



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.

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

First Account Current and Report of Trustee: Petition for Allowance of Compensation to Trustee and Attorney

	PUBLIC GUARDIAN , Successor Trustee, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
	Account period: 6-27-11 through 7-31-12	
	Cont. from 020613	
	Aff.Sub.Wit.	Accounting: \$27,048.74
✓	Verified	Beginning POH: \$27,018.52
	Inventory	Ending POH: \$27,048.74
	PTC	Trustee: \$200.00 (for 0.5 Deputy hours @ \$96/hr and 2.0 Staff hours @ \$76/hr)
	Not.Cred.	Attorney: \$1,250.00 (one-half of the allowed fee per local rule)
✓	Notice of Hrg	Bond fee: \$67.63 (ok)
✓	Aff.Mail	Petitioner prays for an order:
	Aff.Pub.	1) Approving, allowing and settling the account;
	Sp.Ntc.	2) Authorizing payment of the trustee's and attorney's compensation; and
	Pers.Serv.	3) Authorizing payment of the bond fee.
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
✓	Order	
	Aff. Posting	Reviewed by: skc
	Status Rpt	Reviewed on: 2-25-13
	UCCJEA	Updates:
	Citation	Recommendation:
	FTB Notice	File 2 - Lundstrom

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/Administratoor 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)
Amended and Restated First Account and Report (Status)

	<p>George Salwasser is Executor.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>
<p>Cont from 062512, 092412, 112612, 012513</p>	<p>An Amended and Restated First Account was filed on 1-13-10 and has been continued with reference to additional ongoing matters in this and other related cases.</p>	<p><u>Continued from 6-25-12, 9-24-12, 11-26-12, 1-25-13.</u></p>
<p>Aff.Sub.Wit.</p>		<p>Note: It is Examiner's understanding that at this point a further amended petition for final distribution is expected from Executor to close the estate once the other related matters are settled. This continued hearing is for status on such expected petition for final distribution.</p>
<p>Verified</p>	<p>For background, Executor's Status Report filed 10/24/11 states: 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.</p>	<p><u>Status Report and Request for Continuance filed 9-19-12 by Attorney Janet Wright states all matters impeding the filing of the petition appear to have been completed and a draft has been prepared; however, due to an unexpected illness and death in the family of the attorney for the Executor, the draft has not been finalized. Attorney requests 60 days to finalize the petition and continuance to 11-26-12.</u></p>
<p>Inventory</p>		<p>Note: As of 2-25-13, nothing further has been filed.</p>
<p>PTC</p>		<p>1. Need amended petition for final distribution.</p>
<p>Not.Cred.</p>		
<p>Notice of Hrg</p>		
<p>Aff.Mail</p>		
<p>Aff.Pub.</p>		
<p>Sp.Ntc.</p>		
<p>Pers.Serv.</p>		
<p>Conf. Screen</p>		
<p>Letters</p>		
<p>Duties/Supp</p>		
<p>Objections</p>		
<p>Video Receipt</p>		
<p>CI Report</p>		
<p>9202</p>		
<p>Order</p>		
<p>Aff. Posting</p>		
<p>Status Rpt</p>	<p>X</p>	
<p>UCCJEA</p>		
<p>Citation</p>		
<p>FTB Notice</p>	<p>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 (Two notes are currently the subject of lawsuits); until there is determination as to the collectability on the Notes, tax matters cannot be finally determined.</p> <p>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.</p> <p>Since then, the matter has been continued to per stipulation.</p> <p>Stipulation to Continuance filed 1-17-13 extends the status hearing date for the filing of an amended petition by the Executor to 3-1-13. Order on Stipulation was signed 1-18-13.</p>	<p>Reviewed by: NRN / skc</p> <p>Reviewed on: 2-25-13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 3 – Salwasser</p>

4 The Andrew J. Reyes Trust

Case No. 07CEPR00126

Atty Urbatsch, Kevin (of San Francisco, for Wells Fargo Bank, N.A. – Trustee – Petitioner)

(1) Fourth Account and Report of Trustee and Andrew J. Reyes Trust, (2) Petition to Settle Account, and (3) to Fix and Allow Trustee and Attorney Fees (Prob. C. 1060)

Age: Approx 16 yrs	WELLS FARGO BANK, N.A. , Trustee, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
	Account period: 11-1-10 through 10-31-12	<u>Continued from 2-13-13.</u>
Cont. from 021313	Accounting: \$358,895.08	Examiner Notes previously noted the following items:
<input type="checkbox"/> Aff.Sub.Wit.	Beginning POH: \$319,901.22	1. The Court may require clarification regarding the requested Trustee's fee.
<input checked="" type="checkbox"/> Verified	Ending POH: \$339,804.74	Customarily, fees granted in this type of trust have been 0.75%. Here, Petitioner requests 1.5% according to its current Special Needs Trust Fee Schedule. Examiner notes that the Court previously approved fees at 1.35% (per 3rd Account settled 3-10-11).
<input type="checkbox"/> Inventory	(\$12,475.07 is cash)	The Court may require additional information regarding the increase since the last account period and the difference between the amount requested and the customary percentage granted in similar trusts under this Court's supervision.
<input type="checkbox"/> PTC	Trustee: \$10,495.26 (1.5% of the fair market value of the assets for per year - See current Special Needs Trust fee schedule at Exhibit B)	<u>Declaration filed 2-22-13 addresses this note.</u>
<input type="checkbox"/> Not.Cred.	Attorney: \$1,530.00 (itemized at Exhibit C – includes \$435 filing fee)	2. Examiner has interlined the proposed order by hand to comply with Local Rule 7.6.1.C: All orders settling accounts shall contain a statement as to the balance of the estate on hand, specifically noting the amount of cash included in the balance. However, the Court may prefer to require Petitioner to present a new order for signature.
<input checked="" type="checkbox"/> Notice of Hrg	Petitioner prays for an order:	
<input checked="" type="checkbox"/> Aff.Mail <small>w</small>	1. The court find that notice of hearing has been given as required by law;	
<input type="checkbox"/> Aff.Pub.	2. The court make an order approving, allowing and settling the Fourth Account as filed;	
<input type="checkbox"/> Sp.Ntc.	3. The court authorize and direct Petitioner to pay the trustee's and attorney's fees as requested for services rendered; and	
<input type="checkbox"/> Pers.Serv.	4. For such other relief that the Court deems proper.	
<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 <small>X</small>		
<input type="checkbox"/> Aff. Posting		Reviewed by: skc
<input type="checkbox"/> Status Rpt		Reviewed on: 2-25-13
<input type="checkbox"/> UCCJEA		Updates:
<input type="checkbox"/> Citation		Recommendation:
<input type="checkbox"/> FTB Notice		File 4 - Reyes

(1) First and Final Account and Report of Administrator and (2) Petition for Allowance of Ordinary and Extraordinary Commissions and Fees and (3) For Distribution

DOD: 08/26/2010	PUBLIC ADMINISTRATOR , is petitioner.	NEEDS/PROBLEMS/COMMENTS:
	I&A - \$116,990.00	
	POH - \$9,641.58	
Cont. from 020613		
<input type="checkbox"/> Aff.Sub.Wit.	Administrator - \$4,000.58 (Statutory)	
<input checked="" type="checkbox"/> Verified	X/O - \$1658.10 (per Local Rule for sale of Real & Personal Property & preparation of taxes)	
<input checked="" type="checkbox"/> Inventory		
<input checked="" type="checkbox"/> PTC		
<input checked="" type="checkbox"/> Not.Cred.	Attorney - \$4,000.58 (Statutory)	
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail w/	Court Costs - \$471.50 (Filing Fee & Certified Copies)	
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.	Bond - \$585.00 (o.k.)	
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen	Petitioner states after payment of commissions fees & costs there will be no estate to distribute.	
<input type="checkbox"/> Letters 02/15/2011		
<input type="checkbox"/> Duties/Supp	Petitioner prays for an Order:	
<input type="checkbox"/> Objections	1. Approving, allowing and settling the first and final account.	
<input type="checkbox"/> Video Receipt	2. Authorizing the administrator and attorney fees and commissions.	
<input type="checkbox"/> CI Report	3. Payment of Bond fee.	
<input checked="" type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		Reviewed by: LV
<input type="checkbox"/> Status Rpt		Reviewed on: 02/22/2013
<input type="checkbox"/> UCCJEA		Updates:
<input type="checkbox"/> Citation		Recommendation:
<input type="checkbox"/> FTB Notice		File 5 - Castillo

Declaration of Justine Serefine in Support of First Accounting for the Period August 8, 2011 to August 7, 2012 First Accounting Attached Hereto

Cont. from 021113		<p>JUSTINE SEREFINE, Mother, was appointed Conservator of the Estate on 8-8-11 without bond, including the power to purchase real property (a house) for the Conservatee under Probate Code §2591(g). The order states the Conservator will seek Court approval for the purchase.</p> <p>On 9-29-11 the Court signed Order Granting Ex Parte Application Authorizing Conservator to Complete Purchase of Real Property.</p> <p>On 9-25-12, Conservator filed a "First Accounting" that was heard on 11-5-12; however, per prior Examiner Notes, the document was not an accounting as required by applicable Probate Code in conservatorship estates.</p> <p>On 11-5-12, the Court informed Counsel that the Investigation fees are due, and set status hearing on 11-30-12 for filing of the Inventory and Appraisal.</p> <p>The Court continued the status hearing to 1-18-13.</p> <p>On 12-7-12, a Final I&A was filed reflecting a total estate value of \$29,016.11.</p> <p>On 1-4-13, "Declaration of Justine Serefine in Support of First Accounting" was filed.</p> <p>The Declaration contains an accounting as follows:</p> <p>Account period: 8-8-11 through 8-7-12 Accounting: \$205,008.07 Beginning POH: \$29,016.11 Ending POH: \$133,217.46 (\$8,217.46 cash plus real property)</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Minute Order 2-11-13: Mr. Krbechek is appearing via conference call. Mr. Krbechek requests a continuance. Continued to 3/1/13.</p> <p>As of 2-25-13, the following issues remain:</p> <ol style="list-style-type: none"> 1. Need proof of service of Notice of Hearing pursuant to Probate Code §§ 2621, 1460, 1461.5 at least 15 days prior to the hearing on: - Office of the Veterans Administration 2. I&A is incomplete in that it is not presented on the mandatory Judicial Council form in its entirety, including attachments. 3. Need account statements pursuant to Probate Code §2620(c)(2). 4. It appears that the conservatorship estate is paying the entirety of the household bills; however, it appears that the Conservatee's mother and sister reside in the home with him. The Court may require clarification as to whether the other residents contribute to household expenses. <u>SEE PAGE 2</u>
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input checked="" type="checkbox"/>	Inventory X		
<input checked="" 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"/>	2620(c) X		
<input type="checkbox"/>	Order X		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		<p>Reviewed by: skc</p> <p>Reviewed on: 2-25-13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 6A - Danielson</p>	

Page 2

NEEDS/PROBLEMS/COMMENTS (Continued):

5. Aside from the \$28,013.67 in disbursements presented in this accounting, an additional \$17,232.00 was disbursed (\$1,436/month) to "VA-approved account for use by Conservatee." The Court may require conservatorship accountings to include disbursements from this account. The Court may also require clarification regarding the numerous \$25 wire transfer fees that appear to be associated with this monthly transfer.
6. The disbursements schedule indicates DMV registration fees; however, the conservatorship estate does not appear to contain a vehicle. Need clarification.
7. The disbursements schedule indicates numerous blank/unspecified line items. The Court may require clarification.
8. The disbursements schedule indicates payment to Attorney Krbechek of \$392.50. However, there does not appear to be a Court order for this amount, or itemization if these were appropriate costs pursuant to Local Rules. Need clarification.
9. Neither Attorney Krbechek's "First Accounting for Period Ending August 31, 2012" filed 9-25-12 nor the Conservator's Declaration filed 1-4-13 appears to contain a prayer with reference to this accounting. The Court may require clarification and further accountings to be presented appropriately to this Court in petition form pursuant to applicable Probate Code.

If this accounting is approved as presented, need order.

Note: If approved, the Court will set status hearing for the filing of the next accounting as follows:

- Friday 12-13-13 if a one-year account is required

OR

- Friday 12-12-14 if a two-year account is required

(Please note that these potential dates are status dates only. When the petition is filed, a new date will be assigned.)

	On 1-4-13, "Declaration of Justine Serefine in Support of First Accounting" was filed.	NEEDS/PROBLEMS/COMMENTS: <u>Minute Order 2-11-13:</u> Mr. Krbechek is appearing via conference call. Mr. Krbechek requests a continuance. Continued to 3/1/13. 1. Need amended petition.
	See Page 6A for details and Examiner Notes.	
Aff.Sub.Wit.		
Verified	At hearing on 2-11-13, Attorney Krbechek requested continuance.	
Inventory		
PTC	As of 2-25-13, nothing further has been filed.	
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: 2-25-13
		Updates:
		Recommendation:
		File 6B - Danielson

		BRUCE S. SMART is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 1/24/13. Minute order states Counsel informs the Court that Mrs. Smart has provided the information as requested via an informal letter however, his client is requesting a formal accounting.</p> <p>1. The Prayer in the Petition requests Lana Denise Smart be ordered to account from May 26, 2005 through November 30, 2012 however the Order submitted Orders Lana Denise Smith to account to December 31, 2012. Need new Order.</p> <p>Reviewed by: KT</p> <p>Reviewed on: 2/25/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 8 - Smart</p>
		Petitioner alleges:	
		Ellis Foster Smart and Lana Denise Smart created the Smart Family Living Trust by trust instrument dated 3/29/1995.	
Cont. from 012413		Ellis Foster Smart and Lana Denise Smart acted as Co-Trustees of the Trust until the death of Ellis Foster Smart on 5/26/2005.	
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	W/	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice	<p>Under the terms of the trust, on the death of Ellis Foster Smart, LANA DENISE SMART became the sole trustee of the Trust.</p> <p>Also under the terms of the trust, on the death of one spouse, the trust was to be divided into a Marital Trust and the Family Trust. Both such trusts are irrevocable.</p> <p>Lana Denise Smart is the lifetime income beneficiary of both the Marital Trust and the Family Trust. Ms. Smart has a testamentary general power of appointment over the Marital Trust estate.</p> <p>On the death of Ms. Smart, the Family Trust and the Marital Trust estate no appointed under the power of appointment shall be distributed, in equal shares, to Bruce S. Smart, Gail Louise Smart and Timothy S. Smart.</p> <p>On 1/26/07, Petitioner's then attorney requested through Ms. Smart's attorney, Arthur J. Pauley, Jr., that Petitioner and his sister, Gail Smart, be provided a report and account of the Trust.</p> <p>Mr. Pauley responded to this request with the information that the two sub-trusts had been funded with the proceeds from the sale of "the ranch in Camino California" and that each trust contained "about \$400,000 each."</p> <p>Please see additional page</p>	

Petitioner's attorney again requested an accounting and report by letter dated 1/16/08.

Petitioner's present counsel requested by letter dated 8/27/12, an accounting, principal transactions, an inventory of Trust as of Ellis Smart's death, a report on the division of the property between the Marital Trust and the Family Trust, and a copy of the Promissory Note and Deed of Trust.

Mr. Pauley responded that he no longer represented Ms. Smart.

Petitioner's attorney then requested the same information from Ms. Smart directly by letter dated 9/14/12. No response to this letter has been received.

Wherefore, Petitioner requests that:

1. The court order Lana Denise Smart to provide to Petitioner an accounting and report that includes the requested information, of the administration of the Smart Family Trust from May 26, 2005 through November 30, 2012, in a form that satisfies Probate Code §16063 no later than February 15, 2013;
2. Petitioner be awarded the costs of this proceeding; and
3. Such other relief as the court considers proper.

Petition to Compel Trustee to Account to the Beneficiaries and Directing Distribution and Termination of the Trust [Prob. C. 17200(b)(6)(7)(13)]

		<p>JENNIE MILLER REDFERN and JOHN A. CLACK, children of the settlor, are Petitioners.</p> <p>Petitioners state this matter concerns the accounting and termination of the CLACK FAMILY GRANTOR TRUST.</p> <p>Petitioners allege: GENEVA CLACK, as Settlor, executed the CLACK FAMILY GRANTOR TRUST on 7/27/2010.</p> <p>Petitioners allege based on their firsthand knowledge and having read the Trust after their mother's death that the Trust property was to be distributed to the Trustor's named beneficiaries within the Trust.</p> <p>Trustor, GENEVA CLACK died on 12/24/2010. Petitioners believe that upon the Trustor's death the Trust became irrevocable.</p> <p>Petitioners contend that real property located at 2879 Fine Avenue, Fresno is an asset of the Trust.</p> <p>In addition to the property at Fine Avenue, a vehicle, life insurance policies, mutual funds and annuities were assets of the Trust. None of these items were listed in the Schedule A; however, the items have not been subject to any probate proceedings and therefore may be subject to the Trust.</p> <p>Pursuant to the terms of the Trust on page 26 under the heading "Accounting Reports" the Trustee is responsible for the maintenance of adequate records and is responsible for the preparation of an annual accounting report to be provided to the beneficiaries of the Trust. This has not been occurring. When requested by beneficiaries, Trustee refuses to provide adequate documentation. According to the Trustee he has been renting the property, but Petitioners have not been provided any financial explanation of the events surrounding it.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 1/29/13. As of 2/25/13 the following issues remain:</p> <ol style="list-style-type: none"> 1. Petition does not include a copy of the Clack Family Grantor Trust. The Court cannot make any of the findings requested without a copy of the trust instrument. 2. Petition does not identify the current Trustee of the Trust. 3. Notice of Hearing was mailed on 1/2/13, 28 days-notice and not the required 30 days. Probate Code §17203 <p>Please see additional page</p>
Cont. from 012913			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail W/		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order X		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
Please see additional page		<p>Reviewed by: KT</p> <p>Reviewed on: 2/25/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 9A – Clack</p>	

Petitioners allege that pursuant to the terms of the Trust, upon the death of the Settlor, the Trust is to be distributed 50% to **PHILIP WILLIAMS**, and 25% each to **JENNIE MILLER** and **JOHN CLACK**. Decedent's death was almost two years ago. There has been no distribution of the remaining assets. When Petitioners request the final distribution, Trustee indicates he wishes to exhaust the entire trust in costs and fees before he will do that.

Petitioners pray for an Order:

1. **GENEVA CLACK** established the **CLACK FAMILY GRANTOR TRUST**, an irrevocable trust on or about July 27, 2010;
2. The Trust was established for lawful purposes;
3. The Trustees named by the Trustor: **PHILIP WILLIAMS**, first; then **JENNIE MILLER** and then **JOHN A. CLACK**, and they were to serve in succession in the event that the prior named party was unable or unwilling to serve;
4. The beneficiaries of the Trust are and were ascertainable according to adequate and competent evidence as **PHILIP WILLIAMS, JENNIE MILLER** and **JOHN A. CLACK**;
5. It was the intent of the Settlor that her residence be distributed 50% to **PHILIP WILLIAMS**, and 25% each to **JENNIE MILLER** and **JOHN A. CLACK**;
6. An accounting is to be provided to the beneficiaries for period of 12/24/2010 to the current date;
7. Distribution of the remaining Trust estate is to occur and the Trust is terminated.

NEEDS/PROBLEMS/COMMENTS (cont):

4. Probate Code §17200(b)(7)(B) and (C) states a beneficiary may compel the Trustee to provide information about the trust and/or an accounting, if the trustee has failed to provide the necessary information within 60 days after the beneficiary's reasonable written request, and the beneficiary has not received the requested information and/or account from the trustee within the six months preceding the request. Petition does not state when the Petitioners sent a written request to the Trustee to provide them with information regarding the trust.
5. Need order.

Status Conference

	JENNIE MILLER REDFERN and JOHN A. CLACK , children of the settlor, petitioned the court to compel the trustee to account to the Beneficiaries and to distribute and terminate the Trust. Please see page 9A.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need current written status report pursuant to Local Rule 7.5B which states in all matter set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.</p>
	Minute order dated 1/29/13 set this status conference.	
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		
		<p>Reviewed by: KT</p> <p>Reviewed on: 2/25/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 9B - Clack</p>

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

DOD: 5-4-07	<p>JOHN G. LEBLANC was appointed Executor with Full IAEA without bond on 8-7-07.</p>	NEEDS/PROBLEMS/COMMENTS:
Cont. from 113012, 012513	<p>I&A filed 9-20-07 reflects a total estate value of \$210,000.00 consisting of real property.</p>	<p style="text-align: center;"><u>OFF CALENDAR</u></p> <p>Final Account filed 2-15-13 is set for hearing on 3-28-13.</p>
Aff.Sub.Wit.		
Verified	<p>California Dept. of Health Care Services filed a Creditor's Claim in the amount of \$33,817.55.</p>	
Inventory		
PTC		
Not.Cred.	<p>City of Fresno filed a Creditor's Claim in the amount of \$9,757.94.</p>	
Notice of Hrg		
Aff.Mail	<p>The Court previously set status hearing for failure to file a first account or petition for final distribution.</p>	
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		

DOD: 1/8/2009	<p>JAMES L. ELDER was appointed Executor with Full IAEA without bond and Letters issued on 3-3-09.</p> <p>Final Inventory and Appraisal filed 2-22-11 reflects a total estate value of \$205,337.78, including \$66,337.78 cash and real property in Fresno and Tulare Counties.</p> <p>MANUEL N. VIERRA, former attorney for Executor James L. Elder petitioned the court to be relieved as counsel. On 12/11/12 the court granted attorney Vierra's request and set a status hearing for the possible removal of the executor for failure to proceed timely with the estate.</p> <p>Minute Order dated 1/15/13 states disclosure given by the Court regarding Fresno State University. Mr. Elder informs the Court that he has been unable to obtain counsel. The court accepts James Elder's resignation and appoints the Public Administrator.</p> <p>Letters issued to the Public Administrator on 1/31/13.</p> <p><u>Note:</u> Decedent's will dated 12-10-08 devises specific personal property items to various charities and/or organizations, and devises the residue of the estate to the Fresno State University Foundation.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need current written status report pursuant to Local Rule 7.5B which states in all matter set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.</p>
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		<p>Reviewed by: KT</p> <p>Reviewed on: 2/25/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 12 - Jaquay</p>

DOD: 5-26-11		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p style="text-align: center;"><u>OFF CALENDAR</u></p> <p>Final Account filed 2-22-13 is set for hearing on 4-3-13.</p>	
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		Reviewed by: skc	
		Reviewed on: 2-25-13	
		Updates:	
		Recommendation:	
		File 14 - Toppin	

DOD: 10/10/11	PUBLIC ADMINISTRATOR was appointed Administrator with Will Annexed on 3-6-12.	NEEDS/PROBLEMS/COMMENTS:
	On 5-30-12, PUBLIC ADMINISTRATOR filed Report of Administrator of Insolvent Estate and Request for Final discharge.	<u>Minute Order 1-22-13 (hearing on Report of Administrator of Insolvent Estate and Request for Final Discharge):</u>
Aff.Sub.Wit.	An objection was filed 6-28-12 by David L. Jimenez and Raymond Sandoval.	Ms. Kruthers informs the Court that she was advised by Mr. Camenson that there are two other assets. The Court denies the petition without prejudice. Petition denied. Set on 3/1/13 for: Status Hearing.
Verified	A response to the objection was filed 7-2-12 by the Public Administrator.	1. Need Inventory and Appraisal.
Inventory	Another response to the objection was filed 7-2-12 by Conrad Jimenez.	2. Need First Account or Petition for Final Distribution.
PTC	At hearing on 7-18-12, Counsel informed the Court that a bank account was discovered and the estate is not insolvent. At further continued hearing on 1-22-13, Ms. Kruthers informed the Court that she was advised by Mr. Camenson that there are two other assets.	
Not.Cred.	The Court denied the petition and set this status hearing.	
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Status Rpt		Reviewed on: 2-25-13
UCCJEA		Updates:
Citation		Recommendation:
FTB Notice		File 17 - Jimenez

Status Hearing Re: Filing of the Inventory and Appraisal

DOD: 4/6/12	<p>REBECCA RUTH FINDERUP was appointed executor with full IAEA and without bond on 7/25/12.</p> <p>Letters issued on 7/30/12.</p> <p>Minute Order dated 7/25/12 set this status hearing for the filing of the inventory and appraisal.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>OFF CALENDAR. Inventory and Appraisal filed on 1/23/13.</p>	
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			Reviewed by: KT
			Reviewed on: 2/25/13
			Updates:
	Recommendation:		
	File 18 - Bodmer		

Atty Ragsdale, Wanetta (pro per, former Guardian)

Status Hearing Re: Status of Guardianship in Colorado

Angelina age: 17	<p>WANETTA RAGSDALE, maternal grandmother, was appointed guardian of the person on 1/29/2001.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 1/18/13. Minute Order states no appearances. Matter continued to 3/1/13. Wanetta Ragsdale is ordered to appear via conference call on 3/1/13. The court orders Court Examiner Kathy Tigchelaar to contact Wanetta Ragsdale by letter or telephone and inquire about the state of the guardianship in Colorado.</p> <p>Examiner Kathy Tigchelaar, at the instruction from the Court called Wanetta Ragsdale on 1/22/13 at 9:50 a.m. Ms. Ragsdale indicated the Paternal Aunt Rachel Miller had filed for guardianship on 1/15/13 but Wanetta did not have copies of the paperwork and did not know the hearing date. Examiner told Wanetta the date of the next hearing 3/1/13 and suggested she file copies of the paperwork that was filed by Rachel Miller. Examiner also told Wanetta that she could appear by court call at the hearing.</p>
Emileo age: 16		
	<p>Wanetta Ragsdale petitioned the court to terminate the guardianship stating the children had been living in Colorado for the past ten years and that for the past year they had been residing with their paternal aunt, Rachel Miller. The court terminated the guardianship on 10/23/12 in order to allow the paternal grandmother to petition for guardianship in Colorado. Minute order dated 10/23/12 set a status hearing regarding the status of the Colorado guardianship.</p>	
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		<p>Reviewed by: KT</p> <p>Reviewed on: 2/25/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 23 - Boyce</p>

Petition for Order Directing Successor Trustee to File An Accounting to Make Distribution to the Named Beneficiaries and to Surcharge Trustee (PC 17,200; 16,002; 16,047 and 16,0606)

Verdistine Neal	<p>BEATRICE L. JOHNSON, Trustor, daughter of the now-deceased primary beneficiary, VERDISTINE NEAL, and remainder beneficiary of the BEATRICE L. JOHNSON IRREVOCABLE TRUST, is Petitioner.</p> <p>Petitioner provides the following history: In 2002, VERDISTINE NEAL transferred her home and a nearby vacant lot to Petitioner for convenience only to hold in trust for her children upon her death, as an estate plan and legally allowable lien avoidance plan without the assistance of an attorney. A dispute led to a lawsuit against Petitioner to get the property back. In settlement, Petitioner transferred said property to herself and her sister, Vera Neal, as co-trustees of the above trust, which was prepared by counsel, to evidence the estate plan that was already understood and being implemented by Petitioner and her mother.</p> <p>On or about 1-22-09, misunderstood, falsely accused and inadequately represented, Petitioner was removed as co-trustee. Verdistine Neal died on or about 7-20-09.</p> <p>Petitioner's brother JAMES NEAL of Detroit, MI, was appointed by the Court as successor trustee without reference to the trust's requirement for co-trustee (paragraph 6.2), and without bond. By accepting the trusteeship, having its place of administration in this state, James Neal submitted to personal jurisdiction of this California Court (Probate Code §17004).</p> <p>Petitioner believes the property was sold on or about 9-15-11. Petitioner never received formal notice of the sale and written notice of the closing came several months after closing. A letter dated 7-12-12 contains a handwritten list of disbursements and appears to be the trustee's effort at accounting; however, clearly fails terribly as an accounting of trust administration. Such failure constitutes a breach of trust pursuant to trust section 7.2. Further, the trustee did not keep the beneficiaries reasonably informed as required by Probate Code §16060.</p> <p>Petitioner prays for an order:</p> <ol style="list-style-type: none"> 1. That James Neal as successor trustee prepare, file and serve on each beneficiary an accounting in the form that satisfies the requirements of the California Probate Code, accounting for all funds and property which came under his management and control as trustee of this trust, and signed under penalty of perjury; 2. Determining that James Neal is personally liable for loss to the trust for mismanagement and misappropriation of trust funds; and 3. Establishing a reasonable sum to pay to Petitioner for bringing this petition, plus any additional fees and costs which accrue should be charged to the trust and paid from the net sale proceeds or from James Neal personally as a surcharge. 	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Continued from 1-7-13</u></p> <p><u>Minute Order 1-7-13:</u> Also present in the courtroom is Vera Dean and Mediator Camille Valentine. The Court is informed that Vivian Vance is aware of today's hearing, but is ill. Beatrice Johnson requests a continuance to hire counsel. The Court orders all the parties to participate in mediation today at 1:00 Continued to: 3/1/13, Set on: 3/1/13 for: Status Re: Mediation</p> <p><u>Note: A Probate Mediation Agreement was filed 1-8-13. See Page 24B (Status).</u></p> <p><u>As of 2-25-13, the following issues remain:</u></p> <ol style="list-style-type: none"> 1. Need Notice of Hearing and proof of service of Notice of Hearing at least 30 days prior to the hearing per Probate Code §17203 on: <ul style="list-style-type: none"> - Paul J. Pimentel (of Tomassian Pimentel & Shapazian) - Vivian Olinda Vance 2. Alternatively, need Request for Dismissal per Mediation Agreement. See Page 24B.
DOD: 7-20-09		
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	File 24A - Johnson	

