

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)**

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.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>OFF CALENDAR. Agreement reached at the Settlement Conference on 2/20/13.</p>
	PUBLIC GUARDIAN is Conservator of the Estate.	
Cont. from 012813	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).	
<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 checked="" 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		
	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		<p>ANTONETTE FREGOSO, Administrator, is petitioner.</p> <p>Accounting is waived.</p> <p>I & A - \$264,250.00 POH - \$ 1,500.00</p> <p>Administrator - waives</p> <p>Attorney - \$4,099.00</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <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. <p style="text-align: center;">Please see additional page</p>
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input type="checkbox"/>	Verified X		
<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		
<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		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input checked="" type="checkbox"/>	FTB Notice		
		<p>Reviewed by: KT</p> <p>Reviewed on: 2/20/13</p> <p>Updates: 2/21/13</p> <p>Recommendation:</p> <p>File 2 - Canales</p>	

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].

Atty Feigel, Sheldon W., sole practitioner of Sanger (for Petitioner Lavonne Boland, Conservator)

Second Account and Report of Conservator [Prob. C. 2620, 2640]

Age: 87 years	LAVONNE ILENE BOLAND , daughter and Conservator of the Estate, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 1/14/2013. Minute Order states Counsel requests a continuance to provide notice.</p> <p>Note: Petitioner was appointed as Guardian of the Person in Deschutes County, Oregon on 7/1/2009.</p> <p>The following issues remain to be addressed:</p> <ol style="list-style-type: none"> 1. Fees totaling \$860.00 for Court Investigations billed in 2008 are due from the conservatorship estate (<i>please refer to copy of billing statement on left side of case file.</i>) Fee Waiver granted subsequent to 2008 does not cover fees previously incurred unless <i>Order on Court Fee Waiver</i> states the fee waiver is retroactive. 2. Need proof of service by mail of the <i>Notice of Hearing</i> at least 15 days prior to the hearing pursuant to §§ 2621 and 1460 for the following persons: <ul style="list-style-type: none"> • Elva Squires, Conservatee; • Walter Squires, spouse; • Vickie Bower, daughter; • Nathan Squires; • Cheryl Wilson; • Vercie Davidson; • Celeste Barker, step-daughter (also pursuant to her <i>Request for Special Notice</i> filed 10/24/2008.) 3. <i>Summary of Account</i> reflects \$62,627.95 has been disbursed during the period of this Second Account. However, <i>Schedule C, Disbursements</i>, has been omitted. Need <i>Schedule C, Disbursements</i> for the Court's review pursuant to Probate Code § 2620(d) and (e). 4. Bank account statements were not filed in a separate affidavit in accordance with Probate Code § 2620(c)(7). (<i>Note: This issue is raised for future reference of the attorney.</i>) 5. Need proposed order.
Cont. from 011413	Account Period: 4/24/2009 – 8/24/2012	
Aff.Sub.W	Accounting - \$90,583.67	
✓ Verified	Beginning POH - \$63,502.15	
Inventory	Ending POH - \$ 431.06 (\$6.06 is cash)	
PTC	Conservator - waives	
Not.Cred.	Attorney - waives	
Notice of Hrg	Bond - \$10,000.00	
Aff.Mail	Petitioner states:	
Aff.Pub.	<ul style="list-style-type: none"> • This Court authorized the Conservator to relocate the Conservatee to live with the Conservator in Oregon, and ordered a conservatorship of the person be established in Oregon (<i>please refer copy of Letters filed 7/24/2009</i>); • Fees for services by the attorney during the period of this account are being waived, and the Conservator waives her right to compensation; fees ordered by the Court for the First Account have not been paid in full by the conservatorship estate, as it does not have sufficient funds to pay the fees; (<i>Note: Attorney Feigel was authorized \$15,312.50 in ordinary and extraordinary services by the Order Settling First Account filed 8/12/2009 for the account period 4/24/2008 – 4/24/2009</i>); <p>~Please see additional page~</p>	
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/S		
Objection		
Video Receipt		
CI Report		
✓ 2620		
Order		
Aff. Post		
Status Rpt		
UCCJEA		
Citation		
FTB Notc		
		<p>Reviewed by: LEG</p> <p>Reviewed on: 2/22/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 3 – Squires</p>

Petitioner states, continued:

- Conservatee currently receives monthly SSI and SSA income totaling **\$718.00**, which is used entirely to cover the costs of the Conservatee's care, medical bills and room and board at the Conservator's home in Oregon; these funds are insufficient to cover all of Conservatee's costs, and Conservator pays from her own funds to cover the balance for the care of the Conservatee;
- During the course of this accounting, Conservatee's property in Fresno County was sold; Conservatee's ½ community property interest was valued at **\$60,000.00** (total value of **\$120,000.00** for entire property), and the property was listed and marketed for many months, during which time the conservatorship was paying for two outstanding mortgages on the property, which was draining all of the conservatorship resources, and no offers were being made due to the declining real estate market; the Conservator and the daughter representing the Conservatee's spouse for the other ½ interest continued to reduce the asking price until accepting an offer of **\$65,000.00** (**\$32,000.00** for Conservatee's ½ interest), and as a result the conservatorship estate suffered a loss on sale of **\$27,500.00** (*please refer to Schedule D*);
- There is currently a bond in effect in the amount of **\$10,000.00**, and Petitioner requests due to the limited assets in the estate that the Court order termination of the bond;
- Due to the lack of funds in the estate and the minimal amount of income and expenses of the estate, and the fact that the conservatorship of the person is being handled by the Court in Oregon, Petitioner requests the Court dispense with further accountings for the estate, or if accountings must be done, that such accountings be done with the Court in Oregon having jurisdiction over the conservatorship of the person.

Petitioner prays for an order:

1. Settling and allowing the First Account, and confirming and approving all acts and transactions of Petitioner as the Conservator;
2. Dispensing with further accountings until such time as the estate is in a position to be closed; and
3. Terminating the **\$10,000.00** bond.

Petitioner states, continued:

- Decedent was survived by two grandchildren, both minors, and Decedent's Will passes her entire estate to her two grandchildren, **TAYLOR LORYN MOUNTS** (currently age 16) and **DYLAN JEFFREY MOUNTS** (currently age 14) in equal shares;
- The estate is solvent and is now in a condition to be closed.

Petitioner requests authority to deliver the real property of the estate to himself for the benefit of his children pursuant to the California Uniform Transfer to Minors Act (CUTMA), based upon the following:

- The Decedent owned a condominium at the time of her death with a value of **\$95,000.00**, and the Petitioner does not believe the value has increased significantly, if at all, since the date of Decedent's death (DOD 1/15/2011);
- The balance on the mortgage is about **\$80,000.00**, and if Petitioner was able to find a buyer, the net to the estate would be negligible after costs of sale;
- Because the equity in the property is small and the rents generated just cover expenses, Petitioner does not believe the expense to set up and maintain guardianships of the estate of the minors would be cost effective;
- Accordingly, Petitioner requests an order pursuant to Probate Code § 3906, which authorizes the Court to allow for a transfer to an adult on behalf of a minor in the absence of authorization by a will or trust, if [all of the following are met]:
 1. the personal representative believes the transfer to be in the best interest of the minor;
 2. the transfer is not [prohibited by or] inconsistent with the will or trust; and
 3. the transfer is authorized by the Court if it exceeds **\$10,000.00**. [Note: Value to each minor will be **~\$47,500.00**];
- Petitioner believes that delivery of the property to [himself to] hold for the benefit of the minors will be in their best interest;
- Petitioner is hopeful that real estate values will increase over time so that the property will have equity;
- Petitioner proposes that he continue to service the mortgage and maintain the property as a rental, and that he continue to collect the rents and otherwise maintain the property;
- Upon each child attaining the age of 18, Petitioner proposes he be allowed to file an ex parte request for an order to turn over ½ of the rental account to the former minor and to distribute ½ of the real property to the former minor.

Petitioner prays for an order:

1. Bringing administration of this estate to a close;
2. Settling, allowing and approving the First and Final Account of Petitioner as Executor;
3. Ratifying, confirming and approving all acts and transactions of Petitioner as Executor;
4. Distributing the real property of the estate to Philip Andrew Mounts under the California Uniform Transfer to Minors Act as custodian for the benefit of Taylor Loryn Mounts and Dylan Jeffrey Mounts, in equal undivided interests as prayed for in the petition;
5. Allowing Petitioner to continue to collect the rents and otherwise maintain the property;
6. Requiring that upon each child attaining age 18, the Petitioner file an ex parte request for an order to turn over ½ of the rental account to the former minor and to distribute ½ of the real property to the former minor;
7. Allowing the statutory fees and reimbursement of costs advanced; and
8. Ordering a lien on the property distributed to the beneficiaries for any unpaid attorney fees.

Marie Moore 10-15-96	TIMOTHY MOORE, Successor Trustee, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Minute Order 1-28-13:</u> 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.</p> <p><u>Note:</u> It does not appear that the status hearing occurred on 2-15-13. No receipts have been filed.</p> <p><u>Note:</u> Timothy Moore filed Declaration in Support of Trustee's Fee on 2-15-13.</p> <p><u>Note:</u> The order originally presented at the 1-28-13 hearing has not been signed. If the figures are different based on the Trustee's declaration filed 2-15-13, a new order is needed.</p> <p>Reviewed by: skc</p> <p>Reviewed on: 2-20-13</p> <p>Updates:</p> <p>Recommendation: File 5 - Moore</p>
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.	
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)	
Aff. Posting	Petitioner prays for an order:	
Status Rpt	1. Settling and allowing the account and approving and confirming the acts of Petitioner as successor trustee;	
UCCJEA	2. Waiving future trust accountings;	
Citation	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;	
FTB Notice	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.	

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.	
	I & A - \$286,408.73	
Cont. from	POH - \$22,865.96 cash plus 3	
Aff.Sub.Wit.	vehicles, miscellaneous personal property, and	
<input checked="" type="checkbox"/> Verified	interest in a promissory note	
<input checked="" type="checkbox"/> Inventory	Administrator - waived	
<input checked="" type="checkbox"/> PTC	Attorney - \$8,728.18 (statutory)	
<input checked="" type="checkbox"/> Not.Cred.	Costs - \$1,476.41 (for filing fees, certified letters, publication, probate referee)	
<input checked="" type="checkbox"/> Notice of Hrg	Closing- \$1,000.00	
<input checked="" type="checkbox"/> Aff.Mail w/	Distribution, pursuant to intestate succession	
Aff.Pub.	and subject to an assignment of interest by	
Sp.Ntc.	Brian Martin, is to:	
Pers.Serv.	Michael Martin - \$8,162.97 cash,	
Conf. Screen	plus 70% interest in 3 vehicles, miscellaneous	
Letters 05/21/12	personal property and interest in a promissory	
Duties/Supp	note	
Objections	Brian Martin - \$3,498.41 cash,	
Video Receipt	plus 30% interest in 3 vehicles, miscellaneous	
CI Report	personal property and interest in a promissory	
<input checked="" type="checkbox"/> 9202	note	
<input checked="" type="checkbox"/> Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
<input checked="" type="checkbox"/> 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	Continued from 7-2-12, 7-27-12, 8-31-12, 9-27-12, 11-26-12, 1-14-13			
	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.	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.			
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:	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.			
<table border="1"> <tr> <td data-bbox="84 632 133 674"></td> <td data-bbox="133 632 321 674">Aff.Sub.Wit.</td> <td data-bbox="321 632 375 674"></td> </tr> </table>		Aff.Sub.Wit.		<ul style="list-style-type: none"> • The FRANK K. ISHII TRUST • The ISHII FAMILY MARITAL DEDUCTION TRUST • The ISHII FAMILY SUVIVOR'S TRUST (revocable) 	
	Aff.Sub.Wit.				
<table border="1"> <tr> <td data-bbox="84 674 133 716">✓</td> <td data-bbox="133 674 321 716">Verified</td> <td data-bbox="321 674 375 716"></td> </tr> </table>	✓	Verified		On 3-15-95, Lily Ishii , individually and as Trustee of the Trust, assigned a 36.44% interest to the FRANK K. ISHII TRUST , a 13.56% interest to the ISHII FAMILY MARITAL DEDUCTION TRUST , and a 50% interest to the ISHII FAMILY SUVIVOR'S TRUST of the assets listed on Exhibit F, including accrued rent payable from the corporation of \$105,548 as of 11-10-93, a receivable due from the corporation of \$26,089 as of 11-10-93, and a proprietorship known as Lily's Hair Stylists consisting of furniture and fixtures, cash, supplies, inventory and goodwill.	
✓	Verified				
<table border="1"> <tr> <td data-bbox="84 716 133 758"></td> <td data-bbox="133 716 321 758">Inventory</td> <td data-bbox="321 716 375 758"></td> </tr> </table>		Inventory		Lily Ishii died on 3-7-05 and he and LESLIE ISHII (Respondent) became Co-Trustees.	
	Inventory				
<table border="1"> <tr> <td data-bbox="84 758 133 800"></td> <td data-bbox="133 758 321 800">PTC</td> <td data-bbox="321 758 375 800"></td> </tr> </table>		PTC		Pursuant to Section 5.02 of the Trust, the three sub-trusts were to be combined on the death of the surviving settlor and certain distribution was to occur:	
	PTC				
<table border="1"> <tr> <td data-bbox="84 800 133 842"></td> <td data-bbox="133 800 321 842">Not.Cred.</td> <td data-bbox="321 800 375 842"></td> </tr> </table>		Not.Cred.		<ul style="list-style-type: none"> • \$75,000.00 to Sharon J. Shoji (daughter) • One-half of the remaining balance to Gerald • One-half of the remaining balance to Leslie 	
	Not.Cred.				
<table border="1"> <tr> <td data-bbox="84 842 133 884">✓</td> <td data-bbox="133 842 321 884">Notice of Hrg</td> <td data-bbox="321 842 375 884"></td> </tr> </table>	✓	Notice of Hrg		SEE PAGE 2	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.
✓	Notice of Hrg				
<table border="1"> <tr> <td data-bbox="84 884 133 926">✓</td> <td data-bbox="133 884 321 926">Aff.Mail</td> <td data-bbox="321 884 375 926">w</td> </tr> </table>	✓	Aff.Mail	w		Status Report filed 2-19-13 by Attorney Burnside states the accountants had to reschedule their meeting and further continuance is needed.
✓	Aff.Mail	w			
<table border="1"> <tr> <td data-bbox="84 926 133 968"></td> <td data-bbox="133 926 321 968">Aff.Pub.</td> <td data-bbox="321 926 375 968"></td> </tr> </table>		Aff.Pub.			Reviewed by: skc
	Aff.Pub.				
<table border="1"> <tr> <td data-bbox="84 968 133 1010"></td> <td data-bbox="133 968 321 1010">Sp.Ntc.</td> <td data-bbox="321 968 375 1010"></td> </tr> </table>		Sp.Ntc.			Reviewed on: 2-19-13
	Sp.Ntc.				
<table border="1"> <tr> <td data-bbox="84 1010 133 1052"></td> <td data-bbox="133 1010 321 1052">Pers.Serv.</td> <td data-bbox="321 1010 375 1052"></td> </tr> </table>		Pers.Serv.			Updates: 2-20-13
	Pers.Serv.				
<table border="1"> <tr> <td data-bbox="84 1052 133 1094"></td> <td data-bbox="133 1052 321 1094">Conf. Screen</td> <td data-bbox="321 1052 375 1094"></td> </tr> </table>		Conf. Screen			Recommendation:
	Conf. Screen				
<table border="1"> <tr> <td data-bbox="84 1094 133 1136"></td> <td data-bbox="133 1094 321 1136">Letters</td> <td data-bbox="321 1094 375 1136"></td> </tr> </table>		Letters			File 7 - Ishii
	Letters				
<table border="1"> <tr> <td data-bbox="84 1136 133 1178"></td> <td data-bbox="133 1136 321 1178">Duties/Supp</td> <td data-bbox="321 1136 375 1178"></td> </tr> </table>		Duties/Supp			
	Duties/Supp				
<table border="1"> <tr> <td data-bbox="84 1178 133 1220"></td> <td data-bbox="133 1178 321 1220">Objections</td> <td data-bbox="321 1178 375 1220"></td> </tr> </table>		Objections			
	Objections				
<table border="1"> <tr> <td data-bbox="84 1220 133 1262"></td> <td data-bbox="133 1220 321 1262">Video Receipt</td> <td data-bbox="321 1220 375 1262"></td> </tr> </table>		Video Receipt			
	Video Receipt				
<table border="1"> <tr> <td data-bbox="84 1262 133 1304"></td> <td data-bbox="133 1262 321 1304">CI Report</td> <td data-bbox="321 1262 375 1304"></td> </tr> </table>		CI Report			
	CI Report				
<table border="1"> <tr> <td data-bbox="84 1304 133 1346"></td> <td data-bbox="133 1304 321 1346">9202</td> <td data-bbox="321 1304 375 1346"></td> </tr> </table>		9202			
	9202				
<table border="1"> <tr> <td data-bbox="84 1346 133 1415"></td> <td data-bbox="133 1346 321 1415">Order</td> <td data-bbox="321 1346 375 1415">X</td> </tr> </table>		Order	X		
	Order	X			
<table border="1"> <tr> <td data-bbox="84 1415 133 1457"></td> <td data-bbox="133 1415 321 1457">Aff. Posting</td> <td data-bbox="321 1415 375 1457"></td> </tr> </table>		Aff. Posting			
	Aff. Posting				
<table border="1"> <tr> <td data-bbox="84 1457 133 1499"></td> <td data-bbox="133 1457 321 1499">Status Rpt</td> <td data-bbox="321 1457 375 1499"></td> </tr> </table>		Status Rpt			
	Status Rpt				
<table border="1"> <tr> <td data-bbox="84 1499 133 1541"></td> <td data-bbox="133 1499 321 1541">UCC/JEA</td> <td data-bbox="321 1499 375 1541"></td> </tr> </table>		UCC/JEA			
	UCC/JEA				
<table border="1"> <tr> <td data-bbox="84 1541 133 1583"></td> <td data-bbox="133 1541 321 1583">Citation</td> <td data-bbox="321 1541 375 1583"></td> </tr> </table>		Citation			
	Citation				
<table border="1"> <tr> <td data-bbox="84 1583 133 1738"></td> <td data-bbox="133 1583 321 1738">FTB Notice</td> <td data-bbox="321 1583 375 1738"></td> </tr> </table>		FTB Notice			
	FTB Notice				

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	

Atty Bagdasarian, Gary G., sole practitioner (for Petitioners Janice Stewart and Mark Lawson, Successor Co-Trustees)

Petition for Settlement of Final Account and Report of Co-Trustees and Termination of Trust (Prob. C 1061-1064, 15407(a)(2) and (b), 15800-15804, 16062, 10664, 17200(b)(5), 17203, CRC 7.902)

DOD: 2/26/2011	JANICE STEWART and MARK LAWSON, Successor Co-Trustees of the JIM D. HINTON 1993 TRUST dated 6/24/1993, are Petitioners.	NEEDS/PROBLEMS/COMMENTS:
		Continued from 1/28/2013. Minute Order states Mr. Bagdasarian needs to file itemization and time sheets with breakdown of the \$30,000.00 .
Cont. from 012813	Account period: 2/26/2011 – 4/30/2012	Note: Declaration of Gary G. Bagdasarian in Support of Petition for Settlement of Final Account and Report of Co-Trustees and Termination of Trust, and Declaration of Janice Stewart, Co-Trustee, in Support of Petition for Settlement of Final Account and Report of Co-Trustees and Termination of Trust, were filed 2/21/2013 per Court's request. Declaration of Gary G. Bagdasarian is missing Exhibits C1 – C3, stated to contain the itemization for the \$5,758.49 in legal fees that have been paid subsequent to the 9/10/2012 end of this account period from the \$30,000.00 reserve.
Aff.Sub.W	Accounting - \$1,420,505.57	
✓ Verified	Beginning POH - \$1,401,387.56	
Inventory	Ending POH - \$ 827,316.64	
PTC	Subsequent Account: 5/1/2012 – 9/10/2012	
Not.Cred.	Accounting - \$829,343.56	
✓ Notice of Hrg	Beginning POH - \$827,316.64	
✓ Aff.Mail W /	Ending POH - \$220,612.69 (all cash)	
Aff.Pub.	Co-Trustee - \$6,308.24	
Sp.Ntc.	(covers both account periods; paid to Co-Trustee Janice Stewart; itemization filed 2/21/2013.)	
Pers.Serv.	Accountant - \$8,675.00	
Conf. Screen	(\$4,825.00 for first account period, \$3,850.00 for subsequent account period; paid to M. Green and Co., LLP.; itemization filed 2/21/2013.)	
Letters		
Duties/S		
Objectn	Attorney - \$43,372.34	
Video Receipt	(\$38,791.47 for first account period, \$4,580.87 for subsequent account period; itemization filed 2/21/2013.)	
CI Report		
9202		
✓ Order	Reserve - \$30,612.69	
Aff. Post	(for fiduciary income tax returns, tax liabilities, expenses, fees and costs of co-trustees, accountant and attorney incurred after the date of entry of Court order.)	
Status Rpt		
UCCJEA		
Citation		
FTB Notc		
	~please see additional page~	
		Reviewed by: LEG
		Reviewed on: 2/22/13
		Updates:
		Recommendation:
		File 9 - Hinton

Petitioners state:

- The *Petition for Settlement of Account* is reasonably necessary for the protection of the interests of the Successor Co-Trustees and the beneficiaries because without the approval of the Court as to the Account and Report, the Co-Trustees would be required to hold back substantial funds from distribution to the beneficiaries to cover potential costs of litigating any claims made during the ~3 years until the statute of limitations expires;
- Co-Trustees seek timely determination of all matters presented in this account so that beneficiaries may receive distributions without lengthy delay;
- Pursuant to consents of beneficiaries to *Notice of Proposed Action*, 11 preliminary distributions of cash and personal property items were made from the Trust and received by the three beneficiaries totaling **\$894,818.98**; a proposed preliminary distribution to **LINDSEY H. HINTON** in the amount of **\$150,000.00** cash reflected in the account was never made as she never requested the preliminary distribution;
- Pursuant to the *Agreement Between Beneficiaries Concerning Distribution of Personal Property and Effects* signed by all three beneficiaries (*attached as Exhibits E1, E2, E3*), the Trustees distributed appraised personal property totaling **\$14,819.00**; based upon the distributions, the amounts allocated to each of the beneficiaries is set forth as an increase or decrease to the beneficiary's distribution depending on the personal property received;
- The Trust will incur additional trustee, accounting and attorney's fees and costs and will incur additional filing fees for this petition in an uncertain amount over and above the trustee, accounting and attorney's fees incurred to the date of filing this account, for which the Petitioners request a reserve of **\$30,612.69** to be held for closing expenses including filing fiduciary income tax returns, payment of tax liabilities, and expenses properly incurred in the distribution of the Trust estate, and co-trustee's fees, accountant's fees and attorney's fees and costs incurred after the date of entry of an order of this Court on this petition;
- The Trust estate available for distribution is **\$190,000.00** (represented by **\$220,612.69** less **\$30,612.69** reserve), plus **\$150,000.00** not previously distributed to Lindsey H. Hinton, and is proposed to be distributed as follows:
 - **TERESA ANN KERN, daughter – 50%** interest in the estate totaling **\$97,284.00** (*\$95,000.00 plus \$2,284.00 personal property distribution allocation*);
 - **CERA A. GHAVIMI, granddaughter – 25%** interest in the estate totaling **\$41,861.00** (*\$47,500.00 less \$5,639.00 personal property distribution allocation*);
 - **LINDSEY H. HINTON, granddaughter – 25%** interest in the estate totaling **\$200,855.00** (*\$47,500.00 plus \$3,355.00 personal property distribution allocation plus \$150,000.00 preliminary distribution not taken previously*);
- Petitioners request that after distribution and receipts filed in connection with distribution, the Co-Trustees are discharged and released from liability for all acts taken by them as Successor Co-Trustees of the Trust.

Petitioners pray for an Order:

1. That this Account and Report be settled, allowed and approved, and all of the acts and transactions of Petitioners set forth in it be ratified, confirmed and approved;
2. That Petitioners be allowed to retrain a reserve of **\$30,612.69**;
3. That Petitioners be allowed to distribute the sums [*noted above*] to the beneficiaries; and
4. That the Successor Co-Trustees and their attorneys and accountants be discharged and released from liability for all acts taken by them as described in the petition.

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. Voting rights affected.		
	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: 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.	NEEDS/PROBLEMS/COMMENTS: <u>Continued to 03/28/2013 at the request of Attorney McCloskey.</u> 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. Note: If the petition is granted status hearings will be set as follows: <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 <u>and</u> • Friday, 04/25/2014 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution. Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.
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.	Estimated value of the Estate:	
<input type="checkbox"/> Pers.Serv.	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		<p>BARBARA MARIE CLEASON OYLER, daughter, is petitioner.</p> <p>40 days since DOD.</p> <p>No other proceedings</p> <p>I&A - \$142,500.00</p> <p>Decedent died intestate.</p> <p>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.</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/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 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	

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> <p>1. Need Petition for Final Distribution.</p>
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

Petition for Termination of Guardianship

Age: 8	NATASHA AYALLA , 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.
	JACQUELINE GREGORY , maternal grandmother, was appointed guardian on 11/03/2011. Guardian was personally served.		
Cont. from 012813	Father: TANIELU A. DEVINE ,		
<input type="checkbox"/> Aff.Sub.Wit.			
<input checked="" type="checkbox"/> Verified	Paternal grandfather: Unknown Paternal grandmother: Deana Devine		
<input type="checkbox"/> Inventory			
<input type="checkbox"/> PTC			
<input type="checkbox"/> Not.Cred.	Maternal grandfather: Not Listed		
<input checked="" type="checkbox"/> Notice of Hrg	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.		
<input type="checkbox"/> Aff.Mail	x		
<input type="checkbox"/> Aff.Pub.			
<input type="checkbox"/> Sp.Ntc.			
<input checked="" type="checkbox"/> Pers.Serv.	w/		
<input type="checkbox"/> Conf. Screen			
<input type="checkbox"/> Letters			
<input type="checkbox"/> Duties/Supp			
<input type="checkbox"/> Objections			
<input type="checkbox"/> Video Receipt			
<input checked="" type="checkbox"/> CI Report			
<input type="checkbox"/> 9202			
<input checked="" type="checkbox"/> Order			
<input type="checkbox"/> Aff. Posting			
<input type="checkbox"/> Status Rpt			
<input type="checkbox"/> UCCJEA			
<input type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice			
			Reviewed by: LV
			Reviewed on: 02/20/2013
			Updates: 02/22/2013
			Recommendation:
			File 14 – Devine

Atty Walters, Jennifer L. (for Lana Pratt – guardian)

Atty Collins, Angelina Denise (pro per – mother/Petitioner)

Petition for Termination of Guardianship

Nathaniel, 2		ANGELINA COLLINS, mother, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
Malichi, 1			
Cont. from		LANA PRATT, maternal grandmother, was appointed guardian on 11/26/12. – <i>Personally served on 12/28/12</i>	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 <i>Declaration of Due Diligence</i> or <i>Consent & Waiver of Notice</i> for:
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified	Paternal grandparents: NOT LISTED	- Nathaniel Comenger (father)
<input type="checkbox"/>	Inventory	Maternal grandfather: KURT RICARDO	- Paternal grandparents (not listed)
<input type="checkbox"/>	PTC	Petitioner states that she is the children's mother and they belong with her.	- Kurt Ricardo (maternal grandfather)
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg	Court Investigator Dina Calvillo filed a report on 02/21/13.	
<input type="checkbox"/>	Aff.Mail		
<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 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 type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: JF
			Reviewed on: 02/20/13
			Updates: 02/22/13
			Recommendation:
			File 15 - Collins

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</i> <u>or</u> <i>Consent & Waiver of Notice</i> <u>or</u> <i>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</i> <u>or</u> <i>Consent & Waiver of Notice</i> <u>or</u> <i>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	<p>Court Investigator Charlotte Bien filed a report on 02/13/13.</p>		
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
✓ Letters			
✓ Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
✓ Order			
Aff. Posting			
Status Rpt			
✓ UCCJEA			
Citation			
FTB Notice			
			<p>Reviewed by: JF</p>
			<p>Reviewed on: 02/20/13</p>
			<p>Updates:</p>
			<p>Recommendation:</p>
			<p>File 16 – Zuniga & Barrera</p>

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>	NEEDS/PROBLEMS/COMMENTS:
Loretta DOD: 6/9/11		<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>
Cont. from 121412, 021513	<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><u>See Pages 17B (Report of Sale) and 17C (Petition re Compromise)</u></p>
Aff.Sub.Wit.		<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>
Verified	Reviewed on: 2-20-13	
Inventory	Updates:	
PTC	Recommendation:	
Not.Cred.	File 17A - Drummond	
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		

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

Ernest DOD: 2003		JANETE COURTNEY , Executor with Full IAEA without bond, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
Loretta DOD: 6/9/11			
		Sale price: \$250,000.00	1. Petitioner does not provide the proposed vesting at #4a.
		Overbid: \$263,000.00	
		Appraisal: \$250,000.00	2. Attachment 4f indicates Sale of real property to Quentin Johnson and Cynthia Johnson "or assignee." The Court may require clarification.
<input type="checkbox"/> Aff.Sub.Wit.		Property: 2325 W. Caldwell, Visalia, CA	
<input checked="" type="checkbox"/> Verified		Publication: N/A (Will gives authority to sell)	<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>
<input type="checkbox"/> Inventory		Buyers: Quentin Johnson and Cynthia Johnson (proposed vesting not provided) or assignee	
<input type="checkbox"/> PTC		Broker: \$15,000.00 to Michelle Felsted of Burr Commercial	
<input type="checkbox"/> Not.Cred.		Terms provided at Attachment 4f.	
<input checked="" type="checkbox"/> Notice of Hrg			
<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: skc
			Reviewed on: 2-20-13
			Updates:
			Recommendation:
			File 17B - Drummond

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 not 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			
		<p>Reviewed by: skc</p> <p>Reviewed on: 2-20-13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 17C – Drummond</p>	