



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.

1 **Bernice Dunn (CONS/PE)**
 Atty O'Neill, Patricia B (for Petitioner/conservator of the person Timothy Moore)
 Atty LeVan, Nancy J. (court appointed for Conservatee)
 Atty Kruthers, Heather H (for Public Guardian/conservator of the estate)

Case No. 10CEPR01051

First Amended Petition for Reimbursement of Conservator, for Attorney Fees,
 Instructions and Discharge of Counsel (Prob. C. 2642)

Age: 85 years	TIMOTHY MOORE, Conservator of the Person, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: OFF CALENDAR. Agreement reached at the Settlement Conference on 2/20/13.
	PUBLIC GUARDIAN is Conservator of the Estate.	
	Petitioner requests \$2,348.00 reimbursement of personal funds expended in connection with moving the Conservatee to a new (less expensive) facility, including \$348.00 paid to Attorney John Barrus for assistance with negotiations (which ultimately failed; however, Petitioner was successful in his petition to relocate the Conservatee), and the \$2,000.00 deposit paid to the facility (Palm Gardens).	
Cont. from 012813		
<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. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
	Petitioner requests \$2,075.00 for fees and costs incurred by Attorney Patricia Bone O'Neill in the sum of itemized at 8.2 hours @ \$200.00/hr plus \$435.00 in costs.	
	Petitioner also describes a situation that occurred where the Conservatee was hospitalized (from a fall) and required extra care from Palm Gardens facility staff to be present for assistance during her hospitalization.	
	Petitioner states he was directed by the Public Guardian to make arrangements for the supplemental care and have the bills sent to them; however, they initially refused to pay because of a confusion about the extent of the care required by conservatee. In order to maintain the supplemental care, Petitioner paid from his personal funds, and sought reimbursement from the Public Guardian. Petitioner states the Public Guardian eventually reimbursed him and suggested that it would week guidance from the Court regarding how to handle this in the future due to tension between Petitioner and the Public Guardian.	
		Reviewed by: KT
		Reviewed on: 2/21/13
		Updates:
		Recommendation:
		File 1 - Dunn

Petitioner states Nancy J. LeVan was appointed counsel for the conservatee on 12/8/2010. Probate Code §1471 (b) requires appointment of counsel where the court has determined that appointment would be “helpful to the resolution of the matter or is necessary to protect the interests of the conservatee.” Petitioner alleges counsel is no longer “helpful to the resolution of the matter” and sufficient protections are now in place to protect conservatee’s interests.

The Public Guardian has been appointed the Conservator of the Estate to protect the conservatee’s funds and must answer to the court biennially for all expenditures from the conservatee’s estate. Timothy Moore has been appointed Conservator of the person to be certain the conservatee’s physical needs are met. Additionally, the Court conducts an annual review to be certain the conservatee is in the least restricted environment and her needs are being met, and that Conservator is acting appropriately as conservator.

Appointed counsel is no longer helpful in resolving this matter. Appointed counsel objected to Conservator being appointed as conservator of the person and nearly forced the matter to trial until Conservator agreed not to move the conservatee without a noticed motion. When Conservator of the person was directed by the Conservator of the estate to move the conservatee to a less expensive facility, appointed counsel objected to the facility into which Conservator, after much research, chose to place the conservatee. Appointed counsel objects to the reimbursement of Conservator of the Person’s expenses he incurred to file the motion before moving the conservatee and for deposits made to the new facility to be certain conservatee would have a place to live. Appointed counsel appears to have placed herself in the middle of a squabble between conservator and his siblings, rather than being helpful to resolve legitimate issues that Conservator has presented to the court for conservatee’s benefit.

All of appointed counsel’s attorney’s fees are being paid from the conservatee’s estate. Because there are protections in place for the conservatee, appointed counsel’s continued representation of the conservatee is not necessary nor is it in the best interest of the conservatee.

Petitioner requests that the Court:

1. Find that all services for which compensation is sought were rendered in good faith and in the best interest of the conservatee and the conservatorship.
2. Make an order approving this petition and directing the conservator of the estate pay Timothy Moore from the conservatorship estate the sum of \$2,348.00 as reimbursement for funds expended on behalf of the conservatee.
3. Make an order approving this petition and directing the conservator of the estate pay Patricia Bone O’Neill the sum of \$2,075.00 from the conservatorship estate for services rendered on behalf of the conservatorship.
4. Issue instructions to both conservator of the person and conservator of the estate on how to handle supplement expenses for conservatee’s benefit.
5. Find that appointed counsel is no longer necessary or helpful to the resolution of the issues herein or to protect the conservatee’s interest.
6. Make an order discharging Nancy J. LeVan from her duties as counsel for the conservatee.

Objection of Court Appointed Attorney Nancy J. LeVan filed 1-25-13 states one of the conditions of Timothy's appointment was that he shall not move the Conservatee out of Sunrise Assisted Living without approval of the Court upon notice of motion. According to documentation, various actions were taken and deposits paid that resulted in unnecessary expenses. In his petition, Timothy requests that Attorney LeVan be removed because she is not helpful and only runs up fees. He stated that because he is conservator of the person and PG is conservator of the estate, Ms. Dunn is protected.

Attorney LeVan objects to the reimbursement of the second \$2,000.00 deposit and Attorney Barrus's fees to be reimbursed by the estate mainly because Timothy did not use good judgment in following the Court's order regarding the noticed motion to relocate Ms. Dunn. Timothy created the URGENT MATTER described in his petition when there was no URGENT MATTER. He wasted a month conferring with another attorney when it was not necessary. He incurred the second deposit when it was not necessary. Attorney LeVan states that had Timothy followed the order of the Court, these expenses, including \$14,000.00 in additional rent, and the expenses of Attorney O'Neill would not have been necessary.

Attorney LeVan does not believe it is the conservatorship estate's responsibility to reimburse Timothy for his creation of an urgent situation when there was no urgency. The PG acted in good faith and made the deposit when asked by Palm Gardens. It was Timothy's rash decision and behavior that created the extra \$2,348.00 expense.

Attorney LeVan understands the Court's opinion that since Ms. Dunn was placed at Palm Gardens that any expenses that were incurred by the Conservator are eligible for reimbursement; however, looking at the waste of the conservatorship estate funds to accomplish something that would have been very inexpensive to accomplish, she believes the Court would discourage rash and hasty decisions by the Conservator without seeking the advice of his attorney. If it is decided that she should be reimbursed, she will honor that decision.

Attorney LeVan continues to request that she remain as Court appointed attorney for Ms. Dunn. The PG is a disinterested third party that maintains her estate and pays bills. They too have had problems dealing with Timothy and some of the expenses he deemed necessary and urgent. County Counsel would defend the PG's actions, but there is no one else to defend Ms. Dunn against manufactured crisis that causes added stress on the Conservatee and costs and expenses to her estate.

Amended Report of Administrator, Petition for Distribution upon Waiver of Accounting and Allowance of Fees for Attorney

DOD: 1/26/2004		ANTONETTE FREGOSO , Administrator, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Accounting is waived.	<ol style="list-style-type: none"> Petition was not verified. Probate Code §1021. Cynthia Arroyo was originally the attorney of record in this case. Petition states she waives Ms. Arroyo is only requesting reimbursement for costs incurred in the amount of \$1,214.00. Need waiver of statutory fees from Ms. Arroyo. Cynthia Arroyo's billing statement includes reimbursement for \$50.00 for sanctions, however the sanctions were set aside by minute order dated 6/8/2004. Therefore costs listed totals \$1,164.00 and not \$1,214.00 as requested. This waiver of account does not include information required by California Rules of Court 7.550 <ol style="list-style-type: none"> Creditor's claims Sales purchases, or exchanges of assets Changes in the form of assets Petition states all heirs have signed an assignment of their share of the "J" Street property to the Petitioner. Need assignments. Petition does not include the calculation of statutory fees as required by California Rules of Court, Rule 7.705.
Cont. from		I & A - \$264,250.00	
<input type="checkbox"/>	Aff.Sub.Wit.	POH - \$ 1,500.00	
<input type="checkbox"/>	Verified	X	
<input checked="" type="checkbox"/>	Inventory	Administrator - waives	
<input checked="" type="checkbox"/>	PTC	Attorney - \$4,099.00	
<input checked="" type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters 6/15/04		
<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		
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<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input checked="" type="checkbox"/>	FTB Notice		
			Please see additional page
			Reviewed by: KT
			Reviewed on: 2/20/13
			Updates: 2/21/13
			Recommendation:
			File 2 - Canales

NEEDS/PROBLEMS/COMMENTS (cont):

7. Petition states the decedent's 1997 Buick was distributed to Kristina. Property of the estate cannot be distributed prior to creditor's being satisfied.
8. Petition states the "H" Street property was deeded to the personal representative in 2005. There is no "H" Street property listed on the inventory and appraisal. Need clarification.
9. Order does not comply with Local Rule 7.6.1.

Petition states all other beneficiaries have filed waivers of accounting of administrator and acceptance of \$10,000 as their full beneficial interest in the estate on 6/6/11. Because of the EDD lien the proceeds could not be distributed from escrow. All the funds, except administration and attorney fees, had to be paid to the mortgage on the "J" Street property, or the EDD would not allow the partial release of the lien. Since there was no money remaining after the payment of title fees, costs, attorney fees and property taxes, the Personal Representative took \$20,000 from her own retirement funds and paid all other beneficiaries \$5,000.00 each. All other beneficiaries have signed an assignment of their share of the "J" Street property to the petitioner. Petitioner has used this property as collateral to acquire enough money to pay off the "I" Street property's mortgage, back property taxes, and other debts of the decedent. Petitioner is still making payments on these loans.

The "H" Street property was deeded to the personal representative in 2005 and used as collateral for loans to pay back taxes and mortgage payments on the "I" Street property. The decedent's portion of the "I" Street property was sold in July 2012 and the proceeds were applied to the mortgage on the "H" Street property. There is still an outstanding balance on the "H" Street property that is being paid in full by the personal representative [who now holds title to the property].

5 **Edward Moore & Marie Moore Family Trust 11/12/91 Case No. 11CEPR00596**
Atty Roberts, Gregory J. (for Timothy E. Moore – Trustee – Petitioner)
First Account and Report of Successor Trustee and Petition for Its Approval; for
Reimbursement of Costs and Trustees Fees; and for Waiver of Future Accountings
[Prob. C. 1720(b)(5)]

Marie Moore 10-15-96	TIMOTHY MOORE, Successor Trustee, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
Edward C. Moore DOD: 9-16-06	Former Trustee TERENCE E. MOORE was removed per minute order 11-29-11. The order was signed 12-15-11.	
		Minute Order 1-28-13: Court informs Mr. Roberts to file an itemization on trustees fees. Mr. Roberts will file a declaration in the next few weeks. Counsel will also amend the petition to exclude Terence Moore from paying fees. Terence will file un-paid bills with Mr. Roberts. Court informs Mr. Roberts that \$50.00/hr is over the allotted amount for trustee fees. Mr. Roberts accepts the amount of \$25.00/hr. Set on 2/15/13 at 9:00am in Dept. 303 for Status Re: Filing of Receipts. Petition is granted. Order to be signed ex parte.
Cont. from 012813	Account period: 12-5-11 through 11-28-12	
Aff.Sub.Wit.	Accounting: \$ 7,400.72	
✓ Verified	Beginning POH: \$ 2,354.95	
Inventory	Ending POH: \$ 62.16	
PTC	Petitioner requests fees as Successor Trustee in the amount of \$15,000.00 for over 300 hours @ \$50/hr. Petitioner states that when the court first appointed him as trustee, he stated that he would not charge a fee. At that time, he had no idea that he would spend over 300 hours to determine what the prior trustee had done or not done and to determine what assets remained. Petitioner states he completed the basic duties required of a trustee from 2006 to present, including taxes, bills, searching for unreported/stolen assets, such as the Sturm-Ruger stock certificates transferred to Terence Moore's private account and a prepaid funeral plan). Petitioner determined that the former trustee had taken tens of thousands of dollars from the trust, lied to the court, and stole fishing equipment and other personal property items before turning over the storage to Petitioner.	
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	Reimburse Successor Trustee: \$13,257.95 (for accounting and attorney fees, administration costs advanced per declaration) Petitioner prays for an order: 1. Settling and allowing the account and approving and confirming the acts of Petitioner as successor trustee; 2. Waiving future trust accountings; 3. Authorizing Petitioner to pay to himself from trust or by requesting reimbursement from trust beneficiaries of their proportionate share of trust distributions the sum of \$13,257.95 which Petitioner has advanced on behalf of the trust; 4. Authorizing Petitioner to pay to himself, from trust or by requesting reimbursement from trust beneficiaries the sum of \$15,000.00 as Trustee fees/compensation; and 5. For such other orders as the Court may deem proper.	
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		

6 Kathleen Marie Martin aka Kathy Martin aka Kathy Marie Martin (Estate)

Case No. 12CEPR00325

Atty Markeson, Thomas A. (for Michael Martin – Administrator/Petitioner)

(1) Petition for Settlement of Report of Administration and Petition for Distribution and (2) for Allowance of Attorneys' Fees and (3) for Allowance of Extraordinary Fees and (4) for Reimbursement of Costs Advanced by Attorneys and (5) for Final Distribution

DOD: 01/20/12		MICHAEL MARTIN, Administrator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Accounting is waived.	
Cont. from		I & A - \$286,408.73	
Aff.Sub.Wit.		POH - \$22,865.96 cash plus 3 vehicles, miscellaneous personal property, and interest in a promissory note	
✓ Verified		Administrator - waived	
✓ Inventory		Attorney - \$8,728.18 (statutory)	
✓ PTC		Costs - \$1,476.41 (for filing fees, certified letters, publication, probate referee)	
✓ Not.Cred.		Closing- \$1,000.00	
✓ Notice of Hrg		Distribution, pursuant to intestate succession and subject to an assignment of interest by Brian Martin, is to:	
✓ Aff.Mail	w/	Michael Martin - \$8,162.97 cash, plus 70% interest in 3 vehicles, miscellaneous personal property and interest in a promissory note	
Aff.Pub.		Brian Martin - \$3,498.41 cash, plus 30% interest in 3 vehicles, miscellaneous personal property and interest in a promissory note	
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters	05/21/12		
Duties/Supp			
Objections			
Video Receipt			
CI Report			
✓ 9202			
✓ Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
✓ FTB Notice			
			Reviewed by: JF
			Reviewed on: 02/20/13
			Updates:
			Recommendation: SUBMITTED
			File 6 - Martin

Petition of Beneficiary to Remove Successor Co-Trustees, Appoint Temporary Successor Trustee, and for Payment of Attorneys' Fees and Costs (Probate Code 15642, 16000, 16002, 16003, 16004, 16006, 16007, 16009, 16060, 16062, 17200, 17206)

Frank K. Ishii DOD: 11-10-93	GERALD ISHII , Beneficiary and Co-Trustee, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
Lily Y. Ishii DOD: 3-7-05	Petitioner states he and LESLIE ISHII (Respondent) were named successor co-trustees of the ISHII FAMILY TRUST DATED 3-3-92 (the "Trust") . The Trust consisted of interests in 8 parcels of real property, stocks, bonds, securities, cash, and other assets in Prudential-Bache Securities, and 300 shares of common stock in Frank K. Ishii & Sons, Inc. , a California corporation owned by the Settlor.	Continued from 7-2-12, 7-27-12, 8-31-12, 9-27-12, 11-26-12, 1-14-13
Cont. from 070212, 072712, 083112, 092712, 112612, 011413	At the death of Frank K. Ishii on 11-10-93, two irrevocable and one revocable sub-trusts were created: <ul style="list-style-type: none"> • The FRANK K. ISHII TRUST • The ISHII FAMILY MARITAL DEDUCTION TRUST • The ISHII FAMILY SUVIVOR'S TRUST (revocable) 	Status Report filed 1-7-13 by Attorney Fanucchi states further continuance is needed. Gerald Ishii maintains his brother Leslie is wasting the vineyard known as Candy Ranch by inappropriately pruning, tying, tilling, chemical control, and irrigating control which has diminished the value of the realty.
<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	<input type="checkbox"/> W	Status Report filed 1-9-13 by Attorney Burnside states inquiry has been made to Les' accountant Jim Horn whether he has any documents in his possession regarding the expenses Les incurred to operate the Candy Ranch, but Mr. Horn has been unable to review his files due to his year-end workload. Counsel will follow up this week.
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		Status Report filed 2-19-13 by Attorney Fanucchi states Gerald Ishii is unable to accept or reject what has been presented to date and has forwarded information to his accountant. Further continuance is needed.
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		Status Report filed 2-19-13 by Attorney Burnside states the accountants had to reschedule their meeting and further continuance is needed.
<input type="checkbox"/> Order	<input checked="" type="checkbox"/> X	
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		Reviewed by: skc
<input type="checkbox"/> Citation		Reviewed on: 2-19-13
<input type="checkbox"/> FTB Notice		Updates: 2-20-13
		Recommendation:
		File 7 - Ishii
	<p align="center">SEE PAGE 2</p>	

PAGE 2

As to the corporation: Petitioner and Leslie each hold 300 shares individually and the Trust holds 300 shares. Petitioner and Leslie as individuals and as Co-Trustees may vote an equal number of shares, but have been in a deadlock as to the operation of the corporation since approx. 2007. As such, the corporation's status has become suspended with many tax liabilities remaining outstanding, which continues to decrease the value of the corporation.

A meeting of the directors of the corporation was noticed on 6-3-10 by Gerald, who is secretary; however, the meeting did not occur because Leslie found the principal place of business of the corporation to be an inconvenient meeting location, although it is approx. one mile from her home. No meetings have occurred since. Because the corporation is one-third owned by the trust, the deadlock between the Co-Trustees is impairing the administration of the Trust and causing trust assets to lose value.

Petitioner requests that the Court remove both Co-Trustees of the Trust and subtrusts because due to hostility and lack of cooperation among Co-Trustees, administration of the Trust and sub-trusts continue to be impaired and trust assets neglected. Probate Code §§ 15642(a)(3), 17200(b)(10). The Trust does not appoint a successor trustee in the event of removal; rather, it provides only the manner of successor appointments should one of the two become unable to perform. Petitioner requests appointment of **BRUCK BICKEL** as Successor Trustee with compensation to be approved by the Court. Mr. Bickel consents to act. Petitioner requests appointment without bond for one year to allow the corporate affairs to be brought to order, with authority to apply for an extension by Mr. Bickel should the corporate affairs remain unresolved and the Trust assets undistributed. Petitioner believes this appointment is in the best interests of the Trust and sub-trusts, and those persons interested in the Trust estate.

Petitioner requests that:

- 1. The Court temporarily and partially remove Gerald Ishii and Leslie Ishii as Co-Trustees of the ISHII FAMILY TRUST DATED 3-3-92;**
- 2. The Court appoint Bruce Bickel as temporary Successor Trustee to serve without bond for a period of one year, with the ability of Mr. Bickell to petition the Court for additional time should the corporate affairs remain deadlocked;**
- 3. The Court award reasonable compensation to the temporary Successor Trustee;**
- 4. The Co-Trustees to deliver the Trust assets to the temporary Successor Trustee within 30 days after issuance of an Order;**
- 5. The Court order Leslie Ishii to file an accounting with the Court detailing their respective acts as Co-Trustees no later than four weeks after the Court makes its order;**
- 6. The Court order Petitioner's attorneys' fees in the amount of \$1,000.00 and costs advanced to be paid to such attorneys directly from the Trust, to be charged 100% to income, and paid within 10 days after the Court makes its order; and**
- 7. Such further orders as the Court deems proper.**

SEE PAGE 3

PAGE 2

Objection of LESLIE ISHII states this probate proceeding is not the proper forum or vehicle to resolve such corporate issues. This lawsuit is premature at best and legally inapposite to the issues it proposes to resolve at worst. The corporation is deadlocked; however, the instant petition filed as a trust proceeding does not request any form of relief that will serve to end the shareholders' deadlock and restore the corporation to operational status. Specifically, the appointment of a neutral third party trustee will not resolve any issues with regard to the operation of the corporation. While a trustee may have the right to vote shares of stock held in trust, a trustee's paramount duty is to distribute trust property pursuant to the terms of the trust instrument. Here, the trust instrument requires the residue be distributed one-half each to Petitioner and Respondent. If a neutral third party trustee is appointed, he will be obligated to distribute the shares held in trust accordingly, not to vote the shares, and, in effect run the business of the corporation.

Respondent has no objection to the immediate equal distribution of the shares of the corporation currently held in trust. In the likely event that said distribution does not resolve the deadlock, however, Petitioner's only recourse will be to file a lawsuit for involuntary dissolution in the unlimited civil department of the Superior Court.

Respondent requests that the Court issue an order requiring the Co-Trustees to immediately distribute 150 shares of Frank K. Ishii & Sons, Inc., each to Petitioner and Respondent, and for reasonable attorneys' fees and costs incurred herein.

Alternatively, Respondent requests the Court issue an order removing Petitioner and Respondent as Co-Trustees, but only as to their fiduciary ownership of the Trust's 300 shares of Frank K. Ishii & Sons, Inc.; appointing Bruce Bickel as temporary successor trustee without bond solely for the purpose of administering the Trust's 300 shares of Frank K. Ishii & Sons, Inc.; authorizing Mr. Bickel to petition to continue to serve should it be in the best interests of the beneficiaries or the affairs of the corporation that he remain in such role; awarding reasonable compensation to the temporary Successor Trustee; requiring the Co-Trustees to deliver the shares of Frank K. Ishii & Sons, Inc., to the temporary Successor Trustee by a date certain; for reasonable attorneys' fees and costs incurred herein; and for any and all other relief the Court deems just and proper.

8 Christopher Garcia, Alexiah Garcia, Jaden Garcia (GUARD/P)

Atty Deaver, Donna (Pro Per –Petitioner-Maternal Great Aunt)
 Atty Gonzales, Marina (for Selina Lopez – Mother)

Case No. 12CEPR00966

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

Christopher Age: 11		<p align="center"><u>Temporary Order Denied on 11/07/2012</u></p> <p>DONNA DEAVER, Maternal Great-Aunt, is Petitioner.</p> <p>Father: BRADLY GARCIA, Personally served 10-25-12</p> <p>Mother: SELINA LOPEZ, Present in Court on 11/07/2012 and objects</p> <p>Paternal Grandfather: John Garcia, Mailed service 10-26-12</p> <p>Paternal Grandmother: Deceased</p> <p>Maternal Grandfather: Roy Lopez, Mailed service 10-26-12</p> <p>Maternal Grandmother: Debora Harmon, Mailed service 10-26-12</p> <p>Petitioner states: CPS placed the children in her care due to the mother being arrested for child neglect and physical abuse.</p> <p>Court Investigator Jennifer Daniel's report filed 12/21/2012.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>This petition pertains to Christopher Garcia</u> only pursuant to the Minute Order of 01/07/2013: Counsel requests a continuance to review the report. Petitioner, Donna Deaver requests to withdraw the petition as to Alexiah and Jaden. The petition is withdrawn as to those two minors. The petition as to Christopher Garcia is continued to 02/25/2013.</p> <p>Minute order from temporary hearing on 11/07/2012 indicates that the mother objects. As of 12/17/2012 no written objection has been filed.</p> <p>1. Need proof of personal 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 for:</p> <ul style="list-style-type: none"> Selina Lopez (Mother) 	
Alexiah Age: 7				
Jaden Age: 6				
Cont. from 010713				
<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.			x
<input checked="" type="checkbox"/>	Conf. Screen			
<input checked="" type="checkbox"/>	Letters			
<input checked="" type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report	x		
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input checked="" type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
		Reviewed by: LV Reviewed on: 12/17/2012 Updates: 01/04/2013 Recommendation: File 8 - Garcia		

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

Age: 87	NO TEMPORARY REQUESTED		NEEDS/PROBLEMS/ COMMENTS: Continued from 01/28/2013. Court Investigator Advised Rights on 01/14/2013. Voting Rights Affected Need Minute Order.
	RANDY WOODRUM , son, is petitioner and requests appointment as Conservator of the person, with medical consent and dementia powers to administer dementia medications and for placement in a secured perimeter facility.		
Cont. from 012813	Declaration of Juan J. Touya, M.D. 01/24/2013 , supports request for medical consent and dementia powers, to administer dementia medications and for placement in a secured perimeter facility.		
<input type="checkbox"/> Aff.Sub.Wit.	Declaration of Juan J. Touya, M.D. 01/24/2013 , supports request for medical consent and dementia powers, to administer dementia medications and for placement in a secured perimeter facility.		
<input checked="" type="checkbox"/> Verified	Voting rights affected.		
<input type="checkbox"/> Inventory	Petitioner states: the proposed conservatee suffers from Alzheimer's/dementia, is diabetic and has high blood pressure. She has severe short term memory loss. She is incapable of taking care of herself and is currently located in a locked down facility for patients with Alzheimer's where they bathe and feed her and monitor all her medications. Because of her condition, she is frequently in a rage and refuses medication and help, and verbally and physically abuses staff and relatives who visit.		
<input type="checkbox"/> PTC			
<input type="checkbox"/> Not.Cred.			
<input checked="" type="checkbox"/> Notice of Hrg			
<input checked="" type="checkbox"/> Aff.Mail	w/		
<input type="checkbox"/> Aff.Pub.			
<input type="checkbox"/> Sp.Ntc.			
<input checked="" type="checkbox"/> Pers.Serv.	w/		
<input checked="" type="checkbox"/> Conf. Screen	Report of Interview and Recommendation filed 01/22/2013 by Attorney Edward L. Fanucchi states the proposed conservatee disapproves of the petition by her son. Attorney Fanucchi states that he does not recommend confinement, dementia medication nor the proposed conservatee's voting rights be affected. Attorney Fanucchi recommends a continuance of 45-60 days.		
<input checked="" type="checkbox"/> Letters			
<input checked="" type="checkbox"/> Duties/Supp			
<input type="checkbox"/> Objections			
<input checked="" type="checkbox"/> Video Receipt	Court Investigator Samantha Henson's report filed 01/18/2013.		
<input checked="" type="checkbox"/> CI Report			
<input type="checkbox"/> 9202			
<input checked="" type="checkbox"/> Order			
<input type="checkbox"/> Aff. Posting			
<input type="checkbox"/> Status Rpt			
<input type="checkbox"/> UCCJEA			
<input checked="" type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice			
			Reviewed by: LV
			Reviewed on: 02/20/2013
			Updates:
			Recommendation:
			File 10 - Woodrum

Petition for Letters of Administration; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

DOD: 03/31/2010	JOSEPH WILLIAM MARTIN , surviving spouse is petitioner and requests appointment as Administrator without bond.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Continued to 03/28/2013 at the request of Attorney McCloskey.</u></p> <p>1. Need Affidavit of Publication in the correct newspaper pursuant to Local Rule 7.9A. Petitioner indicates residence was in Mendota therefore the correct publication should be either the Firebaugh Mendota Journal or the Mendota Times. Petitioner published in The Business Journal.</p> <p>Note: If the petition is granted status hearings will be set as follows:</p> <ul style="list-style-type: none"> • Friday, 07/26/2013 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal and • Friday, 04/25/2014 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution. <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.</p>
Cont. from	Petitioner is sole heir and waives bond.	
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified	Full IAEA – o.k.	
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.	Decedent died intestate.	
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail	Residence: Mendota Publication: The Business Journal	
<input checked="" type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.	Estimated value of the Estate: Personal property - \$104,000.00	
<input type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters	Probate Referee: Steven Diebert	
<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: 02/20/2013
		Updates: 02/21/2013
		Recommendation:
		File 11 – Martin

DOD: 03/09/2005	BARBARA MARIE CLEASON OYLER, daughter, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
	40 days since DOD.	
Cont. from		
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified	No other proceedings	
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC	I&A - \$142,500.00	
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg	Decedent died intestate.	
<input checked="" type="checkbox"/> Aff.Mail	w/o	
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.	Petitioner requests Court determination that decedent's 50% interest in real property located at 2497 W. San Jose Fresno, Ca. pass to Barbara Marie Cleason Oyler pursuant to intestate succession.	
<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: LV
		Reviewed on: 02/20/2013
		Updates:
		Recommendation: Submitted
		File 12 - Cleason

13 Amelia Massoumi aka Amelia Arellano Noriega (ESTATE)

Case No. 0232459

Atty Capata, Julian Eli (for Anna Noriega Chavez – Executor)

Probate Status Hearing Re: Filing Final Distribution

DOD: 8/2/1978	<p>ANNA NORIEGA CHAVEZ was appointed Executor without bond and without IAEA powers on 9/12/1978.</p> <p>Inventory and appraisal filed on 11/5/2009 shows the value of the estate as \$40,000.00.</p> <p>Maria J. Noriega de Torres, daughter, filed a Petition for Order directing Personal Representative to Act on 04/06/12 requesting to purchase the real property of the estate for \$55,000.00 cash.</p> <p>Minute Order from hearing on 08/07/12 states: The court accepts Petitioners all cash offer of \$66,000.00 with no inspection and 30 day escrow. The century 21 realtor will receive a 3% commission of the difference from the posting price to the over-bid price in the amount of \$330.00. Petitioner provided Mr. Capata a cashier's check for down payment in the amount of \$7,000.00. Mr. Capata will prepare a new Order. This status hearing for filing of the Petition for Final Distribution and Order was set for 12/03/12.</p> <p>Order Confirming Sale of Real Property was filed 09/18/12.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>CONTINUED FROM 12/03/12</u></p> <p>As of 02/20/13, nothing further has been filed in this matter and the following remains outstanding:</p> <ol style="list-style-type: none"> 1. Need Petition for Final Distribution.
Cont. from 120312		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: JF
		Reviewed on: 02/20/13
		Updates:
		Recommendation:
		File 13 - Massoumi

14 Tanilue Jaden Devine (GUARD/P)

Case No. 11CEPR00200

Atty Gregory, Jacqueline (Pro Per – Guardian – Maternal Grandmother)

Atty Lerae Ayalla, Natasha Chatiem (Pro Per – Petitioner – Mother)

Petition for Termination of Guardianship

Age: 8	NATASHA AYALA, mother is petitioner.		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 01/28/2013 and the following issues still remain:</p> <ol style="list-style-type: none"> 1. Need proof of service fifteen (15) days prior to the hearing of the Petition for Termination of Guardianship or declaration of due diligence for: <ul style="list-style-type: none"> • Jacqueline Gregory (Guardian) • Tanielu A. Devine (Father) • Paternal Grandfather (Unknown) • Deana Devine (Paternal Grandmother) • Maternal Grandfather (Not Listed) 2. Notice of Hearing is incomplete at #1, it does not provide the petitioner's name nor what type of petition was filed.
	<p>JACQUELINE GREGORY, maternal grandmother, was appointed guardian on 11/03/2011. Guardian was personally served.</p>		
Cont. from 012813	<p>Father: TANIELU A. DEVINE,</p> <p>Paternal grandfather: Unknown Paternal grandmother: Deana Devine</p> <p>Maternal grandfather: Not Listed</p> <p>Petitioner states: the child has been residing with the petitioner/mother since March 2012, he is on her lease, she provides for his clothing and necessities as well as participates in all school related events. She states that the guardian does not take care of the child what so ever.</p> <p>Court Investigator Julie Negrete's report filed 01/18/2013.</p>		
Aff.Sub.Wit.			
✓ Verified			
Inventory			
PTC			
Not.Cred.			
✓ Notice of Hrg			
Aff.Mail		X	
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			
			<p>Reviewed by: LV</p> <p>Reviewed on: 02/20/2013</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 14 – Devine</p>

Nathaniel, 2	ANGELINA COLLINS, mother, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. Need proof of service by mail at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Termination of Guardianship</i> or Declaration of Due Diligence or Consent & Waiver of Notice for: - Nathaniel Comenger (father) - Paternal grandparents (not listed) - Kurt Ricardo (maternal grandfather) 2. Need CI report and clearances – CI to provide.
Malichi, 1	LANA PRATT, maternal grandmother, was appointed guardian on 11/26/12. – <i>Personally served on 12/28/12</i>	
	Father: NATHANIEL COMENGER	
Cont. from	Paternal grandparents: NOT LISTED	
Aff.Sub.Wit.	Maternal grandfather: KURT RICARDO	
✓ Verified	Petitioner states that she is the children's mother and they belong with her.	
Inventory	Court Investigator Dina Calvillo filed a report on – NEED REPORT.	
PTC		
Not.Cred.		
✓ Notice of Hrg		
Aff.Mail	X	
Aff.Pub.		
Sp.Ntc.		
✓ Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report	X	
9202		
✓ Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: JF
		Reviewed on: 02/20/13
		Updates:
		Recommendation:
		File 15 - Collins

16 Oscar A. Zuniga, Javier R. Zuniga, Isaac M. Zuniga, Jose G. Barrera (GUARD/P)

Case No.

12CEPR01154

Atty Toledo, Maria D. (pro per – maternal aunt/Petitioner)

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

Oscar, 13	<u>NO TEMPORARY REQUESTED</u>		<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need <i>Notice of Hearing</i>. 2. Need proof of personal service at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Guardian of the Person or Consent & Waiver of Notice or Declaration of Due Diligence</i> for: <ul style="list-style-type: none"> - Oscar Zuniga, Sr. (father) - Hortencia Menchaca (mother) - Javier Barrera Jacuinde (Jose's father) 3. Need proof of service by mail at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Guardian of the Person or Consent & Waiver of Notice or Declaration of Due Diligence</i> for: <ul style="list-style-type: none"> - Paternal grandparents (all) - Daniel Menchaca (maternal grandfather) - Consuelo Menchaca (maternal grandmother) 4. Need <i>Confidential Guardian Screening Form</i>.
Javier, 8	<p>MARIA D. TOLEDO, maternal aunt, is Petitioner.</p>		
Isaac, 6	<p>Father (Oscar, Javier, Isaac): OSCAR A. ZUNIGA, SR.</p>		
Jose, 4	<p>Father (Jose): JAVIER BARRERA JACUINDE</p>		
Cont. from	<p>Mother: HORTENCIA MENCHACA</p>		
Aff.Sub.Wit.	<p>Paternal grandparents (all): UNKNOWN</p>		
✓ Verified	<p>Maternal grandfather: DANIEL MENCHACA</p>		
Inventory	<p>Maternal grandmother: CONSEULO MENCHACA</p>		
PTC	<p>Siblings: CESAR ZUNIGA (12), JUAN GUTIERREZ (17), JESUS ZUNIGA (9)</p>		
Not.Cred.	<p>Petitioner alleges she has had the children in her care since November 2012. She states that the maternal family all agrees that she is the best person to care for the children.</p>		
Notice of Hrg	x	<p>Court Investigator Charlotte Bien filed a report on 02/13/13.</p>	
Aff.Mail	x		
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.	x		
Conf. Screen	x		
✓ Letters			
✓ Duties/Supp			
Objections			
Video Receipt			
CI Report		<p>Reviewed by: JF</p>	
9202		<p>Reviewed on: 02/20/13</p>	
✓ Order		<p>Updates:</p>	
Aff. Posting		<p>Recommendation:</p>	
Status Rpt		<p>File 16 – Zuniga & Barrera</p>	
✓ UCCJEA			
Citation			
FTB Notice			

17A Loretta M. Drummond (Estate)

Case No. 11CEPR00689

Atty Keeler, Jr., William J., of Portland, for Petitioner Dennis L. Thomas, Successor Co-Trustee)
Atty Ivy, Scott J. (of Lang Richert & Patch, for Respondent and Contestant Janette Courtney, Executor)

Status Hearing Re: Settlement Agreement

Ernest DOD: 2003	<p>DENNIS L. THOMAS, son, beneficiary, and Successor Co-Trustee, filed a Petition to Determine Validity of Trust Instruments; to Determine Title to Property; to Recover Trust Property; to Compel Trustee to Account and Report; Financial Elder Abuse on 12-19-11 that was set for hearing on 2-7-12.</p> <p>JANETTE COURTNEY, Executor of the Estate of Loretta Drummond and Trustee of the Loretta M. Drummond "S" Trust filed a Response and Request for Abatement per Probate Code §854 on 1-30-12.</p> <p>Settlement Conference Minute Order 10-17-12 states: The Court notes for the record that a conference call was conducted in chambers with Charles Ashdon and Janette while both counsel were present. Parties reach a settlement agreement as fully set forth on the record by Mr. Keeler. Mr. Keeler indicates for the record that this is intended to be a settlement of both cases. Settlement agreement to be reduced to writing within the next four to five days. The Court will retain jurisdiction to enforce the agreement. Matter set for Status Hearing regarding the settlement agreement on 12/14/12. If the agreement is completed by 12/14/12, no appearance will be necessary. Set for 12/14/12 for: Status Hearing Re: Settlement Agreement</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Minute Order 2-15-13: Mr. Keeler and Mr. Ivy are appearing via conference call. The Ex Parte Order Setting Hearing Date is signed by the Court. Documents to be filed by 2-22-13. Hearing set for 2-25-13.</u></p> <p><u>See Pages 17B (Report of Sale) and 17C (Petition re Compromise)</u></p>
Loretta DOD: 6/9/11		
Cont. from 121412, 021513		
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: 2-20-13</p>	
	<p>Updates:</p>	
	<p>Recommendation:</p>	
	<p>File 17A - Drummond</p>	

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

Ernest DOD: 2003		JANETTE COURTNEY , Executor with Full IAEA without bond, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
Loretta DOD: 6/9/11			
		Sale price: \$250,000.00	<ol style="list-style-type: none"> Petitioner does not provide the proposed vesting at #4a. Attachment 4f indicates Sale of real property to Quentin Johnson and Cynthia Johnson "or assignee." The Court may require clarification. It does not appear that all interested parties in the estate (as listed in #8 of the original petition for probate) were included in the Notice of Hearing. <p>Note: The Ex Parte Order Setting Hearing Date filed 2-15-13 does not specifically provide for shortened time for notice pursuant to Probate Code §10302, which allows the Court to shorten the time for notice to not less than five days. Notice of Hearing indicates service to the parties on 2-15-13, and clerk's certificate of posting indicates posting on 2-20-13. The Court may wish to confirm notice pursuant to Probate Code §10312.</p>
		Overbid: \$263,000.00	
<input type="checkbox"/>	Aff.Sub.Wit.	Appraisal: \$250,000.00	
<input checked="" type="checkbox"/>	Verified	Property: 2325 W. Caldwell, Visalia, CA	
<input type="checkbox"/>	Inventory	Publication: N/A (Will gives authority to sell)	
<input type="checkbox"/>	PTC	Buyers: Quentin Johnson and Cynthia Johnson (proposed vesting not provided) or assignee	
<input type="checkbox"/>	Not.Cred.	Broker: \$15,000.00 to Michelle Felsted of Burr Commercial	
<input checked="" type="checkbox"/>	Notice of Hrg	Terms provided at Attachment 4f.	
<input checked="" type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input 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: skc
			Reviewed on: 2-20-13
			Updates:
			Recommendation:
			File 17B - Drummond

Loretta M. Drummond (Estate)

Ivy, Scott J. (of Lang Richert & Patch, for Petitioner Janette Courtney, Executor)
Keeler, Jr., William J., of Portland, for Dennis L. Thomas, Successor Co-Trustee)

Petition for Order Authorizing Personal Representative to Compromise and Settle Suit [Prob. C. 9830(a)(1)]

Ernest DOD: 2003		<p>JANETTE COURTNEY, Executor with Full IAEA without bond, is Petitioner.</p> <p>Petitioner states Letters issued on 9-15-11 and the time for filing creditors' claims has expired. An I&A of the estate has not yet been filed with this Court; however, the estimated value of the estate is \$75,000.00.</p> <p>Dennis Thomas filed a Petition to Determine Validity of Trust Instruments; To Determine Title to Property; To Recover Trust Property; To Compel Trustee to Account and Report; Financial Elder Abuse on 12-19-11 against Petitioner as Executor in the instant case. A related action was filed on the same date as Case No. 11CECG004320 seeking damages against decedent and Petitioner with respect to stock in the Drummond Company in an amount 'according to proof.' Petitioner has filed responses in the actions denying the plaintiff's allegations. These two actions are referred to as the "Litigation."</p> <p>Petitioner states he has settled and compromised this Litigation subject to authorization of this court pursuant to the terms and conditions outlined in the Petition. Petitioner believes the terms and conditions of the compromise and settlement are to the advantage of the estate in order to protect estate assets from the cost and expense of protracted litigation and uncertainty of the outcome of the actions set forth above.</p> <p>Petitioner requests an order of this Court that authorizes the Petitioner to do everything necessary to complete the compromise and settlement of the actions set forth above on the terms and conditions set forth in this petition.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Petitioner states an I&A has not yet been filed; however, the estimated value of the estate is \$75,000.00. However, Partial I&A No. 1 filed 2-13-13 indicates a partial value of \$250,000.00, which is the commercial real property being sold pursuant to Report of Sale at Page 17B. Therefore, the Court may require clarification regarding this statement and the estimated total value of the estate.</p> <p><u>Note:</u> The subject of the proposed compromise appears to be shares of the Drummond Company that are currently held either in the estate, or in the "S" Trust, or otherwise. Examiner notes that such shares have been inventoried as assets of the estate.</p> <p>2. It does not appear that all interested parties in the estate (as listed in #8 of the original petition for probate) and/or trust (as listed in Mr. Thomas' petition pursuant to §17201) were included in the Notice of Hearing.</p>	
Loretta DOD: 6/9/11				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			X
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail			W
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
✓	Letters			9-15-11
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			