

Report of Sale and Petition for Order Confirming Sale of Real Property

DOD: 1/12/1989		DOLORES TRUJILLO is Administrator/petitioner.		NEEDS/PROBLEMS/COMMENTS: Note: If the petition is granted, status hearings will be set as follows: <ul style="list-style-type: none"> Wednesday, March 25, 2015 at 9:00 a.m. in Department 303, for the filing of the receipt for blocked 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.
		Sale price - \$30,000.00 Overbid - 32,000.00		
Cont. from 011215		Reappraisal - \$30,000.00		
<input type="checkbox"/>	Aff.Sub.Wit.	Property - 825 E. Eden, Fresno		
<input checked="" type="checkbox"/>	Verified	Publication - Business Journal		
<input checked="" type="checkbox"/>	Reappraisal	Buyers - Darnell Packard and Mary Packard, husband and wife as joint tenants.		
<input type="checkbox"/>	PTC	Broker - none		
<input type="checkbox"/>	Not.Cred.	Current bond is \$8,000.00.		
<input checked="" type="checkbox"/>	Notice of Hrg	Declaration of Petitioner filed on 1/8/15 states the property is being sold for \$30,000 subject to the current taxes, fines, covenants, conditions, restrictions, reservations, rights or way, and easements of record. The following additional terms were understood by the buyer and the seller but were not clearly stated in the petition. The seller agreed that the estate shall credit the buyer the amount of \$18,000 for satisfaction of the current taxes and fines against the property, and the buyer agrees to deliver receipts showing satisfaction of said taxes and fines to seller.		
<input checked="" type="checkbox"/>	Aff.Mail	W/O		
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input type="checkbox"/>	Letters			
<input type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input checked="" type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
Reviewed by: KT				
Reviewed on: 2/11/15				
Updates: 2/20/15				
Recommendation:				
File 1A - Rodriguez				

Atty **Howk, Robert L (for Petitioner/Conservator Craig MacGlashan)**

1) Petition for Approval of Second and Final Account and Report of Conservator of the Person and Estate; 2) Request of Authorization to Distribute Assets to Administrator of the Estate and Named Beneficiaries; and 3) Discharge Conservator of the Estate. Probate Code 2620

DOD: 1/1/14	CRAIG MACGLASHAN , Conservator, is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 1/12/15. As of 2/17/15 the following issues remain:</p> <ol style="list-style-type: none"> Account period ends after the date of death. Probate Code §2620(b) requires the final account to include an accounting for the period that ended on the date of death and a separate accounting for the period subsequent to the date of death. Need property on hand schedule. Order does not comply with Local Rule 7.6.1. The order provided does not include the balance of the estate on hand nor does it state the amount of cash included in the balance.
Cont. from 011215	Please see petition for details.	
<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 type="checkbox"/> Notice of Hrg		
<input type="checkbox"/> Aff.Mail	N/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		
<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: KT
		Reviewed on: 2/17/15
		Updates:
		Recommendation:
		File 2 - McGlashan

3 Carmen Gonzalez (Estate)

Case No. 12CEPR01048

Atty Fanucchi, Edward L. (for Petitioner/Administrator Santos Perez)

(1) First and Final Account and Report of Personal Representative, (2) Petition for Settlement, for (3) Allowance of Attorneys' Fees for Ordinary Services, Costs, and for (4) Final Distribution

DOD: 4/14/12		<p>SANTOS PEREZ, Administrator, is petitioner.</p> <p>Please see petition for details.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 1/12/15. Minute order states the Court indicates that it will not approve a lien and is inclined to order the property sold. Status Report filed 1/15/15 states in response to two letters and a telephone conversation, Bobbie Coleman of the Recovery Section of DHS advised by telephone voice message to Mr. Fanucchi's paralegal on 1/9/15 that DHS will not contest the final accounting and the lien set forth therein to DHS is acceptable.</p> <ol style="list-style-type: none"> Petition proposes to distribute the 1997 Automobile to Petitioner. Petitioner is not an heir to this estate. Therefore the property should be distributed to the heirs. Petition proposes to distribute the real property subject to a life estate in favor of the petitioner, who is not an heir to this estate. Two of the beneficiaries, Mike Chavez and Richard Flores, Jr. have signed a Renunciation in favor of Petitioner for a life estate in the real property. The other two beneficiaries Isabel Alvarez and Sylvia Alaniz have not agreed the property being distributed subject to a life estate. Petitioner proposes to distribute the real property subject to a lien in favor of the Department of Health Care Services for their creditor's claim in the amount of \$30,826.13. However there is nothing in writing by the Department of Health Services indicating they are in agreement. 	
Cont. from 111014, 011215				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input checked="" type="checkbox"/>	Inventory			
<input checked="" type="checkbox"/>	PTC			
<input checked="" type="checkbox"/>	Not.Cred.			
<input checked="" type="checkbox"/>	Notice of Hrg			
<input checked="" type="checkbox"/>	Aff.Mail			W/
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input checked="" type="checkbox"/>	Letters			6/18/13
<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: KT				
Reviewed on: 2/17/15				
Updates:				
Recommendation:				
File 3 - Gonzalez				

Petition to Invalidate Trust Dated October 1, 2013 and any Amendments on the Grounds of Undue Influence and Incapacity; to Confirm Validity of Trust Dated April 5, 2005 as Restated on August 25, 2006 and Amended on January 14, 2009 and all Assets Held by 2005 Trust; Petition to Determine Validity of Transfer of 2005 Trust Assets; Fraud; Breach of Trust; for Financial Elder Abuse of a Dependent Adult; for Imposition of a Constructive Trust on Wrongfully Transferred Assets; for Trust Accounting; for Double Damages; for Attorney Fees and Cost of Suit; and for Punitive Damages

DOD: 10/14/13	ANTON KREMER , trustee of the GLORIA E. ZSIBA REVOCABLE TRUST AGREEMENT dated 04/05/05 as Restated on 08/24/06 and Amended on 01/14/09, and intestate heir of GLORIA E. ZSIBA, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		CONTINUED FROM 01/12/15
		Minute Order from 01/12/15 states: Each party is required to file a written status report by 02/17/15. (See Page 4B for an updated status report filed by Petitioner)
Cont. from 030314 060214, 101414, 101614, 111714, 011215	Petitioner alleges:	Minute Order from 11/17/14 states: Mr. Russo represents to the court that settlement has been reached and he is requesting an additional 30 days; Ms. Horton is drafting the agreement and order. Ms. Horton and Mr. Russo are both ordered to be personally present on 01/12/15 if the agreement is not on file.
<input type="checkbox"/> Aff.Sub.Wit.	1. GLORIA ELIZABETH ZSIBA aka GLORIA E. ZSIBA (hereinafter referred to as "Decedent") died on 10/14/13. At the time of her death, she was a resident of Fresno County and left real and personal property in Fresno County.	The following notes remain:
<input checked="" type="checkbox"/> Verified	2. Decedent had three living children, Petitioner, Kevin Lee Tracy (hereinafter "Respondent"), and Kenton N. Tracy; and one deceased daughter, Teresa Chambless. In addition, Decedent had 7 grandchildren. Decedent's spouse, Alexander J. Zsiba predeceased her.	1. Need Order.
<input type="checkbox"/> Inventory	3. On 04/05/05, Decedent executed THE GLORIA E. ZSIBA REVOCABLE TRUST AGREEMENT (the "2005 Trust"). Respondent was named as the successor trustee.	2. Petitioners have requested relief related to elder abuse and undue influence allegations and request an award of punitive damages. Probate Code §17200 states a trust petition can be filed concerning the internal affairs of a trust or to determine the existence of a trust. This does not include provisions for elder abuse. The allegations in the pleadings are primarily brought under the Welfare and Institutions Code concerning elder abuse, therefore, this case may be more appropriately heard in the civil court rather than the probate court.
<input type="checkbox"/> PTC	4. According to the 2005 Trust, the trust estate was to be distributed as follows to her Spouse, if he survived her:	3. Need proof of service by mail at least 30 days before the hearing of all persons entitled to notice in this matter. Note: Proof of service has only been filed reflecting personal service on Peter Russo on behalf of his client, Kevin Lee Tracy. It is insufficient to serve a party in "care of" another, therefore also need proof of service by mail at least 30 days before the hearing on Kevin Lee Tracy.
<input type="checkbox"/> Not.Cred.	a. A life estate in decedent's residence, and the sum of \$70,000 to be set aside and paid monthly in the sum of \$1,000 for his living expenses.	
<input checked="" type="checkbox"/> Notice of Hrg	Upon either her spouse's death or if he failed to survive her, the trust estate balance was to be distributed as follows:	
<input checked="" type="checkbox"/> Aff.Mail w/	a. 3/4 equally to Decedent's three children – Respondent, Kenton Tracy, and Petitioner.	
<input type="checkbox"/> Aff.Pub.	b. 1/4 equally to the children of decedents deceased daughter, Teresa Chambless.	
<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		Reviewed by: JF
<input type="checkbox"/> Status Rpt		Reviewed on: 02/17/15
<input type="checkbox"/> UCCJEA		Updates: 02/18/15
<input type="checkbox"/> Citation		Recommendation:
<input type="checkbox"/> FTB Notice		File 4A – Zsiba

Continued on Page 2

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5. Also on 04/05/05, decedent signed a Grant Deed to Trust ("2005 Deed") transferring her residence located at 3260 E. Kerchoff in Fresno to herself as trustee under the 2005 Trust. Decedent did not execute or record any grant deed thereafter, so the decedent's real property remained in the 2005 Trust until decedent's death.
6. Petitioner alleges that decedent made a subsequent amendment to the 2005 Trust placing Petitioner as successor trustee.
7. On 08/24/06, decedent executed THE RESTATEMENT OF THE GLORIA E. ZSIBA REVOCABLE TRUST AGREEMENT ("2006 Restatement"). The 2006 Restatement revoked the prior amendment(s) made to the 2005 Trust and placed Respondent back as successor trustee. Petitioner alleges that the 2006 Restatement was drafted by Respondent after he learned that decedent had made an amendment to her 2005 Trust placing Petitioner as successor trustee.
8. Petitioner states that decedent owned a Merrill Lynch (also known as Merrill Edge) account ending in 5148 and held cash and mutual funds. This account was titled and held in the name of the 2006 Restatement. Petitioner states that the title of this account was never changed and her assets in the Merrill Lynch account remained in the name of the 2006 Restatement until her death.
9. On 01/14/09, decedent executed an AMENDMENT TO RESTATEMENT OF THE GLORIA E. ZSIBA REVOCABLE TRUST AGREEMENT (the "2009 Amendment"). The 2009 Amendment revoked Article IV of the 2006 Restatement and placed Petitioner as successor trustee with Respondent as the second alternate successor trustee. Decedent did not change the prior distribution of the trust estate.
10. Petitioner alleges that decedent also executed a LAST WILL AND TESTAMENT OF GLORIA E. ZSIBA (the "2009 Will"). The 2009 Will states specific bequests of personal items and furniture to all three of her children and then sets forth distribution of all of her furniture, furnishings, household equipment and any vehicle(s) owned to be distributed $\frac{3}{4}$ equally to her three living children and $\frac{1}{4}$ equally to the children of her deceased daughter. This follows the same distribution set forth in the 2005 Trust and 2006 Restatement.
11. The 2009 Will not only states that decedent had a deceased daughter, but it also specifically names her daughter's heirs at law. The 2009 Will also nominates Petitioner as the first executor and Respondent as the alternate executor.
12. Petitioner states that he took care of and handled decedent's day to day needs from 1997 to 09/09/13. Petitioner alleges that Respondent and his other brother, Kenton Tracy, went years without contact with decedent, and on or about the third week of August 2013, Respondent showed up at decedent's residence. Petitioner states that decedent informed Respondent that she intended to change the 2006 Restatement to leave her home to Petitioner so that the house remained in the family and Petitioner would take care of her cats. Petitioner alleges that this amendment was prepared and signed, but decedent was not able to have it notarized.
13. Petitioner states that decedent wanted to die at home, in her bed with her beloved cats nearby.
14. Petitioner states that on or about 09/09/13 and thereafter, Respondent kept Petitioner away from decedent, which was against decedent's wishes.
15. Petitioner alleges that during the week of 09/09/13, Respondent removed the decedent's check book and debit card from her possession and never returned them.
16. Petitioner alleges that on 09/16/13, Respondent took possession of the decedent's vehicle.
17. Petitioner alleges that from 09/09/13 to present, he has been denied access to decedent's house and cats, under threats of physical violence. Petitioner's vehicle is in the garage at decedent's residence and Respondent will not let Petitioner have access to it.
18. Petitioner alleges that around 09/20/13, Respondent attempted to file a Power of Attorney with Merrill Lynch granting himself control of decedent's Merrill Lynch account. On or about 09/25/13, the Power of Attorney was returned by Merrill Lynch as unacceptable.

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19. Petitioner alleges that decedent's health declined significantly after Respondent prevented Petitioner from seeing and caring for decedent beginning on or about 09/09/13.
20. Petitioner alleges that on 09/26/13, due to Respondent's inadequate care of her health needs, decedent became very ill and her left foot became gangrenous which required amputation.
21. Petitioner alleges that on or about the night of 10/01/13, Respondent coordinated the drafting of a new Living Trust and Will with APS Document Service and hired them to come to decedent's hospital room at Kaiser. Decedent was scheduled to have her left foot amputated the next day. Petitioner alleges that decedent did not hire APS Document Service nor were they hired at her request. Petitioner alleges that while decedent was heavily medicated, she executed THE GLORIA ELIZABETH ZSIBA LIVING TRUST (the "2013 Trust").
22. Petitioner alleges that under the terms of the 2013 Trust, Respondent is the only named successor trustee. The 2013 Trust also sets forth a completely different distribution plan than any of her previous estate planning documents. Under the 2013 Trust the distribution of the trust estate will solely go to five of Decedent's grandchildren. The 2013 Trust specifically left nothing to Decedent's three living sons, never mentioned her deceased daughter and forgot two of decedent's grandchildren.
23. Petitioner alleges that along with the 2013 Trust, while decedent was heavily medicated and very ill, she executed THE LAST WILL AND TESTAMENT OF GLORIA ELIZABETH ZSIBA (the "2013 Will").
24. Petitioner alleges that the 2013 Will only mentions decedent's three living sons. It does not state that she had a predeceased daughter, nor does it mention the predeceased daughter's heirs at law. The 2013 Will gives all of the Decedent's real and personal property to the 2013 Trust and nominates only Respondent as the Executor.
25. Petitioner alleges that at the time decedent signed the 2013 Trust and the 2013 Will, Kaiser Permanente Hospital believed she was incompetent for the purposes of making medical decisions. Respondent was using a medical Power of Attorney or an Advanced Health Care Directive to make medical decisions for decedent.
26. Petitioner alleges that on 10/03/13 during a bone biopsy, a blood clot caused decedent to have a massive stroke. Petitioner alleges that Kaiser wanted to coordinate in home care so that decedent could live the rest of her days comfortably in her own home as she wanted.
27. Petitioner alleges that Respondent instead transferred decedent to Hinds Hospice and rented out all of decedent's rooms in her home.
28. Petitioner states that decedent did not recover from the stroke, remained unable to speak or communicate for two days and was then unconscious until her death 12 days later. Petitioner alleges that decedent was alienated from her family and left to die alone, in a strange place. Decedent was 79 years old at the time of her death.
29. Petitioner as the named successor trustee under the 2009 Amendment to the 2006 Restatement recorded an Affidavit of Successor Trustee-Death of Trustee and Trustee's Certification on 11/05/13.
30. Petitioner states that after decedent's death, he sent a Trustee Certification form to Merrill Lynch along with copies of the 2006 Restatement and 2009 Amendment so that Petitioner could collect the funds from decedent's Merrill Lynch account to administer them under the 2006 Restatement.
31. Petitioner alleges that Respondent separately filled out the forms and sent copies of trust documents to Merrill Lynch. Petitioner alleges that Merrill Lynch was fully aware that both Petitioner and Respondent were claiming to be decedent's successors in interest to the funds.
32. Petitioner alleges that on 11/14/13 or thereafter, Merrill Lynch transferred approximately over \$40,000.00 from the decedent's account ending in 5148 to an account a Bank of America in Respondent's name. Petitioner alleges that he and his counsel have tried several times to get information from Merrill Lynch regarding the distribution, specifically what forms were submitted by Respondent to attain the funds and why Merrill Lynch distributed the funds to Respondent instead of depositing the funds with the Court.

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33. Petitioner alleges that the transfer of the funds from decedent's Merrill Lynch account to Respondent was not a valid transfer. The account was held in the name of decedent's 2006 Restatement and the funds should have been transferred to Petitioner as the named successor trustee under the 2009 Amendment. Petitioner requests that the Court find the transfer of funds from decedent's Merrill Lynch account was not valid.
34. Petitioner alleges that Respondent is currently in possession of over \$40,000.00 in funds belonging to decedent's 2006 Restatement of Trust. Petitioner requests that these funds be transferred to Petitioner as successor trustee of the 2006 Restatement.
35. Petitioner alleges that decedent also owned a 2003 Saturn L3, a Bank of America checking account with approximately \$7,000.00 and another bank account.
36. Petitioner alleges that Respondent has possession of and is using decedent's Saturn L3 and has taken all of the funds from her Bank of America checking account. Petitioner requests that all of decedent's personal property be transferred to Petitioner as named Executor of the 2009 Will.
37. Petitioner alleges that on or about 12/10/13, Respondent recorded an Affidavit of Death of Trustee (the "December Affidavit"). Petitioner alleges that the December Affidavit states that Respondent is the successor trustee of the 2005 Trust and "designated and empowered pursuant to the terms of the trust to serve as Trustee thereof." Petitioner alleges that there are no amendments or documents known to Petitioner placing Respondent as the successor trustee of the 2005 Trust or the successor trustee of the 2006 Restatement.
38. Petitioner alleges that Respondent fraudulently recorded the December Affidavit when he was not in fact the successor trustee of the 2005 Trust and had knowledge that Petitioner was the named successor under the 2009 Amendment.
39. Petitioner alleges that the 2013 Trust and 2013 Will were executed at the direct result of undue influence exerted by Respondent over decedent, and that decedent lacked capacity to execute testamentary instruments when the 2013 Trust and Will were executed. Petitioner alleges that decedent was mentally and physically impaired due to being medicated for her severe illness as well as going through withdrawals from Ativan. Petitioner alleges that Kaiser Permanente believed decedent lacked capacity to make medical decisions.
40. Petitioner alleges that the 2013 Trust is contrary to decedent's previous expressed intent and estate plan that decedent had in place for several years and that her mental and physical condition were so deteriorated that Respondent was able to subvert his will over her to execute the 2013 Trust and Will causing her to dispose of her property differently than she would otherwise have done.
41. Petitioner has been damaged by the actions of Respondent, Respondent knew or should have known his conduct was likely to be harmful to Petitioner.
42. At all relevant times, the decedent was a dependent adult as defined by WIC § 15610.30 in that she was over the age of 65 when the alleged actions took place. Respondent had the care and custody of decedent three weeks prior to her being hospitalized.
43. Petitioner alleges that during this period of time, Respondent was influencing decedent in her affairs, secreting her from family, and causing her to make drastic changes to her estate plan that had been in place for some time. Respondent's conduct constituted financial abuse under WIC § 15610.30. Respondent is therefore liable for reasonable attorney fees and costs under WIC § 15657.5.
44. Respondent is guilty of recklessness and oppression and fraud in the commission of the abuse described in this petition.
45. Petitioner alleges that Respondent placed himself in a position of successor trustee of the 2013 Trust and took actions that altered the intended disposition of decedent's estate as set forth in her 2006 Restatement, all to the detriment of Petitioner and other family members. As a result of his actions, Respondent should be removed as trustee and should be held to account for all actions taken by him as successor trustee of the 2013 Trust and all assets he has wrongfully taken from the 2006 Restatement. Petitioner requests that the Court order Respondent to file an accounting with the Court detailing his acts as trustee of the 2013 Trust, and direct that said accounting be filed no later than thirty (30) days after the court makes its order.

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46. Petitioner states that under Probate Code § 859, Respondent is liable for an amount equal to twice the value of the property recovered from the invalid transfer of funds from decedent's Merrill Lynch account and the decedent's real and personal property and under Civil Code § 3294, Respondent is liable for punitive damages.

Petitioner prays for an Order:

1. The Court revoke and rescind the GLORIA ELIZABETH ZSIBA LIVING TRUST dated 10/01/13;
2. Confirming that the RESTATEMENT OF THE GLORIA E. ZSIBA REVOCABLE TRUST AGREEMENT executed 08/24/06 and the AMENDMENT TO RESTATEMENT OF THE GLORIA E. ZSIBA REVOCABLE TRUST AGREEMENT executed 01/14/09 are valid;
3. Confirming that decedent's real property residence located at 3260 E. Kerckhoff in Fresno belongs to and is an asset of the GLORIA E. ZSIBA REVOCABLE TRUST AGREEMENT dated 04/05/05 as Restated on 08/24/06;
4. Confirming the decedent's remaining personal property not titled in the name of her trust should be distributed in accordance with the LAST WILL AND TESTAMENT OF GLORIA E. ZSIBA executed on 01/14/09;
5. Confirming that the funds previously held in decedent's Merrill Lynch account ending in 5148 belong to and is an asset of the RESTATEMENT OF THE GLORIA E. ZSIBA REVOCABLE TRUST AGREEMENT executed 08/24/06;
6. Determining that the transfer of all funds from Merrill Lynch account ending in 5148 to Respondent, Kevin Lee Tracy, be deemed invalid;
7. Imposing a constructive trust on all real and personal property held by Respondent obtained by the GLORIA ELIZABETH ZSIBA LIVING TRUST dated 10/01/13 and the LAST WILL AND TESTAMENT OF GLORIA ELIZABETH ZSIBA dated 10/01/13;
8. Declaring that Respondent, Kevin Lee Tracy, committed fiduciary abuse and financial elder abuse as those terms are defined in WIC §§ 15610.30 and 15657.5;
9. For costs of suit including reasonable attorney's fees, as provided by law;
10. For an amount equal to twice the value of the property recovered, pursuant to Probate Code § 859;
11. For punitive damages as provided by law; and
12. For other relief the Court deems just and proper.

Objections by Respondent, Kevin Lee Tracy, to Petitioner's Petition to Invalidate Trust Dated 10/01/13 and Any Amendments on the Grounds of Undue Influence and Incapacity, etc. filed 04/01/14 states:

Respondent objects to all allegations as alleged on the grounds that the GLORIA E. ZSIBA REVOCABLE TRUST AGREEMENT dated April 5, 2005 as Restated on August 24, 2006 and Amended on January 14, 2009 is a revocable living trust which was revoked when the new and correct 2013 Trust was created. Respondent admits and denies various allegations in the Petition and further states/alleges:

1. The 2006 Trust and any will alleged to have been executed on or about 2006 as well as the Restatement in 2009 were revoked by the decedent with the execution of the 2013 Trust and 2013 Will dated 10/01/13.
2. Decedent made an amendment to the 2005 Trust placing the Petitioner as successor trustee while she was highly medicated and incapacitated. Decedent was manipulated by Petitioner and Decedent in fact did not remember what changes had been made due to her condition of sedation. Petitioner financially abused Decedent for years preceding her death.
3. On 08/26/06, Decedent executed "THE RESTATEMENT OF THE GLORIA E. ZSIBA REVOCABLE TRUST AGREEMENT" ("2006 Restatement"). The 2006 Restatement revoked the prior amendment(s) made to the 2005 Trust and placed Respondent back as Successor Trustee. The 2006 Restatement was drafted after mishandling of the Decedent's funds was discovered, perpetrated by Petitioner. The Decedent was so incapacitated during the time the amendments to the 2005 Trust were drafted; she did not even know what the Amendments entailed. No one received copies of the amendments, including the decedent. Wanting her true and correct wishes to be carried out, she revoked all amendments by drafting the 2006 Restatement.
4. The 2009 Amendment revoked Article IV of the 2006 Restatement and placed Petitioner as Successor Trustee with Respondent as the second alternate successor trustee. Decedent did not change the prior distribution of the trust estate. Decedent was still under heavy sedation due to her misuse of the drug Ativan. Petitioner once again took advantage of her debilitated state and manipulated the Decedent into making the 2009 Amendment.

Dept. 303, 9:00 a.m. Monday, February 23, 2015

5. At the same time Decedent was manipulated into making the 2009 Amendment, she also executed a "LAST WILL AND TESTAMENT OF GLORIA E. ZSIBA" ("2009 Will"). The 2009 Will states specific bequests of personal items and furniture to all three of her children and then set forth distribution of all her furniture, furnishings, household equipment, any vehicle(s) owned by decedent to be distributed 3/4ths equally to decedent's 3 children, Respondent, Petitioner, and Kenton Tracy and 1/4th equally to the children of Decedent's predeceased daughter. This was done while the Decedent was heavily sedated and highly addicted to Ativan. Decedent was not lucid or with a clear mind. Petitioner coerced Decedent into these changes for self-serving purposes.
6. Respondent alleges that Petitioner was known to the family as a drug abuser and would only come around the Decedent's home at night. Kenton Tracy lived out of town and would visit when he could and called often. Respondent visited often as work permitted and called Decedent daily. Petitioner shopped occasionally for Decedent which required use of her vehicle, credit cards, and checks. Petitioner would disappear with Decedent's car and funds for weeks at a time and refuse to return them. Petitioner only helped Decedent when it benefitted him with the use of the car and/or gain funds from her accounts.
7. Petitioner refused to visit Decedent after he was unable to maintain a hold of her finances and the mishandling of her funds by him was brought to light. He was upset he could no longer manipulate her so he refused to see her.
8. Respondent, upon request of the Decedent did remove the vehicle from Petitioner's possession and return the vehicle to Decedent. Petitioner had again mishandled funds and taken control of the Decedent's vehicle. Decedent had requested Petitioner return the vehicle and he had refused. Only after Petitioner refused to return the vehicle did Decedent give Respondent the spare key to take possession of the vehicle and return it to its owner, the Decedent.
9. Petitioner did and would have continued to mishandle and financially abuse his elderly mother, the Decedent. Decedent had been take off the Ativan she was overmedicating with and was again alert and lucid. At that time she was done getting mistreated by the Petitioner and no longer wished him to have access to her funds.
10. Petitioner refused to see his mother and was angry that he had been discovered to be financially abusing decedent and no longer had access to her funds.
11. With surgery pending, Decedent wanted her affairs to be in order in the event surgery didn't go well. She wanted her true and final wishes to be carried out. Decedent was completely alert and aware of what she was doing when she executed THE GLORIA ELIZABETH ZSIBA LIVING TRUST ("2013 Trust").
12. Under the terms of the 2013 Trust, Respondent is the only names successor trustee. This is because the Decedent had lost all trust and confidence in the Petitioner after learning he had been financially abusing her for years. The 2013 Trust also set forth a completely different distribution plan than any of her previous estate planning documents. The events in the previous years leading up to the drafting of the 2013 Trust created and enforced her desire to leave the entirety of her estate to her five grandchildren she had contact and relationships with. She did not "forget" two of her grandchildren. It was her specific intent to leave them out as well as her children, whom she felt had already received enough from her, as specifically stated in the 2013 Trust.
13. Decedent was alert, lucid, and with a clear mind when she executed THE LAST WILL AND TESTAMENT OF GLORIA ELIZABETH ZSIBA ("2013 Will").
14. Decedent was completely competent for the purpose of making medical decisions when Kaiser Permanente Hospital asked her to name a medical Power of Attorney in the event her amputation did not go well. Had she been incompetent, Kaiser would not have allowed her to choose a medical Power of Attorney herself and would have instead appointed one for her. The Decedent herself appointed the Respondent as her medical Power of Attorney in direct contradiction of the allegation that she was incompetent to make her own decisions.
15. After the foot amputation went well, Respondent had high hopes she would be able to return home, but unfortunately, a few days later a blood clot reached her brain and she became brain dead. Respondent moved her to Hinds Hospice where she spent her last days in the company of all of her loved ones, except for Petitioner, who refused to visit her. Respondent felt Hinds Hospice was the most appropriately equipped facility to care for Decedent during her final days.

16. Decedent was surrounded by her loved ones while at Hinds Hospice with the exception of Petitioner who refused to visit her in her final days. Petitioner abandoned his mother the moment his self-serving manipulations no longer were effective. Petitioner has always and continues to only think of himself and financial gain through fraud, manipulation and lies.
17. Petitioner, through invalid trust documents, unlawfully recorded through Affidavit the deed to Decedent's house with an outdated trust, claiming to be trustee for his sole financial gain. Petitioner knew of the 2013 Trust and had a copy. He submitted outdated, invalid documents knowing they were not valid with the intention of defrauding Decedent's grandchildren.
18. Petitioner also tried to collect funds from Decedent's Merrill Lynch account using the outdated/invalid documents, claiming to be trustee for his sole financial gain. He knew the documents were not valid. Merrill Lynch eventually recognized the 2013 Trust as the true and correct trust document.
19. Respondent sent copies of the 2013 Trust, the true, correct and complete trust as desired by Decedent. Merrill Lynch was fully aware both Petitioner and Respondent were claiming to be Decedent's successor in interest to the funds. Merrill Lynch, after a brief investigation, held that the 2013 Trust was the valid trust and monies were released to Respondent who in turn executed the wishes of the Decedent by disbursing the funds to the heirs, her grandchildren she had contact with, as outlined in the 2013 Trust.
20. Decedent's 2013 Trust was the final, complete and correct trust, revoking all others. Respondent is requesting the court find the transfer of funds from the Decedent's Merrill Lynch account be held as valid.
21. All funds released to Respondent as trustee of the 2013 Trust were disbursed to the Decedent's grandchildren she had contact with per her wishes as outlined in the 2013 Trust.
22. On or about 12/09/13, Respondent recorded an Affidavit of Death of Trustee.
23. The 2013 Trust and 2013 Will were executed as a direct result of the previous undue influence exerted by Petitioner on numerous occasions while Decedent was under the influence and heavily sedated with the drug Ativan. The 2013 Trust and 2013 Will were drafted and executed by the Decedent because she finally had a clear mind without the use of the Ativan and she no longer wanted to be financially abused by Petitioner, as evidenced by her 2013 Trust leaving nothing to her children and everything to her grandchildren.
24. Decedent was more lucid than she had been in years, finally being free from Ativan. She was clear headed and her mental capacities and abilities were completely intact. In fact, she was less likely to be influenced by others than she had been in years, and having been financially abused by the Petitioner for many years, she wanted her wishes to be restated and all other previous trusts to be revoked by the drafting and execution of the 2013 Trust and 2013 Will, which she signed in front of a witness and a notary, surrounded by people who love her.
25. Decedent did place her trust in Respondent after she lost all trust in Petitioner following his mishandling of her funds and theft of tens of thousands of dollars of Decedent's money. Decedent was never secluded from Petitioner through anyone's decision but his own, when he chose to abuse his mother and take advantage of her confused state. Petitioner is in fact the one who refused to be with his mother throughout her last days and essentially abandoned her after he lost control of her finances.
26. Respondent states that he acted in good faith following the 2013 Will and 2013 Trust and requests that if the Court finds for the Petitioner, Respondent be excused from any punitive damages under Probate Code § 9601(b).

Respondent prays as follows:

1. The Court upholds and validates the GLORIA ELIZABETH ZSIBA LIBING TRUST dated 10/01/13;
2. Revoke and rescind the RESTATEMENT OF THE GLORIA E. ZSIBA REVOCABLE TRUST AGREEMENT executed 08/24/06 and the AMENDMENT TO RESTATEMENT OF THE GLORIA E. ZSIBA REVOCABLE TRUST AGREEMENT executed January 14, 2009 and hold they were revoked with the execution of the 2013 Will and 2013 Trust;
3. Deny that Decedent's real property located at 3620 E. Kerckhoff, Fresno belongs to and is an asset of the GLORIA E. ZSIBA REVOCABLE TRUST AGREEMENT dated 04/05/05 and Restated on 08/24/06;
4. Deny that the Decedent's remaining personal property not titled in the name of her trust be distributed in accordance with the LAST WILL AND TESTAMENT OF GLORIA E. ZSIBA executed on 01/14/09;

5. Deny that the funds previously held in Decedent's Merrill Lynch account ending in 5148 belong to and is an asset of the RESTATEMENT OF THE GLORIA E. ZSIBA REVOCABLE TRUST AGREEMENT dated 08/24/06;
6. Order the transfer of all funds from Merrill Lynch account ending in 5148 to Respondent, Kevin Lee Tracy, be deemed valid;
7. Prevent imposition of a constructive trust on all real and personal property held by Respondent, Kevin Lee Tracy, obtained by use of the GLORIA ELIZABETH ZSIBA LIVING TRUST dated 10/01/13 and the LAST WILL AND TESTAMENT OF GLORIZ ELIZABETH ZSIBA dated 10/01/13;
8. Order Petitioner disclose and release any assets he may have gained through the safe deposit box or any other means with the outdated documents;
9. For a declaration holding Respondent, Kevin Lee Tracy, innocent of fiduciary abuse and financial elder abuse as those terms are defined in Welfare and Institutions Code §§ 15610.30 and 15657.5;
10. For a declaration holding Petitioner, Anton Kremer, guilty of fiduciary abuse and financial elder abuse as those terms are defined in WIC § 15610.30;
11. For a declaration holding Petitioner, Anton Kremer, guilty of fraud as those terms are defined in Penal Code § 484;
12. For costs of suit including reasonable attorney fees and extraordinary expenses as provided by law, awarded to Respondent, Kevin Lee Tracy;
13. Deny any request for an amount equal to twice the value of the property recovered, pursuant to Probate Code § 859;
14. Punitive damages awarded to Respondent, as provided by law.

Declaration of Kevin Lee Tracy in Support of His Objections filed 04/01/14 states:

1. Gloria Zsiba ("Decedent") has three surviving children, Anton Kremer, Kenton Tracy and Kevin Tracy. She has a total of 7 grandchildren, five of whom she had contact with – Christian Chambless, Ronald Mears, Anton Kremer, Mathew Tracy, and Cosmo Tracy. Kyle and Zachery, last names unknown, she has never been in contact with. Her husband, Alexander Zsiba, predeceased her.
2. In 2006, Alexander and Gloria, named Respondent (Kevin Tracy), as trustee of their estate.
3. In or about 2008, Alexander passed away. Gloria became depressed and her health declined. She began taking anti-depressants and anti-anxiety medications, including Ativan, a powerful and highly addictive drug. She began displaying side effects including sedation. While on these medications she could barely get out of bed.
4. In or about 2009, while Gloria was heavily medicated and incapacitated, her son Anton Kremer had her amend her 2006 trust.
5. No one was given copies of this amended trust and Gloria was so sedated she could not recall what changes were made.
6. Gloria relied heavily on others for her care. She did not leave the house and was heavily medicated. Her sons, Anton, Kenton & Respondent all assisted.
7. Anton (Petitioner) is known to the family to abuse drugs and only came around at night. Occasionally he would assist Decedent by doing her shopping which required him to use her vehicle, checks and credit cards. In time, Anton took over her accounts and took full possession of her vehicle.
8. In or about 2011, I received a call from Decedent's stock broker at Wells Fargo who was concerned about the amount that was being withdrawn, knowing Decedent was incapacitated and confined to her home. He stated that he called Adult Protective Services and made a report.
9. Upon investigation, Respondent learned that Anton had been taking the mail to hide the bank statements. Decedent requested duplicates and after sitting down with her stock broker it was discovered that Anton had been pilfering through her accounts and stealing tens of thousands of dollars.
10. On the advice of her broker, Decedent changed her account numbers, and got new checks and credit cards with Respondent's assistance. They also closed numerous credit cards Anton had opened in Decedent's name for his sole use and benefit. Respondent urged Decedent to pursue criminal charges for identity theft, fraud, and embezzlement, but Decedent could not bring herself to report her son.

11. It was also discovered that Anton had both sets of keys to Decedent's safety deposit box and he refused to return them to Decedent upon request.
12. Decedent remained heavily medicated at this time and Anton eventually was able to access her accounts once again. At this time, Anton even persuaded Decedent to change her stock holding again, allowing him to secure hold over her finances.
13. In 2013, after Decedent became so ill she called an ambulance, the doctors determined that she was extremely over-medicating and was in fact addicted to Ativan. The doctors determined that she needed to be taken off the medication completely.
14. After being taken off the medications, her anxiety and panic attacks returned in full force. Respondent called on the family for help, making a daily rotation so that she was never alone. Eventually a full time, live in caretaker was hired. Anton stopped coming around and was nowhere to be found. He had abandoned the Decedent, taking her car and two checks for \$1,000 each with him.
15. As Decedent's medication wore off and the haze of the Ativan faded, she had many discussions with Respondent and her other son Kenton along with their wives and children. Anton's mishandling of her funds was discussed and Decedent wondered what changes had been made to her trust while she was plagued with the mental fog caused by the Ativan.
16. Decedent decided to make a new living trust leaving everything to her five grandchildren she had contact with and her only great-grandchild. To carry out he wishes she wanted Respondent to be appointed as trustee. Decedent also requested that Respondent retrieve her vehicle from Anton.
17. Eventually Decedent developed clots in her legs. Facing partial amputation of her foot, she wanted all of her affairs in order. With a clear mind and surrounded by her family, she signed a new living trust in the presence of a notary and a witness. At the same time, the hospital required her to make someone her medical power of attorney in case she could not make her own decisions. Knowing Respondent would always keep her best interests in mind, Decedent appointed him as power of attorney.
18. The foot surgery went well, but unfortunately, a few days later a blood clot reached her brain and she became brain dead, went to hospice and passed away thereafter. Anton refused to visit her during this time.
19. On the day she passed, Anton was provided with a copy of the 2013 Trust.
20. Respondent began to carry out Decedent's wishes according to the 2013 Trust. During this process, it was discovered that Anton had cleared out Decedent's safety deposit box.
21. Now Anton is trying to steal Decedent's grandchildren's inheritance, much like he stole continuously from the Decedent while she was alive.

Status Hearing Re: Settlement Agreement

	<p>On 01/14/14, ANTON KREMER, trustee of the GLORIA E. ZSIBA REVOCABLE TRUST AGREEMENT dated 04/05/05 as Restated on 08/24/06 and Amended on 01/14/09, and intestate heir of GLORIA E. ZSIBA, filed a Petition to Invalidate Trust Dated October 1, 2013 and any amendments on the Grounds of Undue Influence and Incapacity, etc.</p>	<p>NEEDS/PROBLEMS/ COMMENTS:</p>
<p>Cont. from 111714, 011215</p>	<p>The matter was continued from 03/03/14 to 06/02/14 to 10/14/14 to 10/16/14.</p>	<p>CONTINUED FROM 01/12/15 Minute Order from 01/12/15 states: Each party is required to file a written status report by 02/17/15.</p>
<p>Aff.Sub.Wit.</p>	<p>Minute Order from hearing on 10/16/14 set this matter for a status hearing re: Acceptance of Terms and Conditions of the Proposed Agreement and states: Ms. Horton advises the Court that they have an agreement. The Court directs Ms. Horton to prepare the settlement agreement.</p>	<p>Minute Order from 11/17/14 states: Mr. Russo represents to the court that settlement has been reached and he is requesting an additional 30 days; Ms. Horton is drafting the agreement and order. Ms. Horton and Mr. Russo are both ordered to be personally present on 01/12/15 if the agreement is not on file.</p>
<p>Verified</p>		<p>Reviewed by: JF</p>
<p>Inventory</p>		<p>Reviewed on: 02/18/15</p>
<p>PTC</p>		<p>Updates:</p>
<p>Not.Cred.</p>		<p>Recommendation:</p>
<p>Notice of Hrg</p>	<p>Status Hearing Report filed 02/17/15 states: On 10/14/14, the parties engaged in court mediation in Dept. 303 and on 10/15/14 the parties came to an agreement and settled the trust action. The terms of the settlement called for Respondent to sell decedent's house and pay \$20,000.00 to Petitioner as well as turn over certain items of personal property. A check for \$20,000.00 was delivered to Petitioner Kremer after the last hearing. On 11/14/14, Respondent did deliver some of the specified items, however other items were missing or broken beyond repair. The return of these personal items were a major factor in Petitioner's decision to settle the matter. Petitioner's attorney has communicated these issues to Respondent's attorney, but Respondent maintains that he has complied with the settlement agreement. The house was sold in December and both parties have signed the settlement agreement. Both parties and their counsel spent numerous hours working towards a final settlement. At the hearing on 01/12/15, the court instructed the parties to mediate and try to work out the situation. After the hearing as the parties were leaving the courtroom, Petitioner's attorney heard Tracy say aloud that he was not going to do any mediation and one of decedent's grandsons spoke directly to attorney Horton in a threatening manner and instructed her to "stop this". Respondent did offer to give Petitioner more furniture, however, the majority of the furniture and personal property Tracy is offering is Petitioner's own personal property that was in decedent's home and is property that Tracy previously stated had been stolen or thrown away. Efforts to settle this matter are still ongoing.</p>	<p>File 4B – Zsiba</p>
<p>Aff.Mail</p>		
<p>Aff.Pub.</p>		
<p>Sp.Ntc.</p>		
<p>Pers.Serv.</p>		
<p>Conf. Screen</p>		
<p>Letters</p>		
<p>Duties/Supp</p>		
<p>Objections</p>		
<p>Video Receipt</p>		
<p>CI Report</p>		
<p>9202</p>		
<p>Order</p>		
<p>Aff. Posting</p>		
<p>Status Rpt</p>		
<p>UCCJEA</p>		
<p>Citation</p>		
<p>FTB Notice</p>		

5 Davis 1989 Family Trust (Trust)

Case No. 14CEPR00298

Atty Burnside, Leigh W. (for Petitioner Joshua Davis – Beneficiary)

Petition for Order Compelling Trustee to Account and Report

		<p>See petition for details.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: On 8-26-14, Joshua Davis, Corey Davis and Brittney Davis filed a separate Petition for Order Compelling Trustee to Account and Report in Case 14CEPR00790, titled “Davis Family 1989 Life Insurance Trust – See Page 7 of this calendar.</p> <p style="text-align: center;"><u>SEE ADDITIONAL PAGES</u></p>	
Cont from 051914, 061814, 071614, 082714, 101414, 121514				
<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			
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<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			
		<p>Reviewed by: skc</p> <p>Reviewed on: 2-11-15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 5 - Davis</p>		

NEEDS/PROBLEMS/COMMENTS:

~~1. This petition requests accountings for two separate trusts. The two separate trusts have separate terms, separate assets, and separate purposes, and as such consideration by the Court requires separate petitions, separate notice, separate files, separate filing fees, and ultimately separate accountings.~~

~~The Court may designate this case number as the Family Trust file and direct Petitioner to initiate a separate proceeding regarding the Life Insurance Trust.~~

Update: On 8-26-14, Joshua Davis, Corey Davis and Brittney Davis filed a separate Petition for Order Compelling Trustee to Account and Report in Case 14CEPR00790, titled "Davis Family 1989 Life Insurance Trust – See Page 7 of this calendar.

2. Also, per its terms, the Family Trust was to immediately divide into twelve (12) separate trusts, only one of which was for Petitioner's benefit. Need clarification and authority regarding the scope of the request for accounting(s).

Note: The language in the instruments differentiates between division into separate trusts and into separate shares, as contemplated by the Life Insurance Trust.

3. Notice appears to have been mailed to six people as couples, rather than as individuals entitled to direct notice. The Court may require amended direct service pursuant to Cal. Rules of Court 7.51.

4. Probate Code §17200(b)(7) provides that the Court can compel the trustee to provide information or account if the trustee has failed to provide the requested information within 60 days after the beneficiary's reasonable written request. Here, Petitioner states that he requested information after the settlors' deaths, which was approx. 14 years ago, but Petitioner does not state if any recent written request was made pursuant to §17200(b)(7), or what response was received, if any, pursuant to the written request. The Court may require clarification as to whether this petition may be prematurely filed pursuant to §17200(b)(7) and may require continuance for formal request and response. (Note: The requests should be separated for each trust pursuant to the above items.)

5. Need revised order.

DOD: 5-9-14	<p>JOHN BIGHAM, Son, was appointed Administrator with Full IAEA without bond on 7-21-14. Letters issued 7-22-14.</p> <p>At the hearing on 7-21-14, the Court set a status hearing for the filing of the Inventory and Appraisal for 1-5-15.</p> <p>Nothing further has been filed.</p> <p>On 1-5-15, there were no appearances. The Court set this Order to Show Cause as to why both should not be fined and as to why Mr. Bigham should not be removed for failure to file the Inventory and Appraisal. Mr. Neilson and Mr. Bigham are both ordered to be personally present on 2-23-15.</p> <p>The Minute Order of 1-5-15 was mailed to Attorney Neilson on 1-5-15.</p> <p>Attorney Neilson filed Declaration Re OSC on 2-13-15.</p> <p>Attorney Neilson filed Declaration Re Status of Administration on 2-17-15.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need Inventory and Appraisal pursuant to Probate Code §8800 or verified written status report pursuant to Local Rule 7.5.</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		
	<p>Reviewed by: skc</p> <p>Reviewed on: 2-11-15</p> <p>Updates: 2-17-15</p> <p>Recommendation:</p> <p>File 6 - Bigham</p>	

		<p>JOSHUA DAVIS, COREY DAVIS and BRITNEY DAVIS, beneficiaries, are petitioners.</p> <p style="text-align: center;">Please see petition for details.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Minute Order (Judge Hamlin) dated 2/15/14 states Mr. Neilson is ordered to provide the accounting for 2014 by 2/13/15.</p> <p>As of 2/17/15 nothing new has been filed.</p> <p>1. Need Order</p>
Cont. from 121514			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail W/		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input 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: KT	
		Reviewed on: 2/17/15	
		Updates:	
		Recommendation:	
		File 7A – Davis Life	

Hearing Re: Objections to the Accounting

		<p>JOSHUA DAVIS, COREY DAVIS and BRITTNEY DAVIS, beneficiaries, petitioned the court compelling Trustee Bruce Neilson to account and report.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need 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 (Judge Hamlin) dated 12/15/14 states Mr. Neilson is ordered to provide the accounting for 2014 by 2/13/15 and set this status hearing re: Objections to the Accounting.</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: 2/17/15
			Updates:
			Recommendation:
			File 7B - Davis

Petition to Confirm Annuity as Asset of Trust

		CARL CAMPBELL , Successor Trustee, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Petitioner states Thelma L. Glass, established the GLASS FAMILY TRUST on May 30, 1995. Thelma died on 04/04/2003. After her death, petitioner, Carl Campbell, assumed the role of the successor trustee of the Trust pursuant to the terms of the Trust instrument and the amendment to the Trust instrument.	
Cont. from			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	w/	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
		Petitioner is informed, believes and thereon alleges that Thelma held an annuity that she intended to be an asset of the Trust. Item D on Schedule A attached to the Trust listed a certain annuity policy held with Pacific Fidelity Life Insurance Company. During the period of time after the death of Thelma and before making final distribution of the Trust, Petitioner made efforts to locate the Policy, but the company that held the Policy was no longer in business and Petitioner was unable to gather any information on said Policy and Petitioner determined that the asset was lost in the closing of the business. Final distribution of the Trust was made to the beneficiaries some time in December of 2004. Subsequently, in July of 2014, Petitioner received a letter from the California State Controller's Office notifying Petitioner that there was property being held by a business; said property was owned by Thelma and was payable to the beneficiaries of Thelma. The business identified in the notice that was holding the property was Transamerica Life Insurance Company/Transamerica Annuity Services. After inquiry to Transamerica by the Petitioner, it was discovered that at some point during Thelma's lifetime the Company was bought out by Transamerica and after the buy out the Policy was held by Transamerica. Petitioner is informed, believes and thereon alleges that the Policy has a current total of \$194,834.18.	
		Please see additional page	
		Reviewed by: LV	
		Reviewed on: 02/17/2015	
		Updates:	
		Recommendation:	
		File 8 - Glass	

Paragraph 1.1 of the Trust states that "Thelma L. Glass, called the "Trustee", declares that Thelma L. Glass, called the "Settlor", transferred and delivered to the Trustee, without consideration, and that she has set aside and holds in trust the property described in Schedule A and Schedule B." Petitioner believes it was Thelma's intent that the Policy be held in trust as clearly expressed by the Schedule and by the terms of the Trust itself. Therefore, Petitioner believes that the Policy should be distributed pursuant to the terms of the Trust.

Wherefore, Petitioner requests an Order:

1. Declaring that Transamerica Life Insurance Company/Transamerica Annuity Services, Annuity Policy Number 0200IS67334 is an asset of the Glass Family Trust; and
2. For any other relief the Court may deem just and proper.

DOD: 11-6-14		JEAN E. GRAHAM and THOMAS E. RILEY , Named alternate co-executors without bond, are Petitioners.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: The Court will set status hearings as follows:</p> <ul style="list-style-type: none"> Monday, June 22, 2015 for the filing of the Inventory and Appraisal Monday, April 25, 2016 for the filing of the first account or petition for final distribution <p>If the proper items are on file prior to the status hearing dates, the status hearings may be taken off calendar. Otherwise, status report and appearance is required pursuant to Local Rule 7.5.</p>
		Named executor Geneva Riley declines to serve.	
	Aff.Sub.Wit.	S/P	
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	w	
✓	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			<p>Reviewed by: skc</p> <p>Reviewed on: 2-11-15</p> <p>Updates:</p> <p>Recommendation: SUBMITTED</p> <p>File 9 - Johnston</p>

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

DOD: 12/24/2014	JOHN ROMAGNOLI , friend/named executor without bond, is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Original Will and Codicils are attached to the Petition. Pursuant to Probate Code §8200(a)(1) the original will is to be deposited with the Court.</p> <p>Note: If the petition is granted status hearings will be set as follows:</p> <ul style="list-style-type: none"> • Monday, 06/22/2015 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal and • Monday, 04/25/2016 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>
	Full IAEA – o.k.	
	Will dated: 08/03/2013	
	1 st Codicil: 03/17/2014	
	2 nd Codicil: 12/06/2014	
Cont. from	Residence: Fresno	
<input type="checkbox"/> Aff.Sub.Wit.	Publication: The Business Journal	
<input checked="" type="checkbox"/> Verified	Estimated value of the Estate:	
<input type="checkbox"/> Inventory	Personal property - \$219,400.00	
<input type="checkbox"/> PTC	Real property - \$1,000,000.00	
<input type="checkbox"/> Not.Cred.	Less encumbrances -\$60,000.00	
<input checked="" type="checkbox"/> Notice of Hrg	Total - \$1,159,000.00	
<input checked="" type="checkbox"/> Aff.Mail	Probate Referee: Steven Diebert	
<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		
		Reviewed by: LV
		Reviewed on: 02/17/2015
		Updates:
		Recommendation:
		File 10 - Ulansky

DOD: 8-29-14		See petition for details.	NEEDS/PROBLEMS/COMMENTS:	
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail			W
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: skc	
			Reviewed on: 2-17-15	
			Updates:	
			Recommendation:	
			File 11 - Alvid	

DOD: 10-28-14		CAROL TERRELL , Named Alternate Executor without bond, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: The Court will set status hearings as follows:</p> <ul style="list-style-type: none"> Monday, June 22, 2015 for the filing of the Inventory and Appraisal Monday, April 25, 2016 for the filing of the first account or petition for final distribution <p>If the proper items are on file prior to the status hearing dates, the status hearings may be taken off calendar. Otherwise, status report and appearance is required pursuant to Local Rule 7.5.</p>	
		Named Executor Ernest Pinner is deceased.		
	Aff.Sub.Wit.	S/P		Full IAEA – ok
✓	Verified			
	Inventory			Will dated 5-19-92
	PTC			Residence: Fresno Publication: Business Journal
	Not.Cred.			
✓	Notice of Hrg			Estimated value of estate: Real property: \$260,000.00
✓	Aff.Mail	w		
✓	Aff.Pub.			Probate Referee: Rick Smith
	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: 2-17-15	
			Updates:	
			Recommendation: SUBMITTED	
			File 12 - Pinner	

Probate Status Hearing. Termination of Proceeding for Deceased Conservatee

DOD: 8-11-13	<p>CAROL SEABURY, Daughter-in-law, was appointed Conservator of the Person and Estate of Kathryn A. Seabury on 5-10-05 without bond.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>
		<p>1. The status report filed 2-4-15 requests termination of proceedings, but was not filed as a noticed petition pursuant to Probate Code §1460(b)(6). The Court may require a petition to be filed and Notice of Hearing served on all relatives.</p>
Aff.Sub.Wit.	<p>On 9-3-08, the Court dispensed with accountings.</p>	
Verified		
Inventory	<p>Declaration of Jeffrey A. Jaech Re Death of Conservatee filed 3-7-14 states the Conservatee died 8-11-13.</p>	
PTC		
Not.Cred.		
Notice of Hrg	<p>On 1-27-15, the Court set this status hearing for termination of proceedings for deceased Conservatee and ordered both the attorney and the Conservator to be personally present at the hearing. Notice was mailed to the Conservator and the attorney on 1-28-15.</p>	
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters	<p>Status Report of Conservator filed 2-4-15 states the Conservatee created a living trust in 1996 and transferred all of her assets to the trust. Conservatorship of the estate was necessary only to prevent or negate any unwise purchases made by the Conservatee. By declaration filed 7-31-08, Petitioner explained that there were no assets of the conservatorship estate and that all of the Conservatee's assets were held in trust, and the only reason for conservatorship of the estate was to protect the Conservatee from salespeople. By this Court's minute order dated 9-3-08, the Court dispensed with having to file an Inventory and Appraisal or any future accountings.</p>	
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice	<p>The Conservatee died 8-11-13. Because the Conservatee had no assets, there is no need for an accounting or any other proceedings. Petitioner requests that no further reports or accountings be required by Petitioner and that these conservatorship proceedings be closed.</p>	
		<p>Reviewed by: skc</p>
		<p>Reviewed on: 2-17-15</p>
		<p>Updates:</p>
		<p>Recommendation:</p>
		<p>File 13 - Seabury</p>

DOD: 12-20-13	<p>JOANN DIREDO, Daughter, was appointed Executor with Full IAEA without bond on 7-10-14. Letters issued 7-16-14.</p> <p>At the hearing on 7-10-14, the Court set this status hearing re: filing of the Inventory and Appraisal.</p> <p>Status Report (unverified) filed 12-31-15 by Attorney Fanucchi states they have recently become aware of a matter of confusion regarding the real property of the estate. Time is needed to research the entities of ownership and the amount of each entities' ownership, and perhaps supplement or correct the final I&A. There is also an issue of rejection of certain creditor claims. They will be ordering a title search on one parcel. Attorney Fanucchi failed to appear for the 12-11-14 hearing because the hearing was not placed on his calendar pursuant to the 7-8-14 Examiner Notes, and the Executrix was not advised of the said date of hearing.</p> <p>Status Report (unverified) filed 2-9-15 states counsel obtained a Guarantee of the Chain of Title from Chicago Title Company issued 1-9-15 containing 107 pages. It appears there are questions concerning the exact title owned as to a certain property on Shaw Ave., because of multiple transfers since 1978. Additional time is needed to determine ownership and perhaps request supplement or correction to the Final Inventory and Appraisal. The Executrix has been served with three creditor's claims. Mr. Fanucchi will appear on 2-23-15 and request continuance.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 12-11-14</p> <ol style="list-style-type: none"> 1. Need Inventory and Appraisal pursuant to Probate Code §8800. 2. A request for Special Notice has been filed by the IRS. The Court may require Notice of Hearing with a copy of any status report to be served on the IRS and all interested parties pursuant to Probate Code §1252. <p>Note: The original petition estimated the estate value at \$1,000,000.00.</p> <p>Note: As of 12-5-14, three (3) Creditor's Claims have been filed in this matter, including a claim by the IRS in the amount of \$5,805.17 and a claim by a family member in the amount of \$106,866.46.</p>
Cont from 121114, 010515		
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: 2-11-15
		Updates:
		Recommendation:
		File 14 – DiRedo

DOD: 11/5/13	FELIX C. MAGALLANES was appointed Administrator with full IAEA authority and without bond on 10/20/14.	NEEDS/PROBLEMS/COMMENTS: 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.
	Letters issued 10/21/14.	
Cont. from	Minute order dated 10/20/14 set this status hearing for the filing of the inventory and appraisal.	
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: 2/17/15 Updates: Recommendation: File 15 - Magallanes

		<p>NELLIE OUELLETTE was appointed conservator on 1/12/1984.</p> <p>Court Investigator Jennifer Young filed a Petition for Transfer on 2/2/15 requesting this proceeding be transferred to Kern County because the conservatee has resided there for over 7 years, and it is presumed pursuant to Probate Code §2215 that transfer of the conservatorship case to the county of residence is in the best interests of the conservatee.</p> <p>Court Investigator further recommends that the fees and costs related to this transfer be waived.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>	
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 checked="" type="checkbox"/>	Aff.Mail			W/
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input type="checkbox"/>	Letters			
<input type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
			Reviewed by: KT	
			Reviewed on: 2/18/15	
			Updates:	
			Recommendation:	
			File 16 - Ouellette	

Probate Status Hearing. Termination of Proceeding for Deceased Conservatee

DOD: 9/21/13	GOOD SHEPHERD FUND was appointed conservator of the person and estate in Tulare County on 6/13/1983.	NEEDS/PROBLEMS/COMMENTS:
	Order appointing Conservator waived accountings.	Note: The Good Shepard Fund was previously represented by Joanne Sanoian. Designation of Attorney to Be Noticed for Good Shepherd Fund filed by J. Stanley Teixeira on 10/28/14. Mr. Teixeira was not noticed of this status hearing.
Cont. from	The case was transferred to Fresno County on 11/1/2004.	1. Need petition to terminate proceedings of deceased conservatee 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
Aff.Sub.Wit.		
Verified	Notice of Status Hearing filed 1/28/15 set this status hearing for termination of proceedings for deceased conservatee. Notice was mailed to the Good Shepherd Fund on 1/28/15.	
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: 2/17/15
		Updates:
		Recommendation:
		File 17 - Kulikov

Petition for Termination of Guardianship

		ILA HERNANDEZ, mother, is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of service of the Notice of Hearing on: <ol style="list-style-type: none"> a. Maria Hernandez (guardian) b. Pedro Rivera (father) c. Pedro Rivera (paternal grandfather) d. Virginia Rivera (paternal grandmother) e. Domingo Hernandez (maternal grandfather) f. Rose Mejia (maternal grandmother)
		MARIA HERNANDEZ, maternal aunt, was appointed guardian on 11/6/12.	
		Please see petition for details.	
Cont. from		Court Investigator Report filed on 2/11/15	
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg	X	
	Aff.Mail	X	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: KT
			Reviewed on: 2/17/15
			Updates:
			Recommendation:
			File 18 - Rivera

Pro Per Howell, Jennifer May (Pro Per Petitioner, mother)

Petition for Termination of Guardianship

		JENNIFER HOWELL, mother, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Page 19B is the <i>Petition to Fix Residence Outside the State of California</i> filed by Co-Guardians Martin Moore and Amber Moore.</p> <p>Continued from 1/5/2015. Minute Order states examiner notes handed in open court; continued for the defects to be cured. The Court orders that Ms. Howell may visit the minor today from 12 p.m. to 5 p.m. Mr. Moore offers in open court to pay for Ms. Howell's travel to North Dakota for additional visits. Parties agree to work together to arrange the additional visits in North Dakota and are also referred for mediation.</p> <p>Note: Probate Mediation Agreement signed by Petitioners and Jennifer Howell was filed on 1/5/2015.</p> <p>The following issues from the last hearing remain:</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of service by mail of the Notice of Hearing with a copy of the Petition for Termination of Guardianship, or Consent to Termination and Waiver of Notice, or a Declaration of Due Diligence, for: <ul style="list-style-type: none"> • Martin Moore, Guardian; • Amber Moore, Guardian; • Jose A. Fuentes, father.
		~Please see Petition for details~	
Cont. from 111314, 010515		Court Investigator's Report was filed 11/5/2014.	
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg	X	
	Aff.Mail	X	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
✓	CI Report		
✓	Clearances		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
		Reviewed by: LEG	
		Reviewed on: 2/18/15	
		Updates: 2/19/15	
		Recommendation:	
		File 19A – Fuentes	

Pro Per Moore, Martin (Pro Per Petitioner, Co-Guardian)
 Pro Per Moore, Amber Michelle (Pro Per Petitioner, Co-Guardian)

Petition to Fix Residence Outside the State of California

		<p>MARTIN E. MOORE and AMBER M. MOORE, paternal grandfather and step-grandmother, Guardians appointed on 3/19/2013, are Petitioners.</p> <p>Father: JOSE ALFREDO FUENTEZ; personally served 2/1/2015.</p> <p>Mother: JENNIFER HOWELL; personally served 11/13/2014 (for reference, Petition was filed 11/10/2014).</p> <p>Paternal grandmother: Rebecca Fuentes; Proof of Service by Mail filed 2/19/2015.</p> <p>Maternal grandfather: Shawn Howell; Proof of Service by Mail filed 2/19/2015.</p> <p>Maternal grandmother: Karen Kinzel; Proof of Service by Mail filed 2/19/2015.</p> <p>Petitioners request the Court authorize that the residence of the minor be fixed outside California to [physical address omitted] in Minot, North Dakota.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 1/5/2015.</p> <p>Minute Order states examiner notes handed in open court; continued for the defects to be cured. The Court orders that Ms. Howell may visit the minor today from 12 p.m. to 5 p.m. Mr. Moore offers in open court to pay for Ms. Howell's travel to North Dakota for additional visits. Parties agree to work together to arrange the additional visits in North Dakota and are also referred for mediation.</p> <p>Note: Probate Mediation Agreement signed by Petitioners and Jennifer Howell was filed on 1/5/2015.</p> <p>Note: Petition is marked at Item 5(b) by Petitioners indicating that the minor will be returned to California by 8/13/2015 and this guardianship shall remain in full force and effect.</p>	
Cont. from 010515				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input checked="" type="checkbox"/>	Notice of Hrg			
<input checked="" type="checkbox"/>	Aff.Mail			W/
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input checked="" 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			
		<p>Reviewed by: LEG</p> <p>Reviewed on: 2/18/15</p> <p>Updates: 2/19/15</p> <p>Recommendation:</p> <p>File 19B - Fuentes</p>		

Pro Per Okamura, Suzanne (Pro Per Petitioner, Administrator)

Revised Petition for Final Distribution on Waiver of Accounting

DOD: 6/23/2013		SUZANNE OKAMURA , sister and Administrator, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> <i>Petition</i> is signed by Petitioner but not <u>verified</u> by Petitioner pursuant to Probate Code § 1021 and CA Rule of Court 7.103. Need verification by the Petitioner of the <i>Revised Petition for Final Distribution on Waiver of Accounting</i> to be filed with the Court. <i>Proof Service by Mail</i> filed 1/20/2015 does not contain the correct hearing date and other pertinent information as required by the mandatory-use <i>Notice of Hearing</i> form [DE-120]. Need <i>Notice of Hearing</i> and proof of service of notice to the following persons pursuant to Probate Code §§ 1220 and 11000 for settlement of the account for and EILIEEN NITASAKA, niece, or waiver of such notice. (Note: Waiver of Notice was filed on 2/19/2015 for Jerrod White, grandson.)
		Accounting is waived.	
Cont. from 100114		I & A — \$516,124.01	
Aff.Sub.Wit.		POH — \$516,124.01 (\$385,624.01 is cash)	
Verified	X		
✓ Inventory		Administrator — waives	
✓ PTC			
✓ Not.Cred.		Closing — \$435.00 (apparently to cover filing fee)	
Notice of Hrg			
✓ Aff.Mail	W/	Distribution pursuant to Decedent's Will is to:	
Aff.Pub.		SUZANNE OKAMURA – real property and \$385,624.01 cash.	
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: 2/18/15	
		Updates: 2/19/15	
		Recommendation:	
		File 20 - Okamura	

<u>PLEASE SEE PETITION FOR DETAILS</u>		NEEDS/PROBLEMS/COMMENTS:
		Minute Order of 12/01/2015: Examiner notes handed in open court; matter continued to cure the defects listed in the notes.
		Minute Order of 01/05/2015: Examiner notes handed in open court; matter continued for the defects to be cured.
		The following issues remain:
		1. Need Notice of Hearing.
		2. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for:
		<ul style="list-style-type: none"> • Nellie (?) (Paternal Grandmother)
		Reviewed by: LV
		Reviewed on: 02/17/2015
		Updates:
		Recommendation:
		File 21 - Goodwin
Cont. from 120114, 010515		
Aff.Sub.Wit.		
✓ Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg	X	
Aff.Mail	X	
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
✓ CI Report		
9202		
✓ Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		

	See petition for details.		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Note:</u> The minute order reflects that the Petitioner was unable to attend the temp hearing on 1-15-15; therefore, the matter was continued to the date of the general hearing, 2-23-15.</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of personal service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing pursuant to Probate Code §1511 <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence on: <ul style="list-style-type: none"> - John Cervantes (Minor) - Gina Cervantes (Mother) - Chris Sippin (Father) 3. Need proof of service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing pursuant to Probate Code §1511 <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence on: <ul style="list-style-type: none"> - John Cervantes (Maternal Grandfather) - Paternal Grandfather - Paternal Grandmother
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg	x	
	Aff.Mail	x	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.	x	
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
✓	CI Report		
✓	Clearances		
✓	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: skc
			Reviewed on: 2-17-15
			Updates:
			Recommendation:
			File 22 - Cervantes

23 Nicholai Trinidad, Trinity Trinidad, Alyson Fernandez, Genero Fernandez & Athena Fernandez (Guard/P)

Case No. 14CEPR01141

Atty Trinidad, Teodomigia (pro per Petitioner/paternal grandmother)

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

		TEMPORARY EXPIRES 2/23/15	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>This petition is as to NICHOLAI and TRINITY ONLY.</u> Petition for Guardianship of the other minors, filed by their paternal grandmother, is set to be heard on 3/9/15.</p> <p>1. Need proof of personal service of the Notice of Hearing or Consent and Waiver of Notice or Declaration of Due Diligence on: a. Federico Trinidad (father). Note: Father was personally served with a copy of the Petition on 12/30/14 but was not service with the Notice of Hearing as required.</p>
		TEODOMIGIA TRINIDAD, paternal grandmother, is petitioner.	
		Please see petition for details.	
		Court Investigator Report filed on 2/17/15	
Cont. from			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	W/	
	Aff.Pub.		
	Sp.Ntc.		
✓	Pers.Serv.	W/	
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
✓	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: KT
			Reviewed on: 2/19/15
			Updates:
			Recommendation:
			File 23 – Fernandez & Trinidad

DOD: 7-16-14		<p>VICKI LYNN JONES, Daughter, is Petitioner and requests appointment as Successor Administrator with Will Annexed with Limited IAEA with bond of \$160,000.00.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: Michelle Ann Carmody, daughter, was appointed Executor with Full IAEA without bond and the Decedent's Will dated 1-13-84 and Codicil dated 9-11-91 were admitted to probate on 8-28-14. Ms. Carmody passed away 1-13-15.</p> <p>Note: Pursuant to Minute Order of 8-28-14, a status hearing was set for 10-29-15 for the filing of the first account or petition for final distribution.</p> <p>1. Petitioner served the regular "Notice of Hearing" (Form DE-120). However, pursuant to Probate Code §8522(b), notice shall be served in the manner provided in Probate Code §8110, which requires the Notice of Petition to Administer Estate (Form DE-121) with mandatory language pursuant to Probate Code §8100. The Court may require amended service.</p>
	Aff.Sub.Wit.	<p>I&A filed 10-9-14 includes \$10,925.91 in cash assets plus real property valued at \$150,000.00, a vehicle valued at \$2,500.00, and securities valued at \$81,533.80.</p>	
✓	Verified		
	Inventory	<p>Supplemental I&A filed 10-23-14 indicates an additional \$64,074.41 in cash assets.</p>	
	PTC		
	Not.Cred.		
	Notice of Hrg		x
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			<p>Reviewed by: skc</p> <p>Reviewed on: 2-17-15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 24 – Carmody</p>