



## 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) First and Final Account and Report of Administration of Executor and Petition for Settlement Thereof and (2) for Allowance of Statutory Executor's Compensation and Attorney's Fees and (3) For Extraordinary Attorney's Fees and (4) For Reimbursement of Costs Advanced and for (5) Final Distribution

<b>DOD: 1-28-11</b>	<b>GLORIA MAY</b> , Sister and Executor with Full IAEA without bond, is Petitioner.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. DHS filed an <i>additional</i> Creditor's Claim in the amount of \$12,672.87 on 2-13-13 (after the filing of this petition).</p> <p>Need Allowance or Rejection of DHS Creditor's Claim filed 2-13-13.</p> <p>Also, depending on the disposition of this additional claim, an amended petition / distribution schedule may be necessary.</p> <p>2. According to the Summary and Schedule E, POH is \$40,275.03. However, at #14, Petitioner states POH is \$48,198.40, and the proposed distribution is based on this higher amount.</p> <p>Need clarification and/or amended schedules, including amended distribution schedule.</p> <p>Reviewed by: skc</p> <p>Reviewed on: 3-7-13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 2 - Graham</p>
	Account period: 4-26-11 through 1-11-13	
	Accounting: \$48,962.54	
	Beginning POH: \$48,962.25	
	Ending POH: \$40,275.03 (cash)	
	Executor (Statutory): \$1,804.50	
	Attorney (Statutory): \$1,804.50	
	Costs: \$1,362.00 (filing, publication, recording fees, probate referee)	
	Attorney (Extraordinary): \$4,720.00 (per declaration, re sale of real property)	
	Closing: \$1,003.98	
	<b>Petitioner states</b> the decedent left certain real property to the County of Mariposa based on certain conditions including the creation of a park on the property and payment of administration costs. However, the County declined to receive the property based on the conditions. Therefore, the gift lapsed and is part of the residue distributable to heirs.	
	<b>Payment of Creditor's Claims:</b>	
	1. Attorney Gary Bagdasarian for \$1,325.00 for legal services to the decedent prior to his death – Petitioner states the claim was <i>not filed</i> , but was presented by way of written demand for payment within four months after letters were issued, and the Personal Representative elects to treat the demand as a claim that was filed.	
	2. Dept. of Health Care Service for \$2,358.42 filed 9-28-11	
	<b>Distribution pursuant to Decedent's will:</b> (See #2) Dawn Ollar: \$8,455.00 Karen Kehule: \$8,455.00 Mark Graham: \$8,455.00 Patricia Graham: \$8,455.00	
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input checked="" type="checkbox"/> Inventory		
<input checked="" type="checkbox"/> PTC		
<input checked="" 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 checked="" type="checkbox"/> Letters	1-28-11	
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<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 checked="" type="checkbox"/> FTB Notice		



Atty  
AttyLeVan, Nancy J. (for Lorena Garcia – Daughter – Administrator)  
Emerzian, David L (for Omega Ochoa Garcia – Surviving Spouse)

## Further Status Hearing

<b>DOD: 2-7-07</b>	<b>LORENA GARCIA</b> , Daughter is Administrator with limited IAEA without bond.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		<u>Continued from 12-6-11, 3-13-12, 9-13-12</u>
	<b>Letters issued 7-21-08.</b>	<u>Minute Order 9-13-12:</u> Ms. LeVan advises the Court that an appellate brief was filed on 8/21/12. She further advises that they are waiting on the assets to come from the award however, they will have to wait on the appeal. Matter continued to 3/14/13. Counsel is directed to submit a written status report. Continued to 3/14/13
<b>Cont. from 120611, 031312, 091312</b>	<b>On 7-14-09</b> , the Court approved a settlement agreement between Administrator (daughter) and Omega Ochoa Garcia (surviving spouse) and allowed continuation of estate administration pending certain issues:	<u>As of 3-7-13, nothing further has been filed.</u>
Aff.Sub.Wit.		<b>Note:</b> Examiner Notes from the 10-4-11 status hearing with a brief chronology of this case are in the file for reference.
Verified		1. <u>Need account or current status report.</u>
Inventory		Examiner notes that Letters issued <u>over 5 years ago</u> and the Court approved continuation of estate administration <u>over 4 years ago</u> .
PTC		At recent hearings, status was provided regarding the <u>civil matter</u> ; however, account current or status of <u>this estate</u> is needed if the estate is not in a position to be closed ( <u>Probate Code §12200</u> ).
Not.Cred.		At hearing on 7-26-11, the Court was advised that the estate was awarded \$184,798.00, but a new trial may affect that award. The I&A value of the estate as of the date of death was \$5,125.00; however, it is unknown if other amounts have been recovered or received, etc.
Notice of Hrg	1) Retrial of the damages portion of Civil Case # 04CECG03607 Garcia v. Roberts; and	For example, at this point, what is the property on hand, and how is it held, etc.?
Aff.Mail	2) Receipt of proceeds due from an eminent domain matter	
Aff.Pub.		
Sp.Ntc.	<b>On 10-4-11</b> (the 7 <sup>th</sup> status hearing regarding retrial of the damages issue), Attorney Emerzian advised the Court that a motion for a new trial was denied and an appeal has been filed, and that deposits need to be made. The Court set this hearing for further status.	
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections	<b>Status Report filed 12-1-11 by Attorney LeVan states</b> that Attorney Ty Kharazi filed a Notice of Appeal on behalf of his clients, the Roberts'. The Fifth District Court of Appeal has set a mediation for the parties on 12-12-11. Attorney LeVan requests to set a status hearing in March 2012 to follow the progress of the appeal.	
Video Receipt		
CI Report		
9202		
Order	<b>Minute Order 12-6-12:</b> No appearances. Matter continued to 3-13-12. <b>Minute Order 3-13-12:</b> Counsel informs the Court that the case has been appealed.	
Aff. Posting		Reviewed by: skc
Status Rpt	X	Reviewed on: 3-7-13
UCCJEA		Updates:
Citation		Recommendation:
FTB Notice		File 8 - Garcia
	<b>As of 3-7-13, nothing further has been filed.</b>	