



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

Petition for Settlement of First Account Current and Report of Trustee, Approval of Attorney's Fees and Costs, Approving Reduction of Bond and Waiving Future Accountings [Prob. C. 2628(a), 3600, et seq., Cal. Rules of Ct. Rule 7.903(c)]

Age: 14 years	STEVEN WILLEY , father/Trustee, is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 1/10/13. Minute Order states Counsel is directed to submit a list setting forth the special needs and what needs to be reimbursed. As of 2/14/13 no new documents have been filed.</p> <p>Note: Petition states Petitioner made personal loans to himself of Trust funds in the total amount of \$11,538.61 with interest at 2% per annum. Petition states the Petitioner did not consult with his attorney before taking the loans. Petitioner has made three payments on the loan and offset portions of the loans for additional expenses incurred to renovate the house and to install the swing equipment for Michael in the back yard. The final payment on the loans was made by the Petitioner on 6/21/12, after the account period. Based on the payment on 6/21/12 the loans have been paid in full.</p> <p>1. Petition states that the Petitioner has performed some of the work needed for modifications to the house that fit within the meaning of "special needs" and was paid for that work. California Rules of Court 7.1059 (a) states the conservator must avoid actual conflicts of interests, and consistent with his or her fiduciary duty to the conservatee, the appearance of conflicts of interest. The conservator must avoid any personal, business, or professional interest or relationship that is or reasonably could be perceived as being self-serving or adverse to the interest of the conservatee.</p> <p style="text-align: center;">Please see additional page</p> <p>Reviewed by: KT</p> <p>Reviewed on: 2/14/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 4 - Willey</p>
	Account period: 6/27/11 – 5/31/12	
	Accounting - \$53,942.25	
	Beginning POH- \$53,317.25	
	Ending POH - \$ 6,565.67	
Cont. from 102512, 112912, 011013	Current bond : \$60,317.25	
<input type="checkbox"/> Aff.Sub.Wit.	Trustee - Not addressed	
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC	Attorney - \$4,176.00 (5.40 hours attorney time @ \$195 - \$335 per hour and 17.0 hours paralegal time at \$125 - \$130 per hour and 2 hours of attorney time @ \$335/hr in anticipated time.)	
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg	Costs - \$200.00	
<input checked="" type="checkbox"/> Aff.Mail W/	Petitioner requests bond be reduced to \$7,222.24/	
<input type="checkbox"/> Aff.Pub.	Petitioner requests that pursuant to Probate Code §2628(a) future accountings be waived.	
<input type="checkbox"/> Sp.Ntc.	Petitioner prays for an Order that:	
<input type="checkbox"/> Pers.Serv.	1. The first account of trustee be settled, allowed and approved as filed, and all the acts and transactions of Petitioner be ratified approved and confirmed;	
<input type="checkbox"/> Conf. Screen	2. Petitioner be authorized to pay attorney fees totaling \$4,176.00 and \$200.00 in costs;	
<input type="checkbox"/> Letters	3. Bond for Steven Willey be reduced to \$7,222.24;	
<input type="checkbox"/> Duties/Supp	4. Petitioner need not present future accountings as long as the estate continues to meet the requirements of Probate Code §2628.	
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input checked="" type="checkbox"/> 2620		
<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		

NEEDS/PROBLEMS/COMMENTS (continued):

2. Petition states that at the hearing approving the Special Needs Trust, the notes of Steven Matlak, Counsel for Petitioner, reflect that he discussed Petitioner's plan to modify his home for the benefit of Michael Willey. Mr. Matlak's notes further reflect Judge Robert H. Oliver stated at the hearing that no further court approval was needed for modifications to the house that fit within the meaning of "special needs." Not all the work done on the home appears to be for the "special needs" of the beneficiary, such as the new roof, skylights, attic fan, bath fan and rain gutters. Those items appear to be for the benefit of the family and not the "special needs" of the beneficiary. – **Declaration filed on 11/28/12 states** there was an error in the charges and Steven Willey agrees to personally reimburse the trust for the erroneous charges totaling \$398.67. **Examiner notes** that there are additional charges that should be included such as Mike's portion of the new roof in the amount of \$1,785.71, Mike's portion of the insulation in the amount of \$171.43 and Mike's portion of the cover shell for trustee's truck in the amount of \$2,451.00.
3. There are several disbursements for renovations of the home. Several of the disbursements show a total amount and another amount for "Mike's Portion". It is unclear how Mike's portion is determined sometimes it is 1/7 and other times it is much more. The court may require clarification. **Declaration filed on 1/7/13 states** if renovations to the home were exclusively for the benefit of Michael the trust was charged the full amount. If the renovations to the home benefitted not only Michael, but the entire family, then the Trust was charged only 1/7th of the total cost.
4. On 7/22/11 there is a disbursement to Lumber Liquidators for removal of existing carpet in bedroom, hallway and entry to replace with wood flooring allowing easier wheelchair access. Then on 10/31/11 there is another disbursement for tile work in entry, hallway, bathroom and den. Why are there charges for both wood flooring and tile in the hallway and entry? **Declaration filed on 1/7/13 states** the Disbursement dated 7/22/11 to Lumber Liquidator was in error and Steven Willey will reimburse the Trust account the amount of \$509.89.
5. On 7/22/11 there is a disbursement to Lumber Liquidators for removal of existing carpet in bedroom, hallway and entry to replace with wood flooring allowing easier wheelchair access. Then on 10/31/11 there is another disbursement for tile work in entry, hallway, bathroom and den. There is also an invoice from K. Steven Willey dated 9/20/11 that is for labor to remove old wood flooring in entry area and hallway. Labor to install wood flooring in Mike's bedroom, Labor to demo hallway, entry and living area. Labor to prepare hallway, entry area and living room for new tile and the purchase of 2 nail guns to install subflooring and wood floors. There are charges for both wood flooring and tile flooring for the same areas from several different vendors. Court may require clarification. Who installed the wood flooring? Who installed the tile flooring? What area was tile and what area was wood flooring? **Declaration filed on 1/7/13 states** under the 7/22/11 disbursement entry to Steven Willey, Lumber Liquidator was paid for the wood flooring in Michael's bedroom. Steven Willey installed all the wood flooring. Under the 10/31/11 entry to Steven Willey, Home Depot was paid for the tile in the hallway, entry, bathroom and den. Steven Willey and Alex Reyna installed the tile flooring. Petitioner was paid \$2,775.00 to remove the carpet in Mike's bedroom, and remove the flooring in the hallway, entry, bathroom and den. Petitioner also fixed the wood sub-flooring and tile subflooring prior to the installation of the flooring. The wood flooring was installed in Mike's bedroom and the tile flooring was installed in the hallway, entry, bathroom and den. There is no duplication of charges.

DOD: 10/03/2012	MICHELLE K. JOHNSON , daughter is petitioner and requests appointment as Administrator without bond.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need name and date of death of decedent's spouse per Local Rule 7.1.1D.</p> <p>Note: If the petition is granted status hearings will be set as follows:</p> <ul style="list-style-type: none"> • Friday, 07/19/2013 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal and • Friday, 04/18/2014 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	Petitioner is sole heir and waives bond.	
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified	Full IAEA – o.k.	
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.	Decedent died intestate	
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail	Residence: Fresno Publication: The Business Journal	
<input checked="" type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.	Estimated value of the estate:	
<input type="checkbox"/> Conf. Screen	Personal property - \$47,000.00 Real property - \$150,000.00 Total: - \$197,000.00	
<input checked="" type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt	Probate Referee: Steven Diebert	
<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: 02/14/2013
		Updates:
		Recommendation:
		File 9 - Smith