



## 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.

DOD: 10-8-97	CYNTHIA BLACKSTOCK, daughter, is Executor.	NEEDS/PROBLEMS/COMMENTS:
	Executor's First Account was settled on 2-10-14.	<p><b>Minute Order 8-29-14:</b> Mr. Knudson informed the Court that the Tax Board will waive the creditor's claim. Continued to 2-25-15.</p> <p><b>Note:</b> On 9-2-14, a Withdrawal of Claim and a Withdrawal of Request for Special Notice were filed by the Franchise Tax Board. However, nothing further has been filed by the Executor.</p> <p>1. Need Second Account and/or Final Account or verified written status report pursuant to local rule.</p>
Cont. from 082914	At hearing on 2-10-14, the Court set this status hearing for the filing of the Second Account and/or Final Account.	
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: skc
		Reviewed on: 2-19-15
		Updates:
		Recommendation:
		File 2 - Manuel

**3 Enrique Gamez (CONS/PE)**

**Case No. 11CEPR00546**

**Atty Bagdasarian, Gary G. (for Elpidio Gamez and Maria L. Gamez – Co-Conservators – Petitioners)**  
 1) Second Account Current and Report of Co-Conservators; 2) Petition for Bond for Co-Conservators; 3) for Allowance of Co-Conservators' Compensation; 4) for Allowance of Attorney's Fees; 5) and for Reimbursement of Costs to Attorney

	See petition for details.		<b>NEEDS/PROBLEMS/COMMENTS:</b>  <u>SEE ADDITIONAL PAGES</u>
	Cont. from 011415		
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	W	
	Aff.Pub.		
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	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
✓	CI Report		
	2620(c)	X	
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: skc
			Reviewed on: 2-19-15
			Updates:
			Recommendation:
			File 3 – Gamez

**Page 2****NEEDS/PROBLEMS/COMMENTS – The following issues remain noted:**

1. The Disbursements Schedule does not contain any descriptions of the various disbursements totaling \$27,393.00 pursuant to Probate Code §1062(b), Cal. Rule of Court 7.575.
2. On 1-15-13, the Court authorized withdrawal of \$15,000.00 toward the purchase of a new vehicle (total price \$31,184.00) for which title was to be held jointly by the Conservatee and Co-Conservator Elipidio Gamez pursuant to Declaration filed 1-30-13. This accounting does not include any mention of the vehicle as an asset of the conservatorship estate, other than in the attorney's declaration in support of the request for compensation associated therewith. The Court may require clarification and amended Property On Hand schedule, reflecting the Conservatee's interest in the vehicle.
3. The Court may require clarification regarding the Social Security supplemental income, which the petition states is paid directly to the Conservatee for his living expenses, and is not included in the accountings. This income was inventoried as an asset of the conservatorship estate on the Inventory and Appraisal filed 11-4-11.
4. Need account statements pursuant to Probate Code §2620(c).

**If granted, the Court will set status hearings as follows:**

- **Wednesday, April 15, 2015 for the filing of the bond**
- **Wednesday, December 14, 2016 for the filing of the next account**

**If the proper items are on file prior to the status hearing dates, the status hearings may be taken off calendar. Otherwise, status report is required pursuant to Local Rule 7.5.**

Reset: Petition to Determine Succession to Real Property (Prob. C. 13151)

DOD: 7/26/2000		<p>MARY MCGEE, RITA JONES, EARL LOCKHART, JR., EVERLENER SMITH, JACKIE LOCKHART, ARTHUR LOCKHART, DAVID LOCKHART, RICKY LOCKHART, JAMES LOCKHART, grandchildren, are petitioners.</p> <p>40 days since DOD.</p> <p>No other proceedings.</p> <p>Decedent died intestate.</p> <p>I &amp; A - \$110,000.00</p> <p><b>Petitioners request</b> court confirmation that Decedent's 25% interest in real property located at 962 75<sup>th</sup> Ave Oakland, CA pass to 1/9 to each of them pursuant to intestate succession.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>Please see additional page.</p>	
Cont. from 010714, 082814, 120314, 011415				
<input type="checkbox"/>	Aff.Sub.Wit.			
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<input type="checkbox"/>	Letters			
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<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
		<p>Reviewed by: KT</p> <p>Reviewed on: 2/20/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 5 – Raymond</p>		

As of 2/20/14 the following issues remain:

1. A Petition to Determine Succession to Real Property was previously filed for this decedent (that petition was denied on 1/31/13). In the previously filed petition the petitioners were requesting a 50% interest pass to petitioners. (This decedent had a 25% interest in the real property and her sister had another 25% interest. The petition alleged that decedent's sister's 25% interest belonged to this decedent because the sister had died and decedent was her sole heir). The Inventory and Appraisal in the first filed petition listed the value of the property (50%) at \$110,000.00. This petition includes a copy of the same inventory and appraisal valued (25%) at \$110,000. How can the 50% interest alleged in the first filed petition and 25% interest as alleged in this petition both be valued at \$110,000? – **Declaration of Attorney states** the property is appraised at 100% therefore a 25% interest would be \$27,500.00. This petition only concerns a 25% interest in the estate. **Examiner note:** Pursuant to Probate Code 13152(b) and Probate Code §8802 the property listed shall state the fair market value of the property at the time of the decedent's death. **Therefore need amended inventory and appraisal showing the value of decedent's interest in the property as of her date of death.**
2. Decedent was also survived by a 10<sup>th</sup> grandchild, Opal White. Opal White died on 5/25/05 (after this decedent) therefore her estate is entitled to a 1/10 share of this estate. Petition states her son, Danny Brown has filed an Affidavit Re: Real Property of Small Value to pass Opal's interest in the real property to him. However, Opal's interest must first pass to her. In addition, someone (a special administrator?) will need to sign this petition on her behalf. Note: A special administrator cannot be appointed in this estate for Opal. A special administrator will need to be appointed in a new case for Opal's estate. – Petitioner contends that the issue of the 2.5% interest passing to the heirs of Opal White is not before the Court. Danny Brown has filed an Affidavit Re: Real Property of Small Value to claim the final 2.5% interest from the estate of Opal White. Danny Brown is not a petitioner herein, and seeks no relief in this petition. – **Examiner note:** The problem is that before the property can pass to Danny Brown the property must first pass to Opal White's estate. Therefore a Special Administrator would need to be appointed (in a separate proceeding) to be able to sign this Petition to Determine Succession on Opal's behalf in order to pass Opal's interest in this estate to her estate. After the property is in Opal's estate then Danny Brown can file the Affidavit Re: Real Property of Small Value.

**Declaration of Randolph Krbechek filed on 8/27/14 states** he cannot attend the hearing on 8/28/14 because he is required to be in Redwood City for closing arguments. Mr. Krbechek requests a continuance of 90 days to address the examiner notes.

**Declaration of Randolph Krbechek filed on 11/26/14 states** he cannot attend the hearing on 12/6/14 because he is required to be in Dept. 401 at the same time for a pending court trial. Mr. Krbechek requests a continuance.

**Declaration of Attorney Krbechek filed on 1/12/15 states** he has not been able to complete the required Petition to Determine Succession to Real Property due to the holidays and family matters. Based thereon, Mr. Krbechek respectfully requests the court continue the matter for 30 days.

**Order to Show Cause RE: Failure to Appear and Failure to File the First Account and Petition for Final Distribution**

	<p><b>J. TODD ARMAS</b>, an attorney, was appointed Executor with Full IAEA without bond on 10-2-13. Letters issued 10-8-13.</p> <p>At the hearing on 12/05/2014, the Court set this Order to Show Cause.</p> <p><b>Minute Order of 12/05/2014:</b> The Court issues an Order to Show Cause to Todd Armas as to why he should not be sanctioned or removed for failure to appear and failure to file the first account or Petition for Final Distribution. Mr. Armas is ordered to be personally present on 01/14/2015.</p> <p>Minute Order mailed to Mr. Todd Armas on 12/05/2014.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Note:</b> Petition for Termination of Further Proceedings and Discharging Personal Representative was filed 02/18/2015. Hearing is set for 03/25/2015.</p> <p><b>Minute Order of 01/14/2015:</b> The Court grants one last continuance in this matter and warns that sanctions will be imposed for future failures to appear. Mr. Armas represents that the accounting will be done by the end of the week or early next week. If said accounting is filed by 02/23/2015, then no appearance is necessary on 02/25/2015.</p> <p>1. Need Petition for Final Distribution pursuant to Probate Code § 12200 or verified status report pursuant to Local Rule 7.5.</p>
<b>Cont. from 011415</b>		
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
		<b>Reviewed by:</b> LV
		<b>Reviewed on:</b> 02/20/2015
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 6 – Cole</b>

**8 Sierra Moreno-Long (CONS/PE)**

**Case No. 14CEPR00463**

**Atty Kruthers, Heather H. (for Fresno County Public Guardian – Petitioner)**

**Atty Horton, Lisa (Court appointed for Conservatee)**

**Atty Fanucchi, Edward L. (for Linda James – Current Conservator of the Person)**

**Petition for Appointment of Successor Conservator of the Person and Estate**

		See petition for details.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>Continued from 1-7-15. The following issue remains noted:</p> <p>1. There is no vacancy for Conservator of the Person. Linda James, Paternal Grandmother, was appointed Conservator of the Person only 8-21-14. The Court may require clarification with reference to Probate Code §2650.</p> <p><u>Note:</u> If granted, the Court will set status hearings as follows:</p> <ul style="list-style-type: none"> <li>• Wednesday July 29, 2015 for filing the Inventory and Appraisal</li> <li>• Wednesday, May 25, 2016 for filing the first account.</li> </ul> <p>If the proper items are on file, the status hearings may be taken off calendar.</p>	
Cont. from 010715				
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	Conf. Screen			
✓	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
✓	CI Report			
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✓	Order			
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	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
		Reviewed by: skc		
		Reviewed on: 2-19-15		
		Updates:		
		Recommendation:		
		File 8 – Moreno-Long		

Petition for Final Distribution on Waiver of Accounting

Age:		NEEDS/PROBLEMS/COMMENTS:  <b><u>CONTINUED TO 3-12-15</u></b>  Per Attorney request
DOD:		
Cont. from		
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:
		Reviewed on: 2-20-15
		Updates:
		Recommendation:
		File 10 – Miller

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

<b>DOD: 9/18/2004</b>	<b>RENEE MASON</b> , mother, was appointed as Administrator with full IAEA authority and without bond on 7/26/2005.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Continued from 12/3/14. Minute order states Mr. Hurt [making a special appearance] represents that Mr. Brock took the entire file and has not been reachable. If the inventory and appraisal and the first account or petition for final distribution are filed by 2/23/14, the no appearance is necessary on 2/25/15.</b></p> <ol style="list-style-type: none"> <li><b>Need inventory and appraisal, and first account or petition for final distribution, or current written status report</b> pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.</li> <li>Need substitution of attorney.</li> </ol>
	Letters issued 7/26/2005.	
	Inventory and appraisal was due December 2005.	
<b>Cont. from 021414, 053014, 080414, 090314, 120314</b>		
<b>Aff.Sub.Wit.</b>	First account or petition for final distribution was due August 2006.	
<b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>	Creditor's Claim in the amount of \$799.97 filed on 3/26/2005 by Bank of America.	
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>	Notice of Status Hearing was mailed to attorney Kenneth Brock and Administrator Renee Mason on 11/21/14.	
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>	<b>Minute order dated 2/14/14</b> indicates Administrator Renee Mason was present in court and was provided a copy of the examiner notes.	
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>	<b>Minute Order dated 5/30/14</b> states Attorney Douglas Hurt will be representing Ms. Mason.	
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>	<b>Minute Order dated 8/4/14</b> states Attorney Browskey is appearing by Court Call.	
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
		<b>Reviewed by: KT</b>
		<b>Reviewed on: 2/20/15</b>
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 14 – Swarm</b>

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

<b>DOD: 02/20/13</b>	<p><b>ROBERT O. NICOLAYSEN, II</b>, son, was appointed Administrator without bond on 09/25/13. Letters of Administration were issued on 10/08/13.</p> <p>Inventory &amp; Appraisal, filed 08/26/14 - \$26,800.00.</p> <p><b>Status Report</b> filed 12/01/14 states: The only asset of the estate are shares of Veterinary Emergency Services. Petitioner has been waiting on the board of directors to make a decision about the buyback policy after the death of a shareholder. The bylaws for Veterinary Emergency Services require the corporation to pay 10% down and the remaining balance over 10 years at a fixed rate of 3.25%. The corporation has made an exception in this case and has agreed to buy back the shares over the course of three months at the current share price. Petitioner is waiting on confirmation of the final buyback schedule but expects them to make prompt payment. Petitioner respectfully requests a 120 day continuance.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p style="text-align: center;"><b><u>OFF CALENDAR</u></b>  <b>First &amp; Final Account filed 02/19/15 and set for hearing on 03/30/15</b></p>
<b>Cont. from 120515</b>		
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
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<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
		<p><b>Reviewed by:</b> JF</p> <p><b>Reviewed on:</b> 02/19/15</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 16 - Nicolaysen</b></p>

DOD: 9-28-11	<p><b>ESTELLA GARZA and RAQUEL NANEZ</b> were appointed Co-Executors with Limited IAEA without bond on 5-27-14.</p> <p>Letters issued 10-3-14.</p> <p>On 1-28-15, the Court confirmed the sale of real property and ordered proceeds to be placed into a blocked account. The Court set this status hearing for the filing of the receipt for blocked account.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. <b>Need receipt for blocked account or verified written status report pursuant to Local Rule 7.5.</b></p>
Aff.Sub.Wit.		
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Notice of Hrg		
Aff.Mail		
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Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: skc
		Reviewed on: 2-20-15
		Updates:
		Recommendation:
		File 17 - Garza

Status Hearing Re: Filing of Receipt for Blocked Account.

	<p><b>TRACY CERDA</b> was appointed conservator of the person and estate on 8/4/14 with bond set at \$12,760.00.</p> <p>Letters issued on 1/23/15.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>OFF CALENDAR.</b> Receipt filed on 2/2/15.</p>
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
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Letters		
Duties/Supp		
Objections		
Video Receipt		
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Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: KT
		Reviewed on: 2/20/15
		Updates:
		Recommendation:
		File 20 - Andrade

Probate Status Hearing Re: Filing of the Bond

		<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b><u>OFF CALENDAR.</u></b> Bond filed on 2/17/15.
<b>Cont. from</b>		
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>	
<input type="checkbox"/>	<b>Verified</b>	
<input type="checkbox"/>	<b>Inventory</b>	
<input type="checkbox"/>	<b>PTC</b>	
<input type="checkbox"/>	<b>Not.Cred.</b>	
<input type="checkbox"/>	<b>Notice of Hrg</b>	
<input type="checkbox"/>	<b>Aff.Mail</b>	
<input type="checkbox"/>	<b>Aff.Pub.</b>	
<input type="checkbox"/>	<b>Sp.Ntc.</b>	
<input type="checkbox"/>	<b>Pers.Serv.</b>	
<input type="checkbox"/>	<b>Conf. Screen</b>	
<input type="checkbox"/>	<b>Letters</b>	
<input type="checkbox"/>	<b>Duties/Supp</b>	
<input type="checkbox"/>	<b>Objections</b>	
<input type="checkbox"/>	<b>Video Receipt</b>	
<input type="checkbox"/>	<b>CI Report</b>	
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<input type="checkbox"/>	<b>UCCJEA</b>	
<input type="checkbox"/>	<b>Citation</b>	
<input type="checkbox"/>	<b>FTB Notice</b>	
		<b>Reviewed by: KT</b>
		<b>Reviewed on: 2/20/15</b>
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 23 - Habib</b>

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

		See petition for details.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. Need clarification regarding Petitioner's residence address: Captions indicate an address on San Bruno Ave., in Fresno; however, UCCJEA indicates an address on Dakota.</p> <p><u>Note:</u> The orders are prepared with the San Bruno address since that is the address used in the captions.</p> <p><u>Note:</u> If granted, the Court will set status hearings as follows:</p> <ul style="list-style-type: none"> <li>- Wednesday, April 15, 2015 for filing the Receipt for Blocked Account (MC-356)</li> <li>- Wednesday, July 22, 2015 for filing the Inventory and Appraisal (GC-040)</li> <li>- Wednesday, May 25, 2016 for filing the First Account.</li> </ul> <p>If the proper items are on file prior to the scheduled status dates, the status hearings may be taken off calendar.</p> <p>Please also see Local Rule 7.8.2 regarding accountings in guardianship estates.</p>	
Cont from 010715				
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<input type="checkbox"/>	Notice of Hrg			x
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<input type="checkbox"/>	Aff.Pub.			
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<input type="checkbox"/>	Letters			
<input checked="" type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
<p><b>Reviewed by:</b> skc</p> <p><b>Reviewed on:</b> 2-19-15</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p>File 25 - Dupree</p>				

Atty Neilson, Bruce A. (for Janette Courtney – Executor – Petitioner)

(1) First and Final Account and Report of Executor and Petition for Its Settlement,  
 (2) for Allowance to Executor and Attorneys for Compensation for Ordinary and  
 Extraordinary Services and for (3) Final Distribution

DOD: 6-9-11		See petition for details.	NEEDS/PROBLEMS/ COMMENTS:  SEE PAGE 2	
	Aff.Sub.Wit.			
✓	Verified			
✓	Inventory			
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	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			
			Reviewed by: skc	
			Reviewed on: 2-19-15	
			Updates:	
			Recommendation:	
			File 29 - Drummond	

Page 2

**NEEDS/PROBLEMS/COMMENTS:**

1. **Petitioner paid extraordinary fees totaling \$62,049.28 to Attorney Scott Ivy in connection with the litigation against the estate, and requests reimbursement. The Court may require clarification with reference to Cal. Rules of Court 7.700, which states:**
  - (a) **No compensation in advance of court order**  
The personal representative must neither pay nor receive, and the attorney for the personal representative must not receive, statutory commissions or fees or fees for extraordinary services in advance of an order of the court authorizing their payment.
  - (b) **Surcharge for payment or receipt of advance compensation**  
In addition to removing the personal representative and imposing any other sanctions authorized by law against the personal representative or the attorney for the personal representative, the court may surcharge the personal representative for payment or receipt of statutory commissions or fees or fees for extraordinary services in advance of an order of the court authorizing their payment. The surcharge may include interest at the legal rate from the date of payment.  
  
**Note: Exhibit B, Attorney Declaration Re Compensation, describes the benefit to the estate, and provides itemization in the form of billing statements for services in connection with the Petition to Determine Validity of Trust Instruments filed 12-19-11 in this matter and the related civil action, 11CECG04320.**
2. **Many of the expenses charged include expenses considered by this Court to be costs of doing business and not reimbursable, such as charges for photocopies, computer research fees, clerical services, travel/telephonic appearance costs, and runner/document services. The Court may disallow these charges. (Examiner calculates a total of \$1,251.86 in non-reimbursable expenses.)**
3. **The total cost also includes \$3,867.82 in interest charged on the various billing statements. The Court may require clarification or authority for interest charges on extraordinary fees not yet authorized by the Court.**
4. **Declaration states Attorney Scott Ivy of Lang Richert and Patch undertook defense of the litigation on behalf of Petitioner; however, the billing statements appear to include work from additional staff. The Court may require clarification regarding the identity and qualification of those included in the billing. Are they attorneys? Paralegals pursuant to Probate Code §10811 and Cal. Rule of Court 7.703(e)? Other secretarial staff?**