



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.

(1) Second and Final Report of Joshua David Leong, Administrator on Waiver of Account and (2) Petition for Allowance of Compensation to Attorney for Ordinary Services and (3) for Final Distribution

DOD: 2-3-12		<p>JOSHUA DAVID LEONG, Son and Administrator with Full IAEA without bond, is Petitioner.</p> <p>Final accounting is waived.</p> <p>I&A: \$156,997.00 POH: \$152,332.84 (\$12,332.84 cash plus real property located at 4431 N. Teilman)</p> <p>Administrator (Statutory): Waived</p> <p>Attorney (Statutory): \$6,070.27</p> <p>Costs: \$750.00 (not itemized, not included in the proposed order)</p> <p>Closing: \$1,000.00</p> <p>Distribution pursuant to intestate succession:</p> <p>Joshua David Leong: \$1,315.64 cash plus a 25% undivided interest as tenant in common in the real property</p> <p>Isaac Paul Leong: \$1,315.64 cash plus a 25% undivided interest as tenant in common in the real property</p> <p>Joel James Leong: \$1,315.64 cash plus a 25% undivided interest as tenant in common in the real property</p> <p>Benjamin Thomas Leong: \$1,315.64 cash plus a 25% undivided interest as tenant in common in the real property</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need consent to distribution of real property in undivided interests from <u>all distributees</u> pursuant to Local Rule 7.12.4. 2. Attorney fee base appears to still be incorrect. See Examiner's explanation on Page 2. 3. Petitioner originally requested \$750.00 in reimbursement for costs. Examiner Notes requested itemization pursuant to Local Rule 7.17. This Amendment does not provide any itemization of the costs, and only states that \$750.00 was paid to the attorney for costs, which is not sufficient. <p>However, although the prayer requests reimbursement, it does not appear to be included in the order or the calculation of distribution to the four heirs.</p> <p>Therefore, <u>if</u> reimbursement of \$750.00 in costs is requested, need itemization, and also need recalculation of distribution and revised order.</p> <p style="text-align: center;"><u>SEE PAGE 2</u></p>
Cont. from 021814			
Aff.Sub.Wit.			
✓ Verified			
✓ Inventory			
✓ PTC			
✓ Not.Cred.			
Notice of Hrg	Waived		
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
✓ Letters	6-14-12		
Duties/Supp			
Objections			
Video Receipt			
CI Report			
✓ 9202			
✓ Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
✓ FTB Notice			
		<p>Reviewed by: skc</p> <p>Reviewed on: 2-10-14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 2 – Leong</p>	

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Note re Proposed Order: It was previously noted that the estate obtained a \$33,000.00 loan in order to keep the real property, and Examiner Notes noted that borrowing on behalf of the estate was not authorized per §9800. Examiner Notes further noted that Petitioner requested that the Court confirm all acts and proceedings, but that the Court may strike any such language from the order based on this action.

Examiner notes that at this time, the Amendment continues to request such confirmation of acts in the prayer; however, the order does not include the language.

Note re Attorney Fee Base:

The attorney provides the following fee base:

+ I&A \$156,997.00
 + Receipts \$14,742.86 (*unclear where this figure came from*)
 + Gains \$1,472.38
 - Losses \$2,730.93
 = Fee base \$169,008.93
 = Fee \$6,070.27

However, these figures do not correspond to the schedules provided in the "Amendment" document. According to the schedules in the "Amendment" document, the fee base would be as follows:

+ I&A \$156,997.00
 + Receipts \$4,072.86 (???)
 + Gains \$28.41 (???)
 - Losses \$2,450.00 (???)
 = Fee base \$156,848.27
 = Fee \$5,705.45

However, the schedules in the "Amendment" document are obviously incomplete and conflict with the schedules provided concurrently in the "Ex Parte" document. This fee base is also incorrect.

Therefore, based on review of all of the schedules and figures provided in both the "Amendment" and "Ex Parte" documents together, Examiner calculates the fee base as follows:

+ I&A \$156,997.00
 + Receipts \$12,695.00 (rent \$10,670.00, principal \$25.00 + \$2,000.00 from debtor of decedent)
 (*There is a \$2,047.86 discrepancy between this figure and the figure the attorney uses of \$14,742.86.*)
 + Gains \$1,472.38 (jewelry sales, Indian Sweets and Spices, unclaimed property)
 - Losses \$2,730.93
 = Fee base \$168,433.45
 = Fee \$6,053.00

Probate Status Hearing Re: Filing of Inventory and Appraisal

DOD: 10/22/11	<p>WILL SCOTT, JR., surviving spouse, was appointed successor Administrator on 02/08/13.</p> <p>Letters of Administration were issued on 02/08/13.</p> <p>Status Report filed 05/17/13 states: Counsel and the Administrator have not had time to determine what assets remain in the estate and what assets have been determined to be joint tenancy property. A continuance is requested so that counsel and the Administrator can meet to prepare the Inventory & Appraisal and forward it to the Probate Referee for appraisal and subsequent filing with the Court.</p> <p>Status Report filed 10/10/13 states: It appears that there are no assets in this estate, but they have not had time to do an Inventory & Appraisal.</p> <p>Status Report filed on 12/23/13 states the Administrator has served a Subpoena for Records on Wells Fargo Bank in September regarding four bank accounts. As of this date, Wells Fargo has failed to produce the requested records. A demand for production of records pursuant to the subpoena was served on Wells Fargo on 11/20/13, and no response nor records have been received as of this date. Therefore, Administrator is unable to prepare and file and inventory and appraisal. The estate is not yet in a condition to close.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>CONTINUED FROM 01/10/14 Minute Order from 01/10/14 states: Counsel advises the Court that they are having difficulty with Wells Fargo Bank. Counsel further advises that he believes this may be a no asset estate.</p> <p>1. Need Inventory & Appraisal</p>	
Cont. from 052413, 062113, 081613, 101113, 011014			
Aff.Sub.Wit.			
Verified			
Inventory			x
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		Reviewed by: JF	
		Reviewed on: 03/05/14	
		Updates:	
		Recommendation:	
		File 10A – Scott	

DOD: 10-22-11	<p>WILL SCOTT, JR., son, was appointed successor Administrator with limited IAEA without bond on 02/08/13 pursuant to a Stipulation for Settlement filed 2-6-13.</p> <p>Letters of Administration were issued on 2-8-13.</p> <p>On 4-12-13, the Court sent notice of status hearings for filing of I&A on 5-24-13 and filing of first account or petition for final distribution on 10-25-13.</p> <p>Note: Inventory and Appraisal has not been filed. Status hearing for filing I&A was continued numerous times and on 10-11-13 was again continued to 1-10-14.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>CONTINUED FROM 01/10/14 Minute Order from 01/10/14 states: Counsel advises the Court that they are having difficulty with Wells Fargo Bank. Counsel further advises that he believes this may be a no asset estate.</p> <p>Note re history: Michelle Scott, daughter, was originally appointed as Administrator with Will Annexed and the Will dated 6-10-11 was admitted to probate on 2-2-12.</p> <p>Will Scott Jr., filed a Will Contest. Pursuant to Stipulation for Settlement filed 2-6-13, Michelle Scott resigned and Will Scott Jr., was appointed as Successor Administrator with limited IAEA without bond.</p> <p>Letters issued 2-8-13. Upon issuance of Letters the Court set status dates for filing I&A and petition for final distribution.</p> <p>The original petition estimated personal property valued at \$150,000 and real property that was encumbered for its entire value of \$300,000.</p> <p>Creditor's claims have been filed, and partially allowed.</p> <p>The Stipulation for Settlement indicated \$57,250 held in attorney Fanucchi's trust and discussed estate assumption of liabilities on creditor's claims as well as other litigation and various releases and waivers by the parties.</p> <p>An unverified status report filed 10-10-13 in connection with the continued status hearing on filing the I&A stated that it appears there are no estate assets, but they have not had time to do an I&A.</p> <p>1. Need status of estate.</p>
Cont. from 102513, 011014		
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/JF		
Reviewed on: 03/05/14		
Updates:		
Recommendation:		
File 10B – Scott		