



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.

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

DOD: 01/12/01	<p>SUSAN HOSE, wife, was appointed Administrator without bond on 07/03/01. Letters of Administration were issued on 07/03/01.</p> <p>Notice of Status Hearing filed 07/31/13 set this matter for status on 09/20/13.</p> <p>Declaration of Randolph Krbechek Regarding the Status of the Action and Request for Dismissal filed 08/29/13 states: Mr. Krbechek and the decedent worked together and were good friends. After his untimely death, Mr. Krbechek assisted Susan Hose, the decedent's wife, with probate matters. He does not recall why a probate proceeding was started, assumably because an insurance company or similar entity demanded that Letters of Administration were obtained. Susan moved to Florida some time ago and while he had been in contact with her for some time after the decedent's death, he has not had contact with her for the past 3 years and does not have a current address. Mr. Krbechek states that he is certain that any matters requiring attention in connection with the decedent's death have long since been completed and there is no reason to keep this matter open. Mr. Krbechek requests that this probate administration be concluded.</p> <p>Declaration of Randolph Krbechek Regarding Status of Action filed 12/24/13 states: He has made contact with Susan Hose, who now resides in Arizona. A Petition to terminate the probate proceeding will be prepared and filed. A continuance to 02/01/14 is requested.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 01/03/14</p> <p>Note: Nothing was filed in this matter after the Letters of Administration were issued, including an Inventory & Appraisal, therefore it is unclear if there ever were assets subject to administration.</p> <p>1. Need Inventory & Appraisal and Account/Report of Administrator on waive of Account and Petition for Final Distribution <u>or</u> Verified Petition to terminate the probate administration (see Probate Code § 12251).</p>
Cont. from 092013, 110113, 013214		
Aff.Sub.Wit.		
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FTB Notice		
Reviewed by: JF		
Reviewed on: 02/13/14		
Updates:		
Recommendation:		
File 1 – Hose		

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: 1/6/1997	<p>VALERIE YOUNGER, was appointed as Administrator with full IAEA authority and without bond on 2/5/2002.</p> <p>Letters issued on 2/5/2002.</p> <p>Inventory and appraisal was due 6/5/2002.</p> <p>First account or petition for final distribution was due 2/5/2003.</p> <p>Notice of Status Hearing was mailed to Valerie Younger on 7/31/13.</p> <p>Minute Order dated 10/4/13 states there are no appearances. Matter continued to 11/15/13. The court orders Valerie Younger to be personally present on 11/15/13. Copy of the Minute Order was mailed to Valerie Younger on 10/8/13.</p> <p>Minute order dated 11/15/13 states no appearances. The Court on its own motion removes Valerie Younger as the administrator and appoints the Public Administrator as the personal representative.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need inventory and appraisal, first account or petition for final distribution or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.</p>
Cont. from 100413, 111513		
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FTB Notice		
		Reviewed by: KT
		Reviewed on: 2/13/14
		Updates:
		Recommendation:
		File 2 - Applewhite

3 Hector Javier Saenz (Estate)

Case No. 02CEPR00777

Atty Kharazi, H. Ty (for Hector Javier Saenz, Jr. – Administrator)

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

DOD: 08/01/02	<p>HECTOR JAVIER SAENZ, JR., son, was appointed Administrator with full IAEA and without bond but with funds recovered to be deposited into a blocked account, on 10/08/02. Letters of Administration were issued on 10/09/02.</p> <p>Notice of Status Hearing filed 09/16/13, set this matter for a Status Hearing on 11/15/13. Clerk’s Certificate of Mailing indicates that the Notice of Status Hearing was mailed to H. Ty Kharazi on 09/16/13.</p> <p>Declaration of H. Ty Kharazi filed 01/22/14 states: The estate has no assets whatsoever. The estate was opened because the Administrator believed that the decedent had a large bank account at Valley Oak Credit Union; however it was later determined that the decedent had a negative balance in the account. Mr. Kharazi states that he has advanced costs in this matter and has not been reimbursed. The Administrator has not responded to correspondence sent to him regarding this matter. Mr. Kharazi states that the estate is insolvent because there are no assets and money owed to creditors. Mr. Kharazi asks to be relieved as counsel and that the Court disposes of this case.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>CONTINUED FROM 11/15/13</p> <p>Minute Order from 11/15/13 states: Ms. Johnson is appearing for attorney Kharazi. The Court is informed that attempts to contact the administrator have been made and there has been no response. Mail has either been returned or ignored. Counsel advises that there is no money in the estate.</p> <ol style="list-style-type: none"> 1. Need Inventory & Appraisal. 2. Need Account/Report on Waiver of Account and Petition for Distribution 3. Need Status Update Report.
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FTB Notice		
	<p>Reviewed by: JF</p> <p>Reviewed on: 02/13/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 3 – Saenz</p>	

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

DOD: 08/23/02	<p>BRIAN COSTALES, son, was appointed Administrator without bond on 10/24/02. Letters of Administration were issued on 10/31/02.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>CONTINUED FROM 11/15/13 Minute Order from 11/15/13 states: The Court notes for the minute order that Attorney James Mele is somehow associated with Stanton Levy. The Court on its own motion removes Brian Costales as the administrator noting the removal is due to health reasons. The Court appoints the Public Administrator as the personal representative.</p> <p>Letters of Administration were issued to the Public Administrator on 11/25/13.</p> <p>1. Need Account/Report on Waiver of Account and Petition for Distribution.</p>
	<p>Inventory & Appraisal, Final filed 12/05/02 - \$80,000.00</p>	<p>Continued from 11/15/13</p>
Cont. from 111513		
Aff.Sub.Wit.	<p>Notice of Status Hearing filed 09/16/13 set this matter for status. Clerk's Certificate of Mailing indicates that the Notice of Status Hearing was mailed to Brian J. Costales on 09/16/13.</p> <p>Declaration of Brian Costales filed 09/20/13 states: He was previously represented by attorney Stanton Levy, who died several years ago. He was appointed Administrator of his mother's estate several years ago. To the best of his recollection, the only asset of the estate was the decedent's residence which was sold and the proceeds of the sale were distributed between himself and two siblings as directed in the decedent's will. Mr. Levy received his fee from the sale proceeds paid directly to him by escrow. Mr. Levy advised him that everything was complete and as far as he was aware there was nothing more to be filed or accomplished. Mr. Levy died soon after these events took place. It has been a decade since all of this transpired. Unfortunately, there was a recent fire at his home (09/10/13) and therefore all of his legal papers were destroyed. Mr. Costales further states that his health is poor and hopes this can be resolved quickly so to avoid causing him greater stress and illness.</p>	<p>Reviewed by: JF</p> <p>Reviewed on: 02/14/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 4 – Costales</p>
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Citation		
FTB Notice		

Status Hearing

DOD: 10-7-06	<p>DORIS ELAINE RACKLEY, Sister, was appointed Administrator with Full IAEA without bond and Letters issued on 8-28-07.</p> <p>On 7-1-08, a Creditor's Claim and Request for Special Notice was filed by the CA Franchise Tax Board.</p> <p>Substitution of Attorney filed 7-28-08 indicates that Ms. Rackley is no longer represented by Attorney Jeff Reich and is currently self-represented.</p> <p>No Inventory and Appraisal was ever filed; however, the original petition estimated that the estate consisted of personal property valued at \$8,000.00 and real property valued at \$120,000.00.</p> <p>In addition, the Court is aware that this decedent was an heir to another estate:</p> <p>A status hearing was held on 9-20-13 in the Estate of Herbert C. Hamby 07CEPR00788, of which Ms. Rackley is also the Administrator. Upon review of the status of that estate, it was learned that this decedent is a post-deceased heir of Herbert C. Hamby, but that this estate also appeared abandoned.</p> <p>Ms. Rackley was present at that hearing, and the Court continued that matter (Page 14) and also set this status hearing for the Estate of Irene Hamby.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Minute Order 11-15-13: No appearances. The Court on its own motion removes Doris Rackley as the administrator and appoints PUBLIC ADMINISTRATOR as the personal representative. The Court indicates for the minute order that Ms. Rackley is being removed as a result of multiple non-appearances and an inability to be located. Continued to 2-21-14 at 9am in Dept 303.</p> <ol style="list-style-type: none"> 1. Need Inventory and Appraisal. 2. Need petition for final distribution. 3. If further hearings are held, notice may be required to FTB pursuant to Request for Special Notice, and to the heirs of this estate. <p>Note: The Decedent Irene Hamby's will devises her estate to her nephews Brian Rackley and Kevin Rackly.</p> <p>Note: It appears that this estate may be dependent on the closure of the Estate of Herbert C. Hamby 07CEPR00788, as this estate may be a beneficiary of that estate.</p>
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	Reviewed by: skc	
	Reviewed on: 2-13-14	
	Updates:	
	Recommendation:	
	File 6 – Hamby	

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

DOD: 9-6-05	<p>ELAINE RACKLEY, Daughter, was appointed as Administrator with Will Annexed with Limited IAEA without bond and Letters issued on 8-28-07.</p> <p>Also on 8-28-07, the decedent's will dated 4-2-75 was admitted to Probate.</p> <p>No Inventory and Appraisal was ever filed; however, the original petition estimated that the estate consisted of personal property valued at \$30,000.00 and real property valued at \$210,000.00 for a total estate value of \$240,000.00.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Continued from 9-20-13, 11-15-13</u></p> <p>Minute Order 11-15-13: No appearances. The Court on its own motion removes Doris Rackley as the administrator and appoints the Public Administrator.</p> <p>Note: Final I&A filed 12-16-13 by the Public Administrator indicates real property valued at \$157,500.00 as of DOD, and Reappraisal filed 12-16-13 indicates a current value of \$67,500.00.</p> <p>1. Need petition for final distribution.</p> <p><i>Note: The Administrator was formerly represented by Attorney Marvin T. Helon; however, pursuant to Substitution of Attorney filed 7-10-13, Ms. Rackley is now self-represented. (It was the filing of the Substitution that brought this overdue estate to the Court's attention. Notice of Status Hearing was mailed to Ms. Rackley on 7-30-13.)</i></p> <p><i>Note: The beneficiaries of the estate are the decedent's three daughters: <u>Elaine Rackley</u>, <u>Marilyn Hamby</u>, and <u>Irene Hamby</u>. However, Irene Hamby is deceased, and Elaine Rackley, was also appointed as Executor of that estate on 8-28-07 in 07CEPR00763 (at the same time as this estate). It appears Elaine Rackley was represented by Attorney Jeff Reich in those proceedings until he subbed out in 2008. The Court also set that matter for status, and it was continued. See Page 6 of this calendar.</i></p>
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FTB Notice		
Reviewed by: skc		
Reviewed on: 2-13-14		
Updates:		
Recommendation:		
File 7 – Hamby		

DOD: 12/31/09	<p>KAREN ANDREWS and DIANA LYNN KRELLE were appointed as Co-Executors, with full IAEA authority and without bond, on 6/7/10.</p> <p>Letters issued on 6/7/10.</p> <p>I & A filed on 6/7/2010 showing the estate valued at \$93,559.78.</p> <p>Status Report filed on 1/14/14 states creditor's claims filed against the estate total \$2,190.36. Although the creditors have not been paid it is anticipated that sufficient funds will be available to pay all creditors in full.</p> <p>Decedent's personal residence has not been sold because it will not sell for an amount sufficient to pay off the existing encumbrances. The family has agreed, and will seek court permission, to have the residence pass to a child of the decedent who will attempt to assume the existing loan. The same child is currently residing at the location and has made all loan payments and other costs of ownership.</p> <p>It is anticipated that a final report, account and petition for final distribution will be filed with the court within the next two weeks.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 1/17/14. Minute order states Counsel informs the court that he needs to go over some account issues.</p> <p>1. Need first account or petition for final distribution.</p>
Cont. from 011714		
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		Reviewed by: KT
		Reviewed on: 2/14/14
		Updates:
		Recommendation:
		File 8 – Newell

Status Hearing Re: Filing of the Accounting and Petition for Final Distribution

DOD:6-30-05	<p>PATRICIO ALCORTA, son, was appointed Administrator with Full IAEA without bond on 1-6-11. Letters issued on 1-6-11.</p> <p>Final Inventory and Appraisal filed 7-26-11 reflects a total estate value of \$245,000.00 (residential real property only).</p> <p>On 11-7-12, Attorney Gary L. Motsenbocker filed a motion to be relieved as counsel due to communication issues. On 1-2-13, the Court granted the motion and set this status hearing for the filing of the accounting and petition for final distribution. A copy of the minute order was mailed to the Administrator on 1-8-13.</p> <p>Minute Order 2-1-13: Mr. Alcorta informs the Court that the house has been paid and the taxes are being paid by his sister. At the request of Mr. Alcorta, the Court removes him as administrator and appoints the PUBLIC ADMINISTRATOR. Mr. Alcorta provides contact information. Continued to 4/19/13 @ 9:00 a.m.</p> <p>Status Report filed 4-16-13 states Mr. Alcorta informed Senior Probate Assistant Susan Banuelos that he wants to buy the house and would be trying to find funding. However, he said he would never leave his mother's house, and Ms. Banuelos heard nothing further from him. He was served a 60 day notice to vacate the premises. It is the Public Administrator's intention to sell the real property and distribute the proceeds. If Mr. Alcorta does not voluntarily vacate the premises or come up with the funds necessary to keep the home, it will be necessary to file an unlawful detainer action. Therefore, Public Administrator is not in a position to settle this estate and requests that further status hearing not be set for at least six (6) months.</p> <p>Status Report filed 9-30-13 states an unlawful detainer action was filed 7-5-13 and heard 8-20-13. Trial was continued to 10-22-13. Medi-Cal has reduced the claim to \$34,697.52. Family members have asked about paying off the claim in order to keep the home. At this point, nothing has been settled, and the Public Administrator requests at least four months to allow time to resolve the UD action, sell the property if necessary, and do the final account.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Continued from 2-1-13, 4-19-13, 10-18-13</u></p> <p>Note: Letters of Administration were issued to PUBLIC ADMINISTRATOR on 3-1-13.</p> <p>1. Need petition for final distribution.</p>	
Cont. from 020113, 041913, 101813			
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Reviewed by: skc
 Reviewed on: 2-13-14
 Updates:
 Recommendation:
 File 9 - Alcorta

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

DOD: 09/29/11	<p>PUBLIC ADMINISTRATOR, was appointed Administrator and Letters of Administration were issued on 03/15/12, since that time the Public Administrator has been acting as Administrator of the Estate.</p> <p>On 08/14/12, Public Administrator filed a Petition to Determine Title to Real Property; For Transfer of Property to Personal Representative; For Accounting; For Constructive Trust; and For Damages for Financial Abuse of a Dependent Adult regarding a dispute with James LeMon regarding various issues concerning real property owned by the decedent.</p> <p>The parties eventually engaged in settlement talks and on 08/02/13, an Order Approving Settlement of Dispute was signed by the Court.</p> <p>A Dismissal of the Petition to Determine Title to Real Property, etc. was filed on 01/28/14.</p> <p>Inventory & Appraisal, final, filed 02/28/12 - \$232,200.00</p> <p>Status Report Regarding Filing a Final Account filed 02/13/14 by Public Administrator states: Although a settlement agreement has been reached, the Public Administrator has not received a final fee petition from Dowling Aaron (the firm that handled the action resulting in settlement). The Administrator is not able to prepare the final account without the final fee from Dowling Aaron. A 60 day continuance is requested.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>CONTINUED FROM 01/31/14 Minute Order from 01/31/14 states: The Court notes that a request for dismissal with this case number was filed on 01/28/14 which appears to be inappropriate and may have been intended for the civil case.</p> <p>As of 02/13/14, nothing further has been filed in this matter.</p> <ol style="list-style-type: none"> 1. Need Accounting/Report of Administrator and Petition for Distribution.
Cont. from 013114		
Aff.Sub.Wit.		
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		<p>Reviewed by: JF</p> <p>Reviewed on: 02/13/14</p> <p>Updates: 02/14/14</p> <p>Recommendation:</p> <p>File 10 – Scott</p>

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

DOD: 04/03/02	<p>PATRICK J. HARRINGTON, was appointed Executor without bond on 12/17/02. Letters Testamentary were issued on 12/17/02.</p> <p>Notice of Status Hearing filed 09/16/13 set this matter for status on 11/15/13. Clerk’s Certificate of Mailing indicates that the Notice of Status Hearing was mailed to Patrick J. Harrington in Redding, CA on 09/16/13. A letter was received on 10/16/13 indicating that Mr. Harrington no longer lived at the address the Notice was sent to. A new Notice of Status Hearing filed 10/21/13 was mailed to Mr. Harrington at an address located in Arizona.</p> <p>Inventory & Appraisal, final filed 12/17/13 - \$159,700.00</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>CONTINUED FROM 11/15/13</u></p> <p>As of 02/13/14 the following remains outstanding:</p> <ol style="list-style-type: none"> 1. Need Account/Report on Waiver of Account and Petition for Final Distribution.
Cont. from 111513		
<input type="checkbox"/> Aff.Sub.Wit.		
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<input type="checkbox"/> Not.Cred.		
<input type="checkbox"/> Notice of Hrg		
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<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: JF
		Reviewed on: 02/13/14
		Updates:
		Recommendation:
		File 18 – Harrington

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

DOD: 3-18-05	<p>CARLA CHEKERDEMIAN, Daughter, was appointed Executor with Full IAEA without bond and Letters issued on 6-7-05.</p> <p>Pursuant to the original petition, the decedent was a resident of Fresno, California, and the estate was estimated to contain real property valued at \$240,000.00.</p> <p><u>Note:</u> The file contains a letter dated 1-4-06 from Attorney Andrew G. Bresko of Canfield, Ohio, indicating that a probate had been opened and Letters of Authority had been issued to PHYLLIS HARMON as Administrator WWA in Case No. 2005 ES 00686 in Mahoning County, Ohio on 11-15-05.</p> <p>No Inventory and Appraisal or Petition for Final Distribution was ever filed in this matter.</p> <p>On 11-21-13, the Court set this status hearing for failure to file Inventory and Appraisal and Petition for Final Distribution and mailed notice to the attorney and the Executor. Both the attorney and the Executor are ordered to appear.</p> <p>On 2-13-14, Attorney Mele filed a declaration (not verified by the fiduciary) that states this probate was filed at the request of out of state counsel to allow Carla to sign documents in an Ohio probate proceeding wherein the decedent had a 1/11th interest in some real property. After careful consideration, it was determined that there were no probate assets situated in Fresno or California. After providing the out of state counsel with certified Letters Testamentary issued by this Court, no further actions was taken or required in this court. The attorney has not had contact with the Executor since 2005 and has not had contact with the Ohio counsel since 2006.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Attorney Mele states the estate was only opened here for authority to sign documents in connection with property /proceedings in Ohio, and after determining that there were no assets subject to probate here in Fresno, no further actions were required in this court.</p> <p><u>However, when Letters of Administration are issued, action is required.</u> The estate must be properly closed. Therefore, need petition to terminate administration pursuant to applicable law.</p> <p><u>Note:</u> The original petition estimated the estate contained real property valued at \$240,000.00. The Court may require clarification as to how it was determined that the alleged asset was not subject to administration.</p> <p><u>Note:</u> Attorney Mele's declaration is not verified by the appointed fiduciary in this matter pursuant to Probate Code §§ 1021, 1023, and the declaration does not indicate any effort to locate the Executor to close the estate pursuant to the Court's notice.</p>
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Video Receipt		
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Citation		
FTB Notice		
		Reviewed by: skc
		Reviewed on: 2-13-14
		Updates:
		Recommendation:
		File 20 – Pike

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

DOD: 05/01/05	<p>KIMIKO SMALL, daughter, was appointed Executor with full IAEA and without bond on 08/08/05. Letters Testamentary were issued on 08/02/05.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need First Account or Petition for Final Distribution.</p>
Cont. from	<p>Inventory & Appraisal, final filed 06/04/13 - \$240,500.00</p>	
Aff.Sub.Wit.		
Verified	<p>Notice of Status Hearing filed 11/22/13 set this matter for status regarding failure to file a First Account or Petition for Final Distribution. Clerk's Certificate of Mailing indicates that the Notice of Status Hearing was mailed to attorney Linda Durost and Kimiko Small on 11/22/13.</p>	
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		Reviewed by: JF
		Reviewed on: 02/14/14
		Updates:
		Recommendation:
		File 25 – Myers

