, personal property including a stamp collection valued at \$1,500.00, and a vehicle.</p>	
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg	<p>On 11-30-06, a Notice of Proposed Action was filed indicating that the Executor intended to sell the real property for \$100,000.00 cash.</p>	
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice	<p>Nothing further was filed.</p> <p>On 12-20-13, the Court set this status hearing for failure to file a first account or petition for final distribution and mailed notice to Hal B. Havlisch.</p> <p>Status Report filed 9-16-14 states the I&A was filed 10-27-06. On 11-30-06, a Notice of Proposed Action was filed, and Mr. Havlisch states a Notice of Proposed Action was filed 11-30-06. If this notice is not for the sale of the decedent's property, he will then be filing one so that he may sale the property.</p> <p>Status Hearing Report filed 11-14-14 by Mr. Havlisch states he is in the process of obtaining documents filed with the Court to complete this action. An unlawful detainer was filed 9-22-14 and the property was returned back to the estate on 10-28-14. The property was listed for sale on 9-11-14, which had to be stopped due to a hostile tenant. The sale agreement will be renewed on Monday.</p> <p>See Page 2.</p>	

Reviewed by: skc

Reviewed on: 2-4-15

Updates:

Recommendation:

File 13 - Muhley

Status Report filed 12-4-14 states the house has decreased in value to \$72,000 in 2008 and has now increased to \$123,000 according to www.zillow.com. The home was built in 1927. Executor has made all necessary repairs out of his own funds including a new foundation, wiring, plumbing, roof, refrigeration and heating unit, kitchen, floor, interior and exterior paint, window treatments, termite damage.

The Executor states when the repairs were done the home was rented in June 2011 to a disabled woman who was receiving Section 8 subsidy. The only money received was from what Section 8 paid, as the tenant could not afford additional rent. The home is not in the best of areas and it was considered a good investment to not have the home sitting empty to avoid damage due to vandalism. The tenant paid utilities and kept up the property while the remaining repairs were done.

The house is now empty and has been listed with London Properties for \$130,000.00. The 1977 Dodge Monaco Broagham was sold for the appraised value of \$2,500.00, although there were expenses involved in the sale of the vehicle (smog, DMV, etc.). The furniture has been sold for the appraised value. The stamp collection is intact and can be disbursed to the beneficiaries. At the present time, there is no estate bank account, but estate funds have been placed in Executor's attorney's trust account with an approx. balance of \$600.00.

Executor states the Waiver of Accounting and Petition for Final Distribution will be filed at the close of escrow.

Examiner's Note: *Mr. Havlisch states funds have been placed in his attorney's trust account; however, Mr. Havlisch is now self-represented and used a non-attorney legal document service to file this status report. Need clarification regarding the "attorney trust account."*

Status Report filed 1-20-15 states the I&A filed 10-27-06 states an incorrect value (\$140,000.00). The home was originally listed with a realtor for \$130,000.00, but there has been a low interest at the listed price; therefore, the listing price has been lowered to \$124,900.00.

Examiner's Note: *The I&A value is the value as of the decedent's date of death, not the market value. However, if the Executor feels that the I&A value is incorrect, a Corrected I&A should be filed.*

Status Hearing Re: Filing of the Inventory and Appraisal

DOD: 5/8/14	<p>KENNETH HEARST was appointed Executor with full IAEA authority and without bond on 10/14/14.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>
	<p>Letters issued on 10/16/14.</p>	<p>1. Need inventory and appraisal or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.</p>
Cont. from	<p>Minute order dated 10/14/14 set this status hearing for the filing of the inventory and appraisal.</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: KT
		Reviewed on: 2/4/15
		Updates:
		Recommendation:
		File 14 - Hearst

Status Hearing Re: Filing of the Inventory and Appraisal

DOD: 7/22/14	<p>MARGARET J. BERLESE was appointed Executor with full IAEA authority and without bond on 10/14/14.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>
Cont. from	<p>Minute order dated 10/14/14 set this status hearing for the filing of the inventory and appraisal.</p>	<p>2. Need inventory and appraisal or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.</p>
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: KT
		Reviewed on: 2/4/15
		Updates:
		Recommendation:
		File 15 - Berlese

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

		TEMPORARY EXPIRES 2/10/15	NEEDS/PROBLEMS/COMMENTS:
		RUDOLFO ESTRADA, SR. , father, is petitioner.	Court Investigator advised rights on 2/4/15.
Cont. from		Please see petition for details.	1. Need Capacity Declaration re: medical consent powers.
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		2. Court Investigator's Report indicates that the proposed conservatee has two additional children who were not listed in the petition as required and who have not been noticed. Probate Code §1821(b) and 1822 ((b)(2). Note: it appears that the children that were not listed are minors. California Rules of Court, Rule 7.51(d) requires that notice to the minor must be sent directly to the minor and a copy of the notice must be sent to person having legal custody of the minor with whom the child lives. Therefore: Need proof of service of the Notice of Hearing on the proposed conservatee's minor children and their mother, proposed conservatee's girlfriend, Julianna Gutierrez.
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail	W/	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input checked="" type="checkbox"/>	Pers.Serv.	W/	
<input checked="" type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input checked="" type="checkbox"/>	Video Receipt		
<input checked="" type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input checked="" type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: KT
			Reviewed on: 2/5/15
			Updates:
			Recommendation:
			File 17 - Estrada

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

		NO TEMP REQUESTED	NEEDS/PROBLEMS/COMMENTS:
		ALVIN MOULTRIE , Father, is Petitioner and requests appointment as Guardian of the Estate. (Bond not addressed.)	<u>Note:</u> Pages 18 and 19 are related cases. <u>Need amended petition. Deficiencies include, but may not be limited to:</u>
Cont from 111814, 011315		Mother: CYNTHIA LYNNE WATKINS - Deceased	<ul style="list-style-type: none"> • #1 is incomplete at the beginning. • #1a is filled out for guardianship of the person. • #1b is incomplete for guardianship of the estate. • #1c is incomplete re bond. • #7 (Character and estimated value of property of the estate) is incomplete. • #8 (Reason for guardianship) is incomplete. • Child Information Attachment at #2 (List of relatives) is incomplete. • Child Information Attachment at #4 (Reason why appointing Petitioner would be best) is incomplete. • Petitioner filed a Declaration of Due Diligence, but it is blank. • Need Notice of Hearing. • Need proof of service of Notice of Hearing with a copy of the petition on all relatives required to be given notice pursuant to Probate Code §1511.
<input type="checkbox"/>	Aff.Sub.Wit.	Paternal Grandfather: Not listed Paternal Grandmother: Not listed Maternal Grandfather: Not listed Maternal Grandmother: Not listed	
<input checked="" type="checkbox"/>	Verified	Estimated value of estate: Not provided	
<input type="checkbox"/>	Inventory	Petitioner states ?? (#8 of the petition is blank. No reason for guardianship of the estate is provided.)	
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<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 checked="" type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input checked="" type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: skc
			Reviewed on: 2-4-15
			Updates:
			Recommendation:
			File 18 - Moultrie

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

		NO TEMP REQUESTED	NEEDS/PROBLEMS/COMMENTS:
		ALVIN MOULTRIE , Father, is Petitioner and requests appointment as Guardian of the Estate. (Bond not addressed.)	<u>Note:</u> Pages 18 and 19 are related cases.
Cont from 111814, 011315		Mother: CYNTHIA LYNNE WATKINS - Deceased	<u>Need amended petition. Deficiencies include, but may not be limited to:</u>
<input type="checkbox"/>	Aff.Sub.Wit.		<ul style="list-style-type: none"> • #1 is incomplete at the beginning. • #1a is filled out for guardianship of the person. • #1b is incomplete for guardianship of the estate. • #1c is incomplete re bond. • #7 (Character and estimated value of property of the estate) is incomplete. • #8 (Reason for guardianship) is incomplete. • Child Information Attachment at #2 (List of relatives) is incomplete. • Child Information Attachment at #4 (Reason why appointing Petitioner would be best) is incomplete. • Petitioner filed a Declaration of Due Diligence, but it is blank. • Need Notice of Hearing. • Need proof of service of Notice of Hearing with a copy of the petition on all relatives required to be given notice pursuant to Probate Code §1511.
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory	Paternal Grandfather: Not listed Paternal Grandmother: Not listed Maternal Grandfather: Not listed Maternal Grandmother: Not listed	
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg	x	
<input type="checkbox"/>	Aff.Mail	x	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.	x	
<input checked="" type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input 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 checked="" type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			<p>Please note that pursuant to Local Rule 7.15.4, when the only asset is public assistance benefits, guardianship of the estate is not required.</p> <p>Please also see Local Rule 7.8.1.I: It is the policy of the Court to block all funds in guardianship estates.</p> <p>Petitioner may wish to seek legal advice from an attorney to confirm whether guardianship of the estate is appropriate. If granted, there are additional requirements, including inventory and appraisal and annual accountings that will need to be prepared in accordance with the Probate Code and other applicable law.</p>
			Reviewed by: skc
			Reviewed on: 2-4-15
			Updates:
			Recommendation:
			File 19 - Moultrie

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

		See petition for details.	NEEDS/PROBLEMS/COMMENTS: 1. Petitioner served Mary Ann Garcia; however, this person is not identified in the petition. Is Mary Ann Garcia the maternal grandmother? 2. Need notice to the minor's siblings pursuant to Probate Code §1511.	
	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			
	DSS Report, Clearances	X		
✓	Order			
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: skc	
			Reviewed on: 2-4-15	
			Updates:	
			Recommendation:	
			File 20 - Almanza	

Pro Per Machado, Antonio (Pro Per Petitioner, maternal grandfather)

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

		NO TEMPORARY REQUESTED	NEEDS/PROBLEMS/COMMENTS:
		ANTONIO MACHADO , maternal grandfather, is Petitioner.	<ol style="list-style-type: none"> 1. Need <i>Notice of Hearing</i> and proof of personal service of the <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Guardian</i>, or <i>Consent to Appointment of Guardian and Waiver of Notice</i>, or a <i>Declaration of Due Diligence</i>, for: <ul style="list-style-type: none"> • Jose Solis Gonsales, father. 2. Need proof of service by mail of the <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Guardian</i>, or <i>Consent to Appointment of Guardian and Waiver of Notice</i>, or a <i>Declaration of Due Diligence</i>, for: <ul style="list-style-type: none"> • Javier Solis, paternal grandfather; • Joba Gonsales, paternal grandmother; • Veronica Machado, maternal grandmother. 3. UCCJEA filed 12/9/2014 does not include any dates for the period of residence of the children at the address listed. 4. Items 14 through 19 of the <i>Confidential Guardian Screening</i> form filed on 12/9/2014 are incomplete. (Note: These items relate to any previous appointment as guardian, removal as guardian, private professional fiduciary status, corporate officer status, and bankruptcy filing.)
Cont. from		<i>~Please see petition for details~</i>	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
Inventory		Court Investigator's Report was filed on 2/5/2015.	
PTC			
Not.Cred.			
	Notice of Hrg	X	
	Aff.Mail	X	
Aff.Pub.			
Sp.Ntc.			
	Pers.Serv.	X	
<input checked="" type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
Objections			
Video Receipt			
<input checked="" type="checkbox"/>	CI Report		
<input checked="" type="checkbox"/>	Clearances		
<input checked="" type="checkbox"/>	Order		
Aff. Posting			
Status Rpt			
<input checked="" type="checkbox"/>	UCCJEA		
Citation			
FTB Notice			
		Reviewed by: LEG	
		Reviewed on: 2/4/15	
		Updates:	
		Recommendation:	
		File 21 - Solis	

Pro Per Nagi, Alma (Pro Per Petitioner, maternal grandmother)

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

		<u>General Hearing set for 4/1/2015</u>	NEEDS/PROBLEMS/COMMENTS: 1. <i>If Court does not excuse notice to the fathers as requested</i> , need proof of five (5) court days' notice by personal service of the Notice of Hearing with a copy of the Petition for Appointment of Temporary Guardian, or Consent to Appointment of Guardian and Waiver of Notice for: <ul style="list-style-type: none"> • Jose Gomez, father of Kayla; • Saul Ramirez, father of Ryan; • Samuel Delgado, father of Isabella.
		ALMA NAGI, maternal grandmother, is Petitioner.	
		~Please see Petition for details~	
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: 2/4/15
			Updates:
			Recommendation:
			File 22 – Robles & Ramirez

Petition for Appointment of Temporary Guardian of the Person

	<u>GENERAL HEARING 3/30/15</u>	NEEDS/PROBLEMS/COMMENTS:
	JOSE VIERA and DENISE GUTIERREZ, paternal uncle and aunt, are petitioners.	
	Please see petition for details.	
Cont. from		
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg		
<input type="checkbox"/> Aff.Mail		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input checked="" type="checkbox"/> Pers.Serv.	W/	
<input checked="" type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters		
<input checked="" type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input checked="" type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: KT
		Reviewed on: 2/4/15
		Updates:
		Recommendation:
		File 23 - Viera