

2nd Account and Report of Conservator [Prob. C. 2620, 2623, 2640, & 2942]

DOD: 05/05/09		PAT MIRANDA , Conservator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: CONTINUED FROM 02/14/13 Minute Order from 02/14/13 states: Counsel informs the Court that the care facility statements were submitted, however, she is uncertain which ones may be missing. Counsel is directed to address items #2 and #3 in the examiner notes by declaration. Ms. McCaslin indicates to the Court that she will be filing objections. As of 02/26/13, nothing further has been filed in this matter and the following needs/problems/comments remain: <ol style="list-style-type: none"> 1. Need <i>Notice of Hearing</i> with proof of service by mail at least 15 days before the hearing on: <ul style="list-style-type: none"> - Kelli McCaslin (daughter) - Carroll (Bud) McCaslin (son) - Michael McCaslin (son) 2. Need copies of bank statements pursuant to Probate code § 2620(c)(2). 3. Need original care facility billing statements pursuant to Probate Code § 2620(c)(5). Note: Several of the monthly care facility statements were filed in connection with Petitioner's first account on 08/17/12; however, several months during this accounting period are missing. 4. Need Order. Note: A status hearing will be set as follows: - Friday, April, 26, 2013 at 9:00 am in Dept. 303 for filing of the Final Account. Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required. Reviewed by: JF Reviewed on: 02/26/13 Updates: Recommendation: File 1 - McCaslin
		Account period: 01/23/07 – 05/05/09	
		Accounting - \$39,167.44	
		Beginning POH - \$46.35	
		Ending POH - \$1,440.97	
Cont. from 012813, 021413			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified	Conservator - waived	
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC	Attorney - waived	
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg	Petitioner prays for an Order:	
<input type="checkbox"/>	Aff.Mail	1. Approving, allowing and settling the second account.	
<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		

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		Accounting: \$27,048.74	
	Aff.Sub.Wit.	Beginning POH: \$27,018.52	
✓	Verified	Ending POH: \$27,048.74	
	Inventory	Trustee: \$200.00 (for 0.5 Deputy hours @ \$96/hr and 2.0 Staff hours @ \$76/hr)	
	PTC	Attorney: \$1,250.00 (one-half of the allowed fee per local rule)	
	Not.Cred.	Bond fee: \$67.63 (ok)	
✓	Notice of Hrg	Petitioner prays for an order:	
✓	Aff.Mail	1) Approving, allowing and settling the account;	
	Aff.Pub.	2) Authorizing payment of the trustee's and attorney's compensation; and	
	Sp.Ntc.	3) Authorizing payment of the bond fee.	
	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 2 - Lundstrom

3 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 **Chiepegian, Michael S (for Marvin Salwasser/Administraror with Will Annexed of Walter Respondent)** Salwasser
 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)

	George Salwasser is Executor.	NEEDS/PROBLEMS/COMMENTS:
	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.	<u>Continued from 6-25-12, 9-24-12, 11-26-12, 1-25-13.</u>
Cont from 062512, 092412, 112612, 012513		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.
<input type="checkbox"/> Aff.Sub.Wit.		
<input type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input type="checkbox"/> Notice of Hrg		
<input type="checkbox"/> Aff.Mail		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input 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>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>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><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>Note: As of 2-25-13, nothing further has been filed.</p> <ol style="list-style-type: none"> 1. Need amended petition for final distribution.
		Reviewed by: NRN / skc
		Reviewed on: 2-25-13
		Updates:
		Recommendation:
		File 3 – Salwasser

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	<p>Examiner Notes previously noted the following items:</p> <p>1. The Court may require clarification regarding the requested Trustee's fee. 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).</p> <p>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.</p> <p><u>Declaration filed 2-22-13 addresses this note.</u></p> <p>2. Examiner has interlineated 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.</p>
<input type="checkbox"/>	Aff.Sub.Wit.	Beginning POH: \$319,901.22	
<input checked="" type="checkbox"/>	Verified	Ending POH: \$339,804.74 (\$12,475.07 is cash)	
<input type="checkbox"/>	Inventory	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)	
<input type="checkbox"/>	PTC	Attorney: \$1,530.00 (itemized at Exhibit C – includes \$435 filing fee)	
<input type="checkbox"/>	Not.Cred.	Petitioner prays for an order:	
<input checked="" type="checkbox"/>	Notice of Hrg	1. The court find that notice of hearing has been given as required by law;	
<input checked="" type="checkbox"/>	Aff.Mail	2. The court make an order approving, allowing and settling the Fourth Account as filed;	
<input type="checkbox"/>	Aff.Pub.	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"/>	Sp.Ntc.	4. For such other relief that the Court deems proper.	
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order	X	
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: skc
			Reviewed on: 2-25-13
			Updates:
			Recommendation:
			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		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: LV
		Reviewed on: 02/22/2013
		Updates:
		Recommendation:
		File 5 - Castillo

	<p>On 1-4-13, "Declaration of Justine Serefine in Support of First Accounting" was filed.</p> <p>See Page 6A for details and Examiner Notes.</p> <p>At hearing on 2-11-13, Attorney Krbechek requested continuance.</p> <p>As of 2-25-13, nothing further has been filed.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p style="text-align: center;"><u>OFF CALENDAR</u></p> <p>Amended petition filed 2-26-13 is set for hearing on 4-4-13.</p> <p><u>Minute Order 2-11-13</u>: Mr. Krbechek is appearing via conference call. Mr. Krbechek requests a continuance. Continued to 3/1/13.</p> <p style="margin-left: 40px;">1. Need amended petition.</p>
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: 2-25-13
		Updates: 2-27-13
		Recommendation:
		File 6B - Danielson

Probate Status Hearing Re: Filing Inventory and Appraisal

DOD: 11/17/11		JUDY TOLER , daughter, was appointed Executor without bond on 08/02/12. Letters were issued on 08/23/12.	NEEDS/PROBLEMS/COMMENTS:
Cont. from 120712		Minute Order from 08/02/12 set this matter for status re: filing the Inventory & Appraisal on 12/07/12.	1. Inventory & Appraisal filed 02/08/13 is not marked in the caption indicating whether this is a partial inventory or final (or otherwise marked). There are several items listed on attachment 2 that require appraisal by the probate referee that are not appraised; therefore, it appears that this is a partial inventory and appraisal. Need clarification and Final Inventory & Appraisal.
<input type="checkbox"/>	Aff.Sub.Wit.		
<input type="checkbox"/>	Verified	Inventory & Appraisal filed 02/08/13 - \$62,465.69.	
<input checked="" type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg		
<input type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: JF
			Reviewed on: 02/26/13
			Updates:
			Recommendation:
			File 7 - Barnes

		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> <hr/> <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	Under the terms of the trust, on the death of Ellis Foster Smart, LANA DENISE SMART became the sole trustee of the Trust.	
✓	Aff.Mail	W/	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.	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.	
	Conf. Screen		
	Letters		
	Duties/Supp	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.	
	Objections		
	Video Receipt		
	CI Report		
	9202	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.	
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation	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.	
	FTB Notice	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."	
Please see additional page			

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)]

		JENNIE MILLER REDFERN and JOHN A. CLACK , children of the settlor, are Petitioners.	<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>
		Petitioners state this matter concerns the accounting and termination of the CLACK FAMILY GRANTOR TRUST .	
Cont. from 012913		Petitioners allege: GENEVA CLACK , as Settlor, executed the CLACK FAMILY GRANTOR TRUST on 7/27/2010.	
	Aff.Sub.Wit.	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.	
✓	Verified	Trustor, GENEVA CLACK died on 12/24/2010. Petitioners believe that upon the Trustor's death the Trust became irrevocable.	
	Inventory	Petitioners contend that real property located at 2879 Fine Avenue, Fresno is an asset of the Trust.	
	PTC	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.	
	Not.Cred.	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.	
✓	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		
Please see additional page			
			Reviewed by: KT
			Reviewed on: 2/25/13
			Updates:
			Recommendation:
			File 9A – Clack

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

		<p>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>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 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.
Cont. from		<p>Minute order dated 1/29/13 set this status conference.</p>	
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>

Atty Knudson, David N., sole practitioner (for Cynthia Blackstock, Executor)

Atty Lampe, Michael J., sole practitioner of Visalia (for J.W. Stone and Mildred Stone; and The Money Man Corp.)

Pro Per Manuel, Sr., Mickey (Surviving Spouse, Claimant)

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

DOD: 10/8/1997	<p>CYNTHIA BLACKSTOCK, daughter, was appointed Executor on 8/26/1998 without bond, following objections by and litigation with MICKEY MANUEL, SR., surviving spouse, who had filed a Will Contest on 6/3/1998, objecting to the validity of Decedent's estate planning documents.</p> <p>Background: Court Trial on the Preliminary Injunction Restraining Foreclosure Sale Under Deed of Trust filed 11/9/2006 by Cynthia Blackstock was held on 11/14/2006, upon which date the preliminary injunction was granted by Judge James Quaschnick.</p> <p>Minute Order dated 11/14/2006 from the hearing on the preliminary injunction ordered all defendants [MICKEY MANUEL; MONEY MAN CORP.; FORECLOSURE LINK, INC.; J.W. STONE and MILDRED STONE, Trustees; GOLDSTEIN, GELLMAN, et al; and FIRST AMERICAN TITLE INSURANCE CO.] are restrained from selling or causing to be sold the subject property either under the power of sale, deed of trust or by foreclosure.</p> <p align="center">~Please see additional page~</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 1/18/2013. Minute Order states Mr. Knudson requests a 30-day continuance for the purpose of dealing with the unlawful detainer and other issues. Matter continued to 3/1/3013. The restraining order is extended to 3/1/2013 [emphasis added.] The Court notes for the record that this matter concluded at 9:06 a.m. after the Court asked if there was anyone else present who wished to be heard. Matter recalled at 9:21 a.m., at which time Mickey Manuel is present and addresses the Court. Mr. Manuel is informed of the continuance and advised of what occurred when the matter was initially called.</p> <p>Note for background: Petition to Confirm Title to Real Property in the Estate filed by Cynthia Blackstock, Executor, on 10/30/2012 was heard on 12/5/2012; the Petition was granted, and the Order Confirming Title to Real Property in the Estate signed 12/11/2012 finds in pertinent part:</p> <ul style="list-style-type: none"> • The residence located on North Pleasant is an asset of the Estate of Wilma Ruth Manuel, and Mickey Manuel, Sr., has no interest therein; • The temporary restraining order entered by this Court on 10/29/2012 is extended to 2/4/2013 or until an adverse ruling is obtained in Case #12CECL05667 [unlawful detainer]; • Mickey Manuel, Sr., the Fresno County Sheriff, and their agents, [etc.], are restrained and enjoined from executing that Writ of Possession entered 10/5/2012 in Case #12CECL05667.
Cont. from 061812, 082412, 100512, 120712, 011813		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/S		
Objections		
Video Receipt		
CI Report		
9202 Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
<p>Reviewed by: LEG</p> <p>Reviewed on: 2/26/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 10 - Manuel</p>		

Background, continued:

Minute Order dated 2/22/2007 from the hearing on the *Complaint to Enjoin Foreclosure, for Conveyance of the Property claimed to Belong to Decedent, for Declaratory Relief; and for Damages* filed by Cynthia Blackstock set a Settlement Conference on 6/5/2007. *Notice of Settlement of Entire Case* filed 5/31/2007 by Michael J. Lampe indicates the 6/5/2007 Settlement Conference, and a 6/19/2007 trial date.

Declaration filed by Mickey Manuel, Sr., surviving spouse, on 9/24/2009 includes his written statement pertaining to property assets held by Wilma Manuel prior to her death in 1997, which he states were left in trust to him (her husband) at the time of her death to be handled and disposed of as he deemed suitable as Trustee of her estate.

Notice of Probate Status Hearing filed 5/7/2012 set a status hearing on 6/18/2012 for failure to file a first account or petition for final distribution. *Clerk's Certificate of Mailing* shows Cynthia Blackstock and Attorney David Knudson were mailed notice of this status hearing on 5/7/2012.

Status Report of Executor filed by Attorney Knudson for Cynthia Blackstock on 6/11/2012 states:

- Wilma Ruth Manuel's Will left her Fresno residence to two daughters, **CYNTHIA BLACKSTOCK** and **ANGELA MANUEL**, and a residence in Kent, Washington, to three grandchildren, **ALYSHA WATTS**, **TSION MULUGETA**, and **LEONARD WILLIAMS**;
- Wilma was not married at the time of her death on 10/8/1997; she had previously been married to **A. D. MANUEL**, commonly known as, "**MICKEY MANUEL**" or "**MICKEY MANUEL, SR.**;"
- Wilma was survived by a son, **MICKEY MANUEL**, also known as "**MICKEY MANUEL**" or "**MICKEY MANUEL, JR.**;" "**MICKEY JUNIOR MANUEL**" and/or **MICKEY J. R. MANUEL**;" Mickey Manuel, Jr., sometimes also poses as Mickey Manuel, Sr.;
- Cynthia (Executor) believes the petition filed in this proceeding was actually filed by Mickey Manuel, Jr., even though it is signed "Mickey Manuel, Sr.;" **MICKEY MANUEL, SR.** aka **A. D. MANUEL** is not a beneficiary under Wilma's Will; Mickey Manuel, Jr. is disinherited with a gift of **\$1.00** under Wilma's Will; *Status Report details a long history of proceedings in this matter on pages 2 and 3*;
- In 2006, it was discovered that **MICKEY MANUEL, JR.**, had forged Wilma's signature against the North Pleasant property, the only asset of the estate, and obtained a loan secured by Deed of Trust against the North Pleasant residence; a petition was filed to obtain a restraining order to prevent the foreclosure, and on 11/14/2006, Judge Quashnick entered a preliminary injunction prohibiting the trustee to the Deed of Trust from foreclosing on the property; subsequently, the matter was settled and a *Notice of Settlement* was filed on 6/21/2007;
- **Present status of the estate:** Nothing further occurred in the estate proceedings until **MICKEY MANUEL, SR.**, filed an *Application for Waiver of Court Fees* in February 2009 and in September 2009, both of which were denied; on **3/27/2012**, he filed a further *Application for Waiver of Court Fees*, which was granted, and thereupon he filed his *Petition to Secure Appointment as "Successor Trustee"* for the Wilma Manuel Family Trust [*please refer to Page 22 of this calendar*]; Cynthia Blackstock has not been given notice of the hearing on that petition;
- The North Pleasant residence is the only asset of the estate; it passes to Cynthia Blackstock under the Will since Angela Manuel is deceased; Wilma also owned a residence in Kent, Washington, of which **Mickey Manuel, Jr.**, obtained possession and fraudulently sold, taking the proceeds;
- There are no funds available to pay expenses of administration; Wilma's former attorney **EDWARD A. KENT, JR.**, had possession of some of her funds, but Mr. Kent resigned from the State Bar in 2003 with disciplinary charges pending; the plan for administration is to try to obtain a loan on the North Pleasant residence so administrative expenses can be paid.

~Please see additional page~

Background, continued:

- **Minute Order dated 6/18/2012 states** the Court advises Mr. Manuel, Sr. that he can file a creditor's claim if he wishes. The court does not guarantee that it is in a timely manner.
- **Mickey Manuel, Sr. filed on 8/23/2012 a Declaration of Mickey Manuel Sr., in Opposition to Petition for Final Distribution** [Note: a Petition for Final Distribution has not been filed in this matter]; Declaration alleges in brief sum that Mr. Manuel, Sr. was never divorced from the Decedent, that the Will was a forgery, and that the property was in the Decedent's trust.
- **Minute Order dated 8/24/2012 states** Mr. Manuel was informed his creditor's claim is deficient. Matter was continued to 10/5/2012. *Creditor's Claim* filed 8/23/2012 by Mickey Manuel, Sr., indicates a claim of **\$29,000.00**, but provides no further information in support of the claim; the entirety of page two is incomplete, and there is no indication that the claim has been served on the Executor.

Note: *Creditor's Claim* filed 12/5/2012 by **MICKEY MANUEL, SR., aka A.D. MANUEL**, is dated 11/15/2012 and states **\$8,513.86** is owed to him based on the following:

- Attached to the claim are receipts for payments made on property with parcel #406-172-01-S; [Note: documents attached consist of copy of 2011-2012 Fresno County Secured Property Tax Bill; copy of Abstract of Delinquent Secured Taxes or Certificate of Redemption; copy of County of Fresno Tax Collection Division letter regarding payment of delinquent taxes under an installment plan of redemption for APN 406-172-01, indicating \$90.00 installment plan fees and first payment of 20% or more of the unpaid redemption amount and any current taxes must be paid by June 30, signed by Mickey Manuel and dated 5/4/2012];
- Cynthia Blackstock owes this money; she was residing and still resides in the residence and chose not to pay property taxes for years;
- The Trust was about to lose the house but he stepped up and saved it;
- Once it is settled that the home is back in the Trust, and now that the home is already back in his name in the Trust, he will take care of the taxes from now on;
- This creditor's claim is in no way a settlement of what Cynthia owes the Trust; he is still pursuing the assets from Wilma's life insurance policy, which he was the beneficiary of, and all assets that have not been accounted for;
- Wilma and he were never divorced; enclosed you will find a copy of the marriage license [Note: copy of marriage license is not attached to claim.]
- Explanation of money owed totaling **\$8,513.86**:
 - **\$4,839.86** – 20% of taxes owed had to be paid
 - **\$3,184.00** – current year taxes for 2011
 - **\$400.00** – one month that he paid
 - **\$90.00** – start-up fee.

Note Re Creditor's Claim filed by Mickey Manuel, Sr. on 12/5/2012: Proof of service portion on page 2 of the claim is incomplete at Item 3 regarding service to the personal representative of the estate.

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:
		<u>OFF CALENDAR</u>
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>Final Account filed 2-15-13 is set for hearing on 3-28-13.</p>
Aff.Sub.Wit.	<p>California Dept. of Health Care Services filed a Creditor's Claim in the amount of \$33,817.55.</p>	
Verified	<p>City of Fresno filed a Creditor's Claim in the amount of \$9,757.94.</p>	
Inventory	<p>The Court previously set status hearing for failure to file a first account or petition for final distribution.</p>	
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen	<p>At hearing on 7-27-12, Counsel advised the Court that the property was listed for sale, but that debts exceed whatever will be received. The Court was informed that there are four heirs. Counsel is directed to have the property reappraised. Accounting to be completed.</p>	
Letters	<p>The Court set this status hearing for filing of the first account or petition for final distribution.</p>	<p>Reviewed by: skc</p>
Duties/Supp		<p>Reviewed on: 2-25-13</p>
Objections	<p>Minute Order 11-30-12: Counsel informs the Court that the checks have been sent out. Matter continued to 1-25-13.</p>	<p>Updates:</p>
Video Receipt	<p>Status Report filed 1-11-13 states the first and final account is currently being prepared and will be filed in February 2013. The siblings of the Executor have executed an agreement wherein they have agreed to the handling of the real property by their brother.</p>	<p>Recommendation:</p>
CI Report		<p>File 11 - LeBlanc</p>
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>Note: 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>
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: KT
		Reviewed on: 2/25/13
		Updates:
		Recommendation:
		File 12 - Jaquay

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>	
Cont. from 020613			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail		W
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
✓	Letters		9-26-11
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order		X
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
		Reviewed by: skc	
		Reviewed on: 2-25-13	
		Updates:	
		Recommendation:	
		File 14 - Toppin	

DOD: 3/15/11		<p>TIMOTHY JOHNSON was appointed Administrator with Will Annexed, with full IAEA authority and bond set at \$80,000 on 12/15/2011.</p> <p>Bond was filed on 2/24/12 and Letters issued.</p> <p>I & A filed 4/26/12 show the estate valued at \$145,000.00</p> <p>Notice of Status Hearing for failure to file a first account or petition for final distribution was mailed to attorney Edward Fannuchi on 1/14/13.</p> <p>Unverified Status Report of Attorney Fannuchi filed 2/20/13 states the real property belonging to the estate is currently in escrow. The property was to close escrow on or after 1/30/13, The close of escrow has been delayed while the City of Fresno prepares a report on the property whether or not the property has to be hooked up to city water, or if the potential buyer can drill a new water well on the property. The City's report and decision is due between 2/13 and 2/22, 2013. If the report is not received by the latter date, another extension of the escrow and additional non-refundable deposit will be made by the buyer.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Status Report was not verified nor was it signed or verified by the Administrator. Probate Code 1021 states reports shall be verified. Local Rule 7.5B requires the Notice of Status Hearing together with a copy of the Status Report to be served on all necessary parties.</p>
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 15 - Johnson</p>	

Atty Sanoian, Joanne; Horton, Lisa; of Law Offices of Joanne Sanoian (for Robin B. Sanchez)

Probate Status Hearing Re: Failure to File a First Account or Petition for Final Distribution [Prob. C. 12200, et seq.]

DOD: 6/25/2008	ROBIN B. SANCHEZ aka ROBIN B. SMITH , daughter, was appointed Executor with Full IAEA authority without bond on 10/11/2011, and Letters issued on that date.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p style="text-align: center;">OFF CALENDAR</p> <p><i>Petition to Terminate Probate Proceedings was filed 2/26/2013, and is set for hearing on 3/27/2013.</i></p> <p><u>Continued from 2/1/2013.</u> Minute Order states counsel informs the Court that the house has been sold again and there are no assets in the estate. Matter continued to 3/1/2013. Counsel is directed to file a status report or sanctions will be imposed.</p> <p>1. Need first account, petition for final distribution, or current status report pursuant to Local Rule 7.5(B).</p>
Cont. from 110212, 120712, 020113	Partial No. 1 Inventory and Appraisal filed 11/23/2011 shows a partial estate value of \$379,000.00 .	
Aff.Sub.Wit.		
Verified		
Inventory	Final Inventory and Appraisal filed 1/13/2012 shows an additional estate value of \$40,000.00 .	
PTC		
Not.Cred.		
Notice of Hrg	Notice of Status Hearing filed 9/14/2012 set a status hearing on 11/2/2012 for failure to file a first account or petition for final distribution. Clerk's Certificate of Mailing shows the notice was mailed on 9/14/2012 to Attorney Joanne Sanoian and Robin Sanchez.	
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen	Status Hearing Report filed by Attorney Lisa Horton on 12/4/2012 states:	
Letters	<ul style="list-style-type: none"> On 7/5/2012, a Notice of Trustee's Sale was recorded for the Decedent's real property located in Clovis; On 8/8/2012, a Trustee's Deed Upon Sale (copy attached as Exhibit A) was recorded when the real property was sold; MRO Investments bought the real property for the outstanding balance of the loan, and there was no money due back to the estate; the sale of the real property did <u>not</u> include the personal property; On 11/2/2012, she found the real property was listed for sale by the new owner by Osborne & Assoc.; in the website pictures, she noticed the 1969 Rambler and tractor inventoried and appraised in the estate are still on the real property; 	
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt	X	
UCCJEA		
Citation		
FTB Notice		
	~Please see additional page~	
		<p>Reviewed by: LEG</p> <p>Reviewed on: 2/26/13</p> <p>Updates: 2/27/13</p> <p>Recommendation:</p> <p>File 16 - Smith</p>

Status Hearing Report filed 12/4/2012, continued:

- On 11/8/2012, she spoke to the real estate agent, Marie, and was told that the owner was in the process of transferring the care and tractor to himself as unclaimed property; she informed Marie that the estate still has title to this personal property, and Marie told her she would give her name and number to the owner and have him call her; she has yet to receive a call from the owner;
- On 11/26/2012, she mailed MRO Investments a letter regarding the estate property; again she received no response (*copy of 11/26/2012 letter attached as Exhibit B*);
- Current status of the assets in partial #1 Inventory and Appraisal filed 11/23/2011 is as follows:
 - Real property in Clovis – sold with no proceeds to estate;
 - Household furniture and furnishings – disposed of by new owner.
- Current status of assets listed on Final Inventory and Appraisal filed 1/13/2012 is as follows:
 - 1969 Rambler – still on real property;
 - 1994 Pickup truck – unknown;
 - 1985 Tractor – still on real property.
- Their office has made several attempts to communicate with their client; they sent her correspondence on 11/9/2012, 11/16/2012 and 11/26/2012; she has not responded to their letters or contacted them since the last status hearing [on 11/2/2012].

Note for background: *Minute Order* dated 11/2/2012 [Judge Kapetan] states Counsel advises the Court that the property has been foreclosed and the personal property is gone. Counsel indicates to the Court that it is her belief that the estate is insolvent. Ms. Sanchez informs the Court that she was told that the property may have been sold. Matter continued to 12/7/2012. The Court directs Ms. Sanchez to submit a declaration setting forth what has happened. Ms. Sanchez is to include with her declaration any supporting documents.

Note: *Proof of Service by First-Class Mail* filed 12/4/2012 shows Robin Sanchez was mailed a copy of the *Status Hearing [Report]* on 12/4/2012.

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>
Cont. from 010413			
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: KT	
		Reviewed on: 2/25/13	
		Updates:	
		Recommendation:	
		File 18 - Bodmer	

Status Hearing Re: Proof of Bond

Age: 15 years	<p>PATRICIA A. CRABLE, mother, was appointed Trustee of the EDWARD JAMES CRABLE SPECIAL NEEDS TRUST established by this Court following hearing on 9/19/2012, by the <i>Order Approving Amended Verified Ex Parte Petition to Exclude Funds from Estate and Directing Proceeds to a Special Needs Trust and a Blocked Account</i> signed on 9/25/2012.</p> <p>Order to Deposit Money into Blocked Account signed 9/25/2012 finds that \$9,250.00 will be deposited into a blocked account for the minor.</p> <p>Minute Order dated 9/19/2012 from the hearing on the petition states the Court approves the petition and sets the bond at \$11,000.00. Counsel is directed to submit an order.</p> <p>Minute Order dated 10/19/2012 states Mr. Jambeck is appearing via conference call. Counsel advises the Court that his clients have the bond papers and he has yet to receive them. He further advises that the check(s) have not been received from the District so there is no money in the blocked account. Matter continued to 12/7/2012. The Court directs Counsel to file the bond and receipt by 12/7/2012.</p> <p>Qualifying Bond of Trustee was filed 12/3/2012 showing bond was posted by Patricia Crable in the amount of \$11,000.00. (Copy of the <i>Edward James Crable Special Needs Trust</i> executed by Trustee Patricia A. Crable was also filed 12/3/2012.)</p> <p>Minute Order dated 2/8/2013 states: No appearances. The Court indicates for the minute order that the Receipt and Acknowledgment of Order for the Deposit into Blocked Account is not on the mandatory form. The Court directs that a copy of the minute order be sent to Jay Jambeck. (Clerk's Certificate of Mailing shows copy was mailed on 2/8/2013.)</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Continued from 2/8/2013.</u></p> <p>The following issue remains:</p> <ol style="list-style-type: none"> 1. Need Receipt and Acknowledgment of Order for the Deposit of Money into Blocked Account (mandatory-use Judicial Council form MC-356) for the sum of \$9,250.00. 	
Cont. from 101912, 120712, 020813			
Aff.Sub.Wit.			
Verified			
Inventory			
Proof of Bond			
Blocked Recpt.			X
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: LEG</p> <p>Reviewed on: 2/26/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 19 - Crable</p>	

Status Hearing Re: Filing of Petition for Determination and Clarification of Trust Terms

	<p>DORETA RUTH WHITTEN was confirmed as Successor Trustee of the Arthur William Myers and Goldie Mae Myers Joint Revocable Living Trust and all sub-trusts established thereunder, including, without limitation, the Arthur W. Myers and Goldie Mae Myers Bypass Trust, on 1-30-13, pursuant to Petition for Order Confirming Successor Trustee filed 10-5-12.</p> <p>At the hearing on 1-30-13, Ms. Wright informed the Court that she intended to file a petition for determination and clarification of trust terms, and the Court set this status hearing for filing of the petition.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p style="text-align: center;"><u>OFF CALENDAR</u></p> <p>Petition filed 2-28-13 is set for hearing on 4-15-13.</p>
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: 2-25-13
		Updates:
		Recommendation:
		File 21 - Myers

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>
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>	<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>
Cont. from 011813		
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 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 DOD: 7-20-09	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.	NEEDS/PROBLEMS/COMMENTS:
		Continued from 1-7-13
Cont. from 010713	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.	Minute Order 1-7-13: 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
<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 type="checkbox"/> Notice of Hrg	X	
<input type="checkbox"/> Aff.Mail	X	
<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	
	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.	Note: A Probate Mediation Agreement was filed 1-8-13. See Page 24B (Status).
	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).	As of 2-25-13, the following issues remain:
	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.	<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.
<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 24A - Johnson

Pro Per Griffith, Estella (Pro Per Administrator)

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

DOD: 8/18/2010	<p>ESTELLA GRIFFITH, sister, was appointed Administrator with Full IAEA Authority without bond on 9/26/2011, and <i>Letters</i> issued on that date.</p> <p>Final Inventory and Appraisal filed 3/11/2011 (filed prior to the appointment of Petitioner as Administrator) shows an estate value of \$193,100.00, consisting of a 1/5th interest in real property located in Los Angeles, California (total real property value stated as \$965,000.00 per Probate Referee Rick Smith.)</p> <p>Documents entitled Waiver of Account, each stating that the undersigned beneficiary of the estate "hereby waives the filing and settlement of a final account," have been filed by the Petitioner on the following dates, signed by the following persons (<u>these persons do not constitute all heirs listed in the initial petition for letters of administration</u>):</p> <ul style="list-style-type: none"> • Pedro S. Escandon, nephew, filed 10/29/2012; • Esther E. Tinajero, niece, filed 10/29/2012; • Estella Griffith, sister (Petitioner), filed 10/23/2012; • Donna Stevens, niece, filed 6/25/2012; • Steven Escandon, nephew, filed 6/21/2012; • Jay Alamo, nephew, filed 5/29/2012; • Raymond Beltran, nephew, filed 5/21/2012; • Albert Oliva, nephew, filed 3/16/2012; • Erlinda Lopez, (<i>relationship unstated</i>), filed 3/16/2012; • Arthur Robles, nephew, filed 3/15/2012; [<i>Note: This heir is deceased, per Petitioner at hearing on 11/13/2012.</i>] • Raquel Pena, sister, filed 3/15/2012; • Christina Escandon, niece, filed 3/15/2012. 	NEEDS/PROBLEMS/COMMENTS:	
		Continued from 1/18/2013.	
		<i>Minute Order</i> states Examiner notes are provided to Ms. Griffith.	
		The following issue from the last hearing remains:	
		1. Need first account, petition for final distribution, or current status report pursuant to Local Rule 7.5(B).	
Cont. from 111312, 011813			
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/S			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		Reviewed by: LEG	
		Reviewed on: 2/26/13	
		Updates:	
		Recommendation:	
		File 25 - Escandon	

Age: 28	LORILLA FONDA LEHMAN, great-aunt, was appointed Conservator of the person on 05/24/12 and Letters were issued on 05/24/12.	NEEDS/PROBLEMS/COMMENTS:
Cont. from 021513	Notice of Status Hearing filed 12/20/12 set this matter for status. Clerk's Certificate of Mailing states that the Notice of Status Hearing was mailed to the Conservator and Conservatee on 12/20/12.	CONTINUED FROM 02/15/13 Minute Order from 02/15/13 states: Mr. Cummings is appearing as counsel for Lorilla Lehman. Stacy Ward, one of the caregivers for Christina Morrow is also present. Mr. Cummings informs that Court that the Regional Center has indicated that they are comfortable with having Ms. Lehman as the conservator. Matter is continued to 03/01/13 for further review by the Court. Counsel is advised that he can review the file at the clerk's office.
Aff.Sub.Wit.		
Verified	Court Investigator Samantha Henson filed a report on 02/08/13. The report states that it appears that there were concerns with the conservatee's treatment and care. It also appears that CVRC and APS have intervened on behalf of the conservatee and that the situation has improved. It does not appear that the conservator has acted entirely in the best interest of the conservatee, but that she has taken steps and has made an attempt to better serve the conservatee's needs in the last couple of months.	Note to Judge re Background: The conservatee is developmentally disabled and functions at about a 2-3 year old level. She has lived with Petitioner for several years without the need for conservatorship. Upon discovering that Christina was pregnant, Ms. Lehman petitioned to be appointed as Conservator because Christina lacked capacity to give medical consent.
Inventory		
PTC		A trial regarding visitation between the Christina and her child was held on 02/26/13. The parties also participated in mediation on 02/26/13.
Not.Cred.		
Notice of Hrg		Reviewed by: JF
Aff.Mail		
Aff.Pub.		Reviewed on: 02/26/13
Sp.Ntc.		
Pers.Serv.		Updates:
Conf. Screen		
Letters		Recommendation:
Duties/Supp		
Objections		File 26 - Morrow
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		