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.

Dept. 303, 9:00 a.m. Monday, February 27, 2012

1 Lillian Salwasser (Estate) **Case No. 07CEPR00104**

Atty Matthai, Edith (for Craig A. Houghton – Objector)
Atty Manock, Charles K. (for George Salwasser/Executor of the Estate of Lillian Salwasser)
Atty Chielpegian, Michael S (for Marvin Salwasser/Administraor with Will Annexed of Walter Salwasser Respondent)
Atty Wright, Janet L. (for George Salwasser/Executor)
Atty Farley, Michael L. (of Visalia, for Gary E. Salwasser - Beneficiary)

Final Account and Petition for Distribution

Age:		
DOD:		
Cont. from 10-25-11		
	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	

George Salwasser is the Executor of the Estate. This hearing on Final Account and Petition for Distribution was set at the last 10/25/11Status Hearing on the Amended and Restated First Account. Nothing has been filed since that last 10/25/11 hearing.

By way of background, Executor's Status Report filed before the last hearing, states the following:

- ***Status Report and Reply to Supplemental Response*, filed 10/24/11, by George Salwasser:** The purpose of this hearing was to determine whether any further accounting would be necessary as the PrC §850 petitions of the Lillian Salwasser Estate and Walter Salwasser Estate were settled by Settlement Agreement and Release entered into on 6/21/11. Based on the Settlement terms it appears no further accounting should be required for any account reported in the pending *Account* for accounts held in Decedent or her surviving spouse's names at the time of Decedent's death. The Probate Estate Account (opened after Decedent's date of death) and collections, if any, on Promissory Notes reported in the Account, would need to be supplemented through date of distribution (2 Notes are currently the subject of lawsuits); until there is determination as to the collectability on the Notes, tax matters cannot be finally determined. **A mediation is scheduled for 11/16/11 between George and Gary Salwasser; therefore, a continuance of 4 to 6 months is appropriate under the circumstances.**

<u>As stated, the Court ordered and set for hearing the Final Account and Petition for Distribution.</u>

<u>Need Final Account and Petition for Distribution.</u>

NEEDS/PROBLEMS/COMMENTS:

<u>Note</u>: At the 10/25/11 Status Hearing on the Amended and Restated First Account, this Court set the matter of the Final Account and Petition for Distribution for 2/27/12.

As of 2/17/12, nothing further has been filed in this matter.

1. Need Final Account and Petition for Distribution

<u>Note to Judge</u>: It is possible that the Court ordered the Final Account on 10/25/11 because of what was stated in beneficiary Gary Salwasser's filed report of 10/21/11, which states:

Since the filing of the *Amended Account* on 1/13/10, the Estate has been subject to additional proceedings including *Executor's Petition to Determine Succession to Real Property*; in light of the recent decision regarding *that Petition*, the nature and extent of the Estate assets has been significantly revised, necessitating the preparation and filing of an amended *I & A*, amended tax returns, and reporting income and disbursements. As such, Gary Salwasser respectfully requests the Court order that the *Amended Account and Report* be set aside and the hearing continued to allow Executor time to file a new account and report of the Estate and one that comports with the statutory and other requirements for an accurate account from Decedent's date of death to the present.

Reviewed by: NRN

Reviewed on: 10/20/11

Updates: 10/24/11

Recommendation:

File 1 – Salwasser

Dept. 303, 9:00 a.m. Monday, February 27, 2012

2 **Eunice Frances Picard (Estate)** **Case No. 07CEPR01169**

Atty **Oehler, Nancy L. of Bakersfield (for Janet Picard – Executor)**

Probate Status Hearing Re: Failure to File a First Account or Petition for Final Distribution (Prob. C. 12200, et seq); Failure to File Inventory and Appraisal

DOD: 02/28/07		
Cont. from 11-14-11		
	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	

JANET PICARD, was appointed Executor with no IAEA authority on 02/05/08 and Letters were issued on 02/21/08.

Notice of Status Hearing filed 10/05/11 set this matter for status. The Clerk's Certificate of Mailing shows that the Notice of Status Hearing was mailed to Nancy Oehler, the Executor's counsel, on 10/05/11.

Status Report of Executor and Petition to Continue Estate Administration was filed 10/31/11 by Executor, and states:
The Estate is not ready for distribution nor in a condition to be closed. The Petitioner has had some difficulty in ascertaining the assets of the decedent, however, an inventory of assets has now been prepared and submitted to the Probate Referee for valuation. The Petitioner estimates that it will need one year to close the administration of the estate and requests a continuance until November 2012.

Inventory & Appraisal filed 12/21/11.

NEEDS/PROBLEMS/COMMENTS:

CONTINUED FROM 12/21/11
Minute order from 12/21/11 hearing states: Rick Smith, appraiser, has asked for additional information.

1. **Need First Account and Petition for Final Distribution.**

Note:
See Page 6 for a related matter.

Reviewed by: JF	
Reviewed on: 02/16/12	
Updates:	
Recommendation:	
File 2 - Picard	

Dept. 303, 9:00 a.m. Monday, February 27, 2012

4 William Ashburn Shamphan (Estate) Case No. 08CEPR01110

Atty **Keeler, William J., Jr., and Burnside, Leigh (of DAK, for Craig Eliot Shamphan, Executor)**

Status Hearing Re: Sale of Property

DOD: 8-1-08

Cont. from 110810, 022811, 060611, 080111, 101711, 111411

	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	

CRAIG ELIOT SHAMPHAN, son, was appointed Executor on 12-17-08.

Background: The estate consists of the decedent's residence and minimal cash. The two heirs are Executor (son) and Debby Kay Doyle (daughter). Executor filed a Petition for Final Distribution on 5-15-09 that proposed distribution of the residence in undivided interests to himself and his sister; however, per Minute Order 8-10-09, Ms. Doyle did not want the undivided interest, and the real property was to be placed for sale. The petition was denied and dismissed and status hearing was set for the filing of the next accounting on 8-2-10. On 8-2-10, the court requested information about the listing.

Declaration 2-22-11 states the property was first listed in September 2009 for $150,000.00. That listing was extended and was to expire 3-24-11. The list price was reduced to $125,000.00; however, per the Executor, the property had not been shown since the reduction, and no offers received. This may be due to the current poor housing market and recent bad weather. Ms. Doyle spoke with Attorney Burnside of DAK and indicated she was considering taking title to the property with her brother as tenants-in-common. Ms. Doyle further indicated she would get back to Attorney Burnside after speaking with her tax advisor; however, Ms. Doyle has not yet indicated what she plans to do. The property is listed in the Fresno MLS online database and on the London Properties website, and a "For Sale" sign has been posted in the front yard.

On 2-28-11, the court ordered the price reduced to $100,000.00 and stated if a real estate professional deems it to be a higher price, the court will entertain it.

Declarations of Leigh Burnside filed 5-27-11 and 5-31-11 state the Executor entered into a new listing agreement with Century 21 Adanalian & Vasquez that expires 7-27-11 for $105,000.00 (attached). The house is listed in the Fresno MLS online database and there is a For Sale sign in the front yard; however, the house has not been shown and no offers have been received. Attorney Burnside states Mr. Shamphan understood the court's order to list the house for $100,000.00 allowed the higher listing price, and acted on the advice of his agent without review by Attorney Burnside.

On 6-6-11, Counsel informed the court that the property is currently listed at $105,000.00, and the court advised counsel that it will allow a price of $100,000.00 or $99,950.00, and continued the matter to 8-1-11.

Declaration of Leigh Burnside filed 7-26-11 states that after the price was reduced to $99,950.00, a number of prospective buyers have visited the property. The listing agreement expired 7-27-11, but was renewed for six months, and the agent has recommended a price reduction to $97,000.00. Attorney Burnside confirmed with heir Debby Doyle that she wants the property sold, and does not want to take a one-half interest in it.

SEE PAGE 2

NEEDS/PROBLEMS/COMMENTS:

Note: This is the 11th hearing originating from Executor's Petition for Final Distribution filed 5-15-09 (almost 3 years ago) that proposed distribution of minimal cash and undivided 50% interests in the residence to the two heirs.

Minute Order 11-14-11: Ms. Burnside estimates the property to be $97K. No offers have been made. The heir lives in NY, and does not wish to retain CA property. The executor, Craig Shamphan, has allotted more time in the evening(s) for showing of the property. If the property is not sold, the Court may entertain distribution. Ms. Burnside is allowed to lower the price of the property without court approval. Matter continued to 2-27-12.

Updates:

Contacts: Reviewed 2-17-12

Recommendation:

Reviewed by: skc

File 4 - Shamphan

Dept. 303, 9:00 a.m. Monday, February 27, 2012

4 William Ashburn Shamphan (Estate) Case No. 08CEPR01110
Atty Keeler, William J., Jr., and Burnside, Leigh (of DAK, for Craig Eliot Shamphan, Executor)

Status Report filed 10-7-11 states: The property has been listed for $97,000.00; however, the only offer received was for $64,000.00 and was deemed unreasonable and rejected. The Executor reported that the declining neighborhood where the property is located appears to be the cause of the lack of offers for the property at the current price-point. The agent reported that he believes the property is competitively priced, but has "requested the executor permit him to show the home during expanded hours" and the Executor agreed.

Status Rerport filed 11-7-11 states: The listing agreement has been extended to 1-16-12. There have been no serious offers.

Status Report filed 2-16-12 states: The house is currently listed for $95,000.00. The listing agreement expires 3-29-12. An offer was received for $90,000.00 with seller to pay closing costs. Seller countered with $95,000.00 without paying closing costs, and the counter offer was rejected by the buyer. The agent feels it is priced competitively.

5A **Rebecca Lee Ann Dell Pitkin (GUARD/PE)** **Case No. 10CEPR00544**

Atty **Bakergumprecht-Davies, Kathleen (for Petitioner/Guardian Melissa Russell)**

First Annual Accounting

Age: 9 years		
DOB: 6/22/2002		
Cont. from 112811 121211		
	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	X
	Aff.Mail	X
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
	Order	X
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

MELISSA RUSSELL, guardian, is petitioner.

Account period: 9/30/10 – 9/30/11

Accounting	-	**$70,563.79**
Beginning POH	-	**$0**
Ending POH	-	**$70,151.29**
Attorney	-	not addressed
Guardian	-	not addressed

Petitioner prays:

1. The first account and report be approved and settled;
2. The acts of the guardian shown in the accounting and report be approved.

NEEDS/PROBLEMS/COMMENTS:

Continued from 12/12/11. As of 2/16/12 the following issues remain:

1. **Need *Notice of Hearing*.**
2. **Pursuant to Probate Code 2626 need proof of service of the *Notice of Hearing* on:**
   a. **Rebecca Lee Ann Dell Pitkin (minor)**
3. **Need Order**

Reviewed by: KT
Reviewed on: 2/16/12
Updates:
Recommendation:
File 5A - Pitkin

Dept. 303, 9:00 a.m. Monday, February 27, 2012

5B **Rebecca Lee Ann Dell Pitkin (GUARD/PE)** **Case No. 10CEPR00544**

Atty **Bakergumprecht-Davies, Kathleen**

Request for Hearing About Court Fee Waiver Order

Age: 9 years DOB: 6/22/2002			NEEDS/PROBLEMS/COMMENTS:
			Continued from 12/12/11.
Cont. from 112811 121211			
	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		Reviewed by: KT
	Status Rpt		Reviewed on: 2/16/12
	UCCJEA		Updates:
	Citation		Recommendation:
	FTB Notice		File 5B - Pitkin

5B

Dept. 303, 9:00 a.m. Monday, February 27, 2012

6 **William Yvon Picard (Estate)** **Case No. 10CEPR00943**

Atty **Oehler, Nancy L. of Bakersfield (for Janet Picard – Executor)**

Probate Status Hearing Re: Failure to File Inventory and Appraisal

DOD: 05/25/10		
Cont. from 111411		
	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	

JANET PICARD, was appointed Executor with full IAEA authority and Letters were issued on 02/16/11.

Notice of Status Hearing filed 10/05/11 set this matter for status. The Clerk's Certificate of Mailing shows that the Notice of Status Hearing was mailed to Nancy Oehler, the Executor's counsel, on 10/05/11.

Status Report of Executor and Petition to Continue Estate Administration was filed 10/31/11 by Executor, and states:
The Estate is not ready for distribution nor in a condition to be closed. The Petitioner has had some difficulty in ascertaining the assets of the decedent, however, an inventory of assets has now been prepared and submitted to the Probate Referee for valuation. The Petitioner estimates that it will need one year to close the administration of the estate and requests a continuance until November 2012.

Inventory & Appraisal filed 12/22/11.

NEEDS/PROBLEMS/COMMENTS:

Note:
See Page 2 for a related matter.

Reviewed by: JF

Reviewed on: 02/16/12

Updates:

Recommendation:

File 6 – Picard

Dept. 303, 9:00 a.m. Monday, February 27, 2012

7 Suzanne M. Bennetts (Estate) **Case No. 10CEPR01115**

Atty Renge, Lawson K. (for Petitioner/Executor Kimberly R.W. Bennetts)

First and Final Account and Report of Executor and (2) Petition for Final Settlement and Distribution (Prob. C. §§10800, 10810, 10831, 10900, 10951, 11640)

DOD: 10/13/10		
Cont. from 121211		
	Aff.Sub.Wit.	
✓	Verified	
✓	Inventory	
✓	PTC	
	Not.Cred.	
✓	Notice of Hrg	
✓	Aff.Mail	W/
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
✓	Letters	2/9/11
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
✓	9202	
✓	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
✓	FTB Notice	

KIMBERLY R. W. BENNETTS, Executor, is petitioner.

Accounting is waived.

I & A - **$113,976.64**

Executor - **waives.**

Attorney (statutory) - **$4,419.30**

Costs (filing fee, publication, probate referee, certified copies) - **$790.33**

Distribution, pursuant to Decedent's Will and Disclaimer is to:

Adrienne Vance - real property, 1/2 of $4,148.00, ½ of 5 shares of PG& E stock, ½ of 38.801 shares of PG& E stock, ½ of a 2000 Chevy, and ½ of the household furniture and furnishings.

Kimberly R.W. Bennetts - 1/2 of $4,148.00, ½ of 5 shares of PG& E stock, ½ of 38.801 shares of PG& E stock, ½ of a 2000 Chevy, and ½ of the household furniture and furnishings.

NEEDS/PROBLEMS/COMMENTS:

1. **Kimberly R. W. Bennetts disclaimed his interest in the real property.**
   The disclaimer acts as if the Kimberly pre-deceased the decedent. Therefore, if the Kimberly has issue, his issue would be entitled to the share of the estate the Kimberly disclaimed. Probate Code §275 et seq. The Court will need to know if Kimberly has issue prior to distribution. – Memorandum Re: Disclaimer filed on 2/16/12 ***(Please see additional page)***

2. **Order does not comply with Local Rule 7.6.1.**

Reviewed by: KT
Reviewed on: 2/16/12
Updates:
Recommendation:
File 7 - Bennetts

Dept. 303, 9:00 a.m. Monday, February 27, 2012

Memorandum Re Disclaimer filed on 2/16/12. Estate Counsel responds to said inquiry as follows: The disclaimer executed by a beneficiary under a will does not transfer the disclaimed interest to the disclaiming party's issue if prohibited by the will. Mr. Renge states only two beneficiaries are named in the decedent's Will, namely Kimberly R.W. Bennetts, the disclaiming party and Adrienne Vance. The Fifth paragraph of decedent's Will provides, in part as follows: "Except as otherwise provided in this Will, I have intentionally and will full knowledge made no provision for any other person or relative living at my death, whether claiming to be an heir of mine or not for any person who would have been entitled to share in my estate if I had died intestate and I direct that such person or persons, if any, shall take no part of my estate."

Mr. Renge concludes, unequivocally, the "Fifth" paragraph of the Will directs that the "classes" of potential beneficiaries in said paragraph "shall take no part in my estate." Accordingly, the "issue" of Kimberly R. W. Bennetts who are unnamed in the Will may be intestate heirs or beneficiaries but are precluded from taking any property in this case. The decedent, Suzanne M. Bennetts, in executing her Will made a deliberate decision to exclude all persons other than Kimberly R.W. Bennetts and Adrianne Vance from taking her estate.

8A **Eva Jane Carolyn Pitkin (GUARD/PE)** **Case No. 11CEPR00069**

Atty **Bakergumprecht-Davies, Kathleen (for Petitioner/guardian Melissa Russell)**

First Annual Accounting

Age: 6 years
DOB: 10/17/05

Cont. from 112811 121211

	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	X
	Aff.Mail	X
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
✓	2620(c)	
	Order	X
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

MELISSA RUSSELL, guardian, is petitioner.

Account period: 9/30/10 – 9/30/11

Accounting	-	**$70,563.79**
Beginning POH	-	**$0**
Ending POH	-	**$70,151.29**
Attorney	-	not addressed
Guardian	-	not addressed

Petitioner prays:

3. The first account and report be approved and settled;
4. The acts of the guardian shown in the accounting and report be approved.

NEEDS/PROBLEMS/COMMENTS:

Continued from 12/12/11. As of 2/16/12 the following issues remain:

4. **Need *Notice of Hearing*.**
5. **Pursuant to Probate Code 2626 need proof of service of the *Notice of Hearing* on:**
   b. **Eva Jane Carolyn Pitkin (minor)**
6. **Need Order**

Reviewed by: KT

Reviewed on: 2/16/11

Updates:

Recommendation:

File 8A – Pitkin

Dept. 303, 9:00 a.m. Monday, February 27, 2012

8B **Eva Jane Carolyn Pitkin (GUARD/PE)** **Case No. 11CEPR00069**

Atty **Bakergumprecht-Davies, Kathleen (for Eva Jane Carolyn Pitkin)**

Request for Hearing About Court Fee Waiver Order

Age: 6 years DOB: 10/17/05.			NEEDS/PROBLEMS/COMMENTS: Continued from 12/12/11.
Cont. from 112811 121211			
	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		Reviewed by: KT
	Status Rpt		Reviewed on: 2/16/12
	UCCJEA		Updates:
	Citation		Recommendation:
	FTB Notice		File 8B – Pitkin

8B

Dept. 303, 9:00 a.m. Monday, February 27, 2012

9 **Angelina Sapien Lozano (CONS/PE)** **Case No. 11CEPR00840**

Atty **Sanoian, Joanne (for Katina Sapien Lozano Pauley – Conservator)**

Atty **Barrus, John E. (court appointed for conservatee)**

Probate Status Hearing Re: Failure to File Inventory and Appraisal

			NEEDS/PROBLEMS/COMMENTS:
			OFF CALENDAR
			Inventory & Appraisal was filed 02/08/12
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		**Reviewed by:** JF
	Status Rpt		**Reviewed on:** 02/16/12
	UCCJEA		**Updates:**
	Citation		**Recommendation:**
	FTB Notice		**File 9 - Lozano**

Dept. 303, 9:00 a.m. Monday, February 27, 2012

10A Harley E. Chaffer Trust **Case No. 11CEPR00967**

Atty Streett, John R. (for Petitioner Andrew Chaffer)

Petition for Removal of Trustee, Account, and for Appointment of Successor Trustee

Cont. from 121211		
	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
✓	Notice of Hrg	
✓	Aff.Mail	W/
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
	Order	X
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

ANDREW CHAFFER, trust beneficiary, is petitioner.

Petitioner states he is the grandson and 1/6 beneficiary under the **HARLEY E. CHAFFER TRUST** executed May 9, 1991. Petitioner states he does not possess a copy of the Trust. And amendment to the Trust was executed on October 29, 1998.

Harley E. Chaffer died on March 4, 2011 thereby making the Trust irrevocable.

Petitioner is informed and believes that the successor Trustee is **DOUGLAS EDWARD CHAFFER.**

Petitioner alleges:

1. The Trustee has violated his duty to inform the beneficiaries and has refused to provide Petitioner with a copy of the Trust, despite written requests.
2. The Trustee has violated his duty to Petitioner as Trustee has failed to ever render an accounting despite written request to do so.

Wherefore, Petitioner prays for an Order:

1. Compelling Douglas Edward Chaffer to produce a copy of the Harley E. Chaffer Trust of May 9, 1991 and all amendments to it;
2. Compelling Douglas Edward Chaffer to account fully for all Trust property;
3. Removing Douglas Edward Chaffer as Trustee;
4. Appointing a new Trustee as prescribed by the Trust;
5. For costs of suit; attorney fees and for such other and further relief as the court deems proper.

NEEDS/PROBLEMS/COMMENTS:

Continued from 12/12/11. Minute order set an Order to Show Cause for Douglas Chaffer to be present on 2/17/12. (Please see page 10B)

1. Need proposed order.

Reviewed by: KT
Reviewed on: 2/17/12
Updates:
Recommendation:
File 10A - Chaffer

Dept. 303, 9:00 a.m. Monday, February 27, 2012

10B Harley E. Chaffer Trust **Case No. 11CEPR00967**

Atty Streett, John R. (for Petitioner Andrew Chaffer)

Order to Show Cause

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	

ANDREW CHAFFER, trust beneficiary, petitioned the Court for Removal of Trustee, Account and Appointment of Successor Trustee.

Petitioner alleges **DOUGLAS EDWARD CHAFFER** is the current Trustee of the Trust.

Minute Order from the Petition for Removal of Trustee, Account and Appointment of Successor Trustee dated 12/12/11 states the Court orders Douglas Chaffer to be present on 2/27/12. The Court further orders Douglas Chaffer to produce a copy of the Harley E. Chaffer Trust of May 9, 1991 and all amendments to it as well as all accounts regarding the trust property. Douglas Chaffer is ordered to provide a copy of the trust to counsel John Streett.

Order to Appear and Produce Documents was signed on 1/9/12 ordering Douglas Chaffer to personally appear on 2/27/12. Prior to his appearance on 2/27/12 Douglas Chaffer will produce to attorney John Streett a copy of the Harley E. Chaffer Trust executed May 9, 1991 and any amendments to it.

Prior to 2/27/12, Douglas Chaffer will produce to Petitioner's attorney, copies of records of any and accounts or assets connected to the Harley E. Chaffer Trust.

A copy of the Order was mailed to Douglas E. Chaffer on 1/15/2012.

NEEDS/PROBLEMS/COMMENTS:

Reviewed by: KT

Reviewed on: 12/17/12

Updates:

Recommendation:

File 10B – Chaffer

Dept. 303, 9:00 a.m. Monday, February 27, 2012

11 Robert Mathias & Gwendolyn Mathias (Trust) Case No. 10CEPR00698

Atty Needs, Jennifer (of Irvine, CA, for Gwendolyn Haven Mathias)

Probate Status Hearing Re: Status on Payment of Applicable Transfer Fees to Complete Transfer to Orange County

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	

GWENDOLYN HAVEN MATHIAS, surviving settlor of the Robert Bruce Mathias and Gwendolyn Haven Mathias Family Trust dated 2/28/86, petitioned the Court to transfer the Trust to Orange County Superior Court.

On January 6, 2011 the Court granted the petition and allowed the Trust to be transferred to Orange County Superior Court.

On January 26, 2012 this status hearing was set for the status of applicable transfer fees to complete the transfer to Orange County.

On 2/2/12 the appropriate fees were received.

The Trust is currently in the process of being transferred.

NEEDS/PROBLEMS/COMMENTS:

Reviewed by: KT

Reviewed on: 2/17/12

Updates:

Recommendation:

File 11 - Mathias

Dept. 303, 9:00 a.m. Monday, February 27, 2012

12 Jeffrey Lee Tarasevic (Estate) **Case No. 10CEPR00952**

Atty Tarasevic, Michael James (pro per – Executor)

(1) Petition for Final Distribution on Waiver of Accounting and (2) for Allowance of Statutory (Prob. C. 10400-10406, 10954, 11600-11642)

DOD: 07/23/10		
Cont. from 112811		
	Aff.Sub.Wit.	
✓	**Verified**	
✓	**Inventory**	
✓	**PTC**	
✓	**Not.Cred.**	
✓	**Notice of Hrg**	
✓	**Aff.Mail**	w/
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	11/30/10
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
✓	**9202**	
✓	**Order**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	x

MICHAEL TARASEVIC, Executor, is Petitioner.

I & A - **$135,867.00**
POH - **$135,867.00**

Executor - **waives**

Distribution, pursuant to decedent's Will, is to:

Michael Tarasevic - $58.50 cash, plus ½ interest in real property and ½ interest in a 1977 truck

Anthony Tarasevic - $58.50 cash, plus ½ interest in real property and ½ interest in a 1977 truck

NEEDS/PROBLEMS/COMMENTS:

CONTINUED FROM 11/28/11

As of 02/16/12, no additional documents have been filed and following issues remain:

1. **Petition does not make a statement regarding waiver of the accounting. Need Waiver of Accounting by Michael Tarasevic and Anthony Tarasevic or Accounting.**
2. **The Petition states that all debts of the decedent have been paid, however, a Creditor's Claim in the amount of $52,340.63 was filed by California Business Bureau for Community Medical Center on 11/02/10. The Petition states that no action has been taken on this claim at this time, therefore this debt has not been resolved. Further, need Allowance or Rejection of Creditor's Claim (form DE-174) pursuant to Probate Code § 9250. Distribution of estate assets cannot be made until all debts of the estate have been resolved.**
3. **Also, a Creditor's Claim in the amount of $1,408.00 was filed by American Infosource as agent for Bank of America on 11/09/10. The petition states that this claim was settled. Need Allowance or Rejection of Creditor's Claim (form DE-174) and satisfaction of Claim from Bank of America.**
4. **The Petition does not make a statement regarding the required notice to the Franchise Tax Board pursuant to Probate Code § 9202(c)(1).**

Reviewed by: JF

Reviewed on: 12/16/12

Updates:

Recommendation:

File 12 - Tarasevic

Dept. 303, 9:00 a.m. Monday, February 27, 2012

13 Pedro Perez Escandon (Estate) **Case No. 10CEPR01095**

Atty Griffith, Estella (pro per – sister/Administrator)

Status Hearing Re: Filing of the Inventory and Appraisal

DOD: 08/18/10			**NEEDS/PROBLEMS/COMMENTS:** **OFF CALENDAR** **Inventory & Appraisal was filed 03/11/11**
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		**Reviewed by:** JF
	Status Rpt		**Reviewed on:** 02/16/12
	UCCJEA		**Updates:**
	Citation		**Recommendation:**
	FTB Notice		**File 13 - Escandon**

13

Dept. 303, 9:00 a.m. Monday, February 27, 2012

14 Mason Junior Wolfe (Estate) **Case No. 10CEPR01132**

Atty Canas, Lynette D. (pro per – daughter/Executor)

(1) First and Final Account and Report of Executor, and (2) Petition for Final Distribution

DOD: 08/08/10		
Cont. from		
	Aff.Sub.Wit.	
✓	**Verified**	
✓	**Inventory**	
✓	**PTC**	
✓	**Not.Cred.**	
✓	**Notice of Hrg**	
✓	**Aff.Mail**	w/
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	02/16/11
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
✓	**9202**	
	Order	x
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
✓	**FTB Notice**	

LYNETTE CANAS, Executor, is Petitioner.

Account period: **08/08/10 – 01/05/12**

Accounting	-	**$187,109.88**
Beginning POH	-	**$182,825.57**
Ending POH	-	**$176,827.21**
Executor	-	**waives**
Closing	-	**$250.00**

Distribution, pursuant to Decedent's Will, is to:

Lynette D. Canas residual estate	-	50% of the
Gerald J. Wolfe residual estate	-	50% of the

NEEDS/PROBLEMS/COMMENTS:

1. **No accounting is attached to the Petition. The Summary of Account on Page 5 references a Schedule A; however, no Schedule A is attached to the Petition.**
2. **Decedent's Will devises $2,000.00 to Darlene Hardin and Mason T. Wolfe, however, these specific bequests are not included in the proposed distribution of the estate.**
3. **Need order. *Note:* Pursuant to Local Rule 7.6.1 A – All orders or decrees in probate matters must be complete in themselves. Orders shall set forth all matters ruled on by the court, the relief granted, and the names of the persons, descriptions of property and/or amounts of money affected with the same particularity required of judgments in general civil matters. <u>Monetary distributions must be stated in dollars, and not as a percentage of the estate.</u>**

Reviewed by: JF	
Reviewed on: 02/16/12	
Updates:	
Recommendation:	
File 14 - Wolfe	

Dept. 303, 9:00 a.m. Monday, February 27, 2012

15 **Toshie Nakayama Toppin (Estate)** **Case No. 11CEPR00552**

Atty **Toppin, Donald Paul**

Status Hearing Re: Filing of the Inventory and Appraisal

Age:			**NEEDS/PROBLEMS/COMMENTS:**
DOD:			
			OFF CALENDAR
			Inventory & Appraisal filed 12/15/11
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		**Reviewed by:** JF
	Status Rpt		**Reviewed on:** 02/16/12
	UCCJEA		**Updates:**
	Citation		**Recommendation:**
	FTB Notice		**File 15 - Toppin**

Dept. 303, 9:00 a.m. Monday, February 27, 2012

16A Nerine Amavisca, Noe Amavisca, Natalie Amavisca and Nadine Amavisca (GUARD/P)

Case No. 11CEPR00901

Atty Gonzales, Yolanda (pro per Paternal grandmother/proposed guardian of Nerine and Natalie)
Atty Amavisca, Renee (pro per Petitioner/paternal aunt/proposed guardian of Noe and Nadine)
Atty Amavisca, Monica (pro per Objector/mother)

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

Nerine age: 10 years DOB: 4/6/01		
Noe age: 9 years DOB: 8/18/02		
Natalie age: 4 years DOB: 7/19/07		
Nadine age 2 years DOB: 12/7/09		
Cont. from 121211		
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	X
	Aff.Mail	X
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
✓	Conf. Screen	
✓	Letters	
✓	Duties/Supp	
	Objections	
	Video Receipt	
✓	CI Report	
	9202	
✓	Order	
	Aff. Posting	
	Status Rpt	
✓	UCCJEA	
	Citation	
	FTB Notice	

TEMPORARY EXPIRES 12/12/11

YOLANDA GONZALES, paternal grandmother, is petitioner.

Father: **SAMUEL AMAVISCA** – *deceased*.

Mother: **MONICA AMAVISCA** – *present in court on 12/12/11*.

Paternal grandfather: Samuel Amavisca
Maternal grandfather: Rick Sandhu
Maternal grandmother: Lupe Rios

Petitioner states Petitioner states she feels it is in the best interest of the children that the Petitions (hers and Renee's) be approved. Allowing the children to go back with their mother would put them in danger. Included are photographs that show mom's everyday lifestyle. The pictures show her and others with guns. Her lifestyle is that of gangs, drugs, alcohol and neglect.

Objections of Mother, Monica Amavisca filed on 10/19/11 states her husband died and she had to move out of her home because it was too much for them. She states she didn't have a permanent place to live so she asked Yolanda to take the kids until she got her apartment. Yolanda agreed and now that she has the apartment they don't want to give the kids back.

Court Investigator Samantha Henson's Report filed on 11/30/11.

NEEDS/PROBLEMS/COMMENTS:

This petition is as to NERINE and NATALIE ONLY.

Minute order dated 12/12/11 states the Court orders Court Investigator Samantha Henson to interview the mother and children and conduct further investigation of mother's living conditions.

1. **Need *Notice of Hearing*.**
2. **Need proof of service of the *Notice of Hearing* along with a copy of the Petition or consent and waiver of notice or declaration of due diligence on:**
   a. **Samuel Amavisca (paternal grandfather)**
   b. **Rick Sandhu (maternal grandfather)**
   c. **Lupe Rios (maternal grandmother)**
3. **UCCJEA is incomplete. Need residence information for the minors from 2006 to 11/24/10.**

Court Investigator Samantha Henson's to provide supplemental report.

Reviewed by: KT
Reviewed on: 2/17/12
Updates:
Recommendation:
File 16A - Amavisca

Dept. 303, 9:00 a.m. Monday, February 27, 2012

16B Nerine Amavisca, Noe Amavisca, Natalie Amavisca and Nadine Amavisca (GUARD/P)

Case No. 11CEPR00901

Atty Gonzales, Yolanda (pro per Paternal grandmother/proposed guardian of Nerine and Natalie)
Atty Amavisca, Renee (pro per Petitioner/paternal aunt/proposed guardian of Noe and Nadine)
Atty Amavisca, Monica (pro per Objector/mother)

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

Nerine age: 10 years DOB: 4/6/01		
Noe age: 9 years DOB: 8/18/02		
Natalie age: 4 years DOB: 7/19/07		
Nadine age 2 years DOB: 12/7/09		
Cont. from 121211		
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	X
	Aff.Mail	X
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
✓	Conf. Screen	
✓	Letters	
✓	Duties/Supp	
	Objections	
	Video Receipt	
✓	CI Report	
	9202	
✓	Order	
	Aff. Posting	
	Status Rpt	
✓	UCCJEA	
	Citation	
	FTB Notice	

TEMPORARY EXPIRES 12/12/11

RENEE AMAVISCA, paternal aunt, is petitioner.

Father: **SAMUEL AMAVISCA** – deceased.

Mother: **MONICA AMAVISCA** – *present in court on 12/12/11*.

Paternal grandfather: Samuel Amavisca
Maternal grandfather: Rick Sandhu
Maternal grandmother: Lupe Rios

Petitioner states she feels it is in the best interest of the children that the Petitions (hers and Yolanda's) be approved. Allowing the children to go back with their mother would put them in danger. Included are photographs that show mom's everyday lifestyle. The pictures show her and others with guns. Her lifestyle is that of gangs, drugs, alcohol and neglect.

Objections of Mother, Monica Amavisca filed on 10/19/11 states her husband died and she had to move out of her home because it was too much for them. She states she didn't have a permanent place to live so she asked Yolanda to take the kids until she got her apartment. Yolanda agreed and now that she has the apartment they don't want to give the kids back.

Court Investigator Samantha Henson's Report filed on 11/30/11.

NEEDS/PROBLEMS/COMMENTS:

This petition is as to NOE and NADINE ONLY.

Minute order dated 12/12/11 states the Court orders Court Investigator Samantha Henson to interview the mother and children and conduct further investigation of mother's living conditions.

4. **Need *Notice of Hearing*.**

5. **Need proof of service of the *Notice of Hearing* along with a copy of the Petition or consent and waiver of notice or declaration of due diligence on:**
   d. **Samuel Amavisca (paternal grandfather)**
   e. **Rick Sandhu (maternal grandfather)**
   f. **Lupe Rios (maternal grandmother)**

6. **UCCJEA is incomplete. Need residence information for the minors from 2006 to 11/24/10.**

Court Investigator Samantha Henson's to provide supplemental report.

Reviewed by: KT
Reviewed on: 2/17/12
Updates:
Recommendation:
File 16B - Amavisca

Dept. 303, 9:00 a.m. Monday, February 27, 2012

17 Jaylen Inez Ortiz & Agustin Jayden Leon (GUARD/P) Case No. 12CEPR00145

Atty Villagomez, Guadalupe Garcia (pro per – paternal aunt/Petitioner)

Petition for Appointment of Temporary Guardian of the Person (Prob. C. 2250)

Jaylen, 3 **DOB: 05/11/08**		
Agustin, 2 **DOB: 05/19/09**		
Cont. from		
	Aff.Sub.Wit.	
✓	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	x
	Aff.Mail	
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	x
✓	**Conf. Screen**	
✓	**Letters**	
✓	**Duties/Supp**	
	Objections	
	Video Receipt	
	CI Report	
	9202	
✓	**Order**	
	Aff. Posting	
	Status Rpt	
✓	**UCCJEA**	
	Citation	
	FTB Notice	

GENERAL HEARING 04/11/12

GUADALUPE GARCIA VILLAGOMEZ, paternal aunt, is Petitioner.

Father: **JOSE AGUSTIN LEON** – *incarcerated*

Mother: **ROSEANA ORTIZ** – *currently incarcerated*

Paternal grandfather: AGUSTIN LEON
Paternal grandmother: PETRA GARCIA AUMADA

Maternal grandfather: DECEASED
Maternal grandmother: IRENE ORONA

Siblings: ALFREDO LEON, ALYSSA ORTIZ

Petitioner states that the father is serving a life sentence and the mother was recently incarcerated, leaving no one to care for the minors. Petitioner states that the mother is a drug abuser and the home the children were living in with her was filthy and unfit for children. Petitioner states that she can provide a stable and loving environment for the children.

NEEDS/PROBLEMS/COMMENTS:

1. **Fee waiver was denied on 02/14/12. Filing fees in the amount of $265.00 is due.**
2. **UCCJEA is incomplete. Need children's residence address from birth to 02/06/12.**
3. **Need *Notice of Hearing.***
4. **Need proof of personal service at least 5 court days before the hearing of *Notice of Hearing* with a copy of the *Petition for Temporary Guardianship* or Consent and Waiver of Notice or Declaration of Due Diligence for:**
   - Jose Agustin Leon (father)
   - Roseana Ortiz (mother)

Reviewed by: JF	
Reviewed on: 02/16/12	
Updates:	
Recommendation:	
File 17 – Ortiz & Leon	

Dept. 303, 9:00 a.m. Monday, February 27, 2012