



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.

1A Joann L. McClay (Estate)

Case No. 06CEPR00372

Atty Alexander, Thomas M., Jr. (of Beverly Hills, CA, for Former Administrator Jeffrey McClay)
Atty Kruthers, Heather H. (for Public Administrator)
Atty Stevenson, Tracy A. (of Orange, CA, for Surety, American Contractors Indemnity Company)
Probate Status Hearing

DOD: 7/27/05	PUBLIC ADMINISTRATOR was appointed Successor Administrator on 1/20/15. Letters issued 2/5/15.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: Pursuant to Order Regarding Surety's Liability Upon Bankruptcy of Former Personal Representative entered 12/11/15, the Court set hearing on 12/15/15 for argument re the issues of the amount to be paid out on the bond.</p> <p>Minute Order 12/15/15: Ms. Kruthers and Ms. Stevenson will talk and try to resolve the issue of apportionment.</p> <p>Note: A status report was filed 2/3/16 by the Public Administrator. See Last Page.</p> <p>Declaration of Tracy A. Stevenson filed on 6/15/15 is actually an Objection therefore a filing fee of \$435.00 is due.</p>
	<p>History: JEFFREY MCCLAY, Son, was appointed Administrator with Full IAEA with bond of \$252,000.00 on 5/23/06. Bond was filed and Letters issued 8/31/06. I&A filed 2/7/07 indicated residential real property valued at \$300,000.00.</p> <p>On 5/10/07, a Request for Special Notice was filed by Probate Referee Steven Diebert. On 10/12/07, a Creditor's Claim of \$1,105.65 was filed by Cancer Care Associates of Fresno. There was no further activity in the estate the Court set the matter for status hearing in 2013.</p> <p>On 9/10/14, Attorney Alexander filed a petition for final distribution on behalf of his absconded client pursuant to Probate Code §10953(c). The petition indicated that the Administrator borrowed a sum of money to satisfy obligations and expenses of the estate, secured by the real property, and intended to make a distribution to his sister, make necessary repairs, and assume the loan after closing. The attorney was unaware whether any distribution of loan proceeds was made, whether any payment to the sister was made, or whether any repairs were made on the residence. The attorney requested surcharge of the Administrator to the extent of any breach of fiduciary duty, etc., and also requested statutory and extraordinary attorney's compensation.</p> <p>Minute Order 1/20/15 states: The Court removes Jeffrey McClay and appoints the Public Administrator in order for them to pursue surcharging Mr. McClay on the bond. Tracy Stevenson requests time to have subpoenas issued and gather information. The Public Administrator is to submit a written status report for the 4/21/15 hearing.</p> <p>Status Report Re Estate Assets filed 4/14/15 by Public Administrator states Deputy PA Noe Jimenez spoke with Mr. Alexander, who believed that the only asset, the residence, was lost to foreclosure. He later found out that Mr. McClay may have benefitted from a loan he secured against the residence – a line of credit for \$120,000.00 on the house in 2007. It appears he pulled all the credit line money out, and the residence was sold at a trustee sale in 2010 for \$155,000.00. Mr. Jimenez believes he has found an accurate address for Mr. McClay in Sacramento, CA. The PA and counsel agree that Mr. McClay should be surcharged the full amount of the property listed on the I&A, \$252,100 of which should be paid by the bond company, less any amounts that the company can recover or show were paid to benefit the estate.</p>	
Cont from 042115, 060915, 081815, 091515, 121515, 020916		
Aff.Sub.Wit.		
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Letters		
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: 3/9/16</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 1A - McClay</p>

Page 2

Declaration of Tracy A. Stevenson Regarding Discharge of Surety's Liability Upon Bankruptcy of Personal Representative filed 6/5/15 states: Jeffrey M. McClay, the decedent's son, was appointed administrator of the decedent's estate on or about 5/23/06. ACIC filed its administrator's bond on behalf of Jeffrey M. McClay in the penal sum of \$252,100 on or about 8/31/06. In applying for that bond, McClay executed an indemnity agreement wherein he agreed to indemnify and reimburse the surety for all losses, attorney fee, and costs of any nature resulting from issuance of the bond.

On or about 7/8/08, while still acting as administrator of the estate, Jeffrey M. McClay filed a Voluntary Petition for Bankruptcy in the Eastern District of California, Case Number 2008-14472. That petition disclosed that he was administrator of the estate and as such held titled to the decedent's real property, subject to an encumbrance, and that he was an heir of the estate.

Because he was administrator at the time he filed for bankruptcy protection, the estate is charged with having knowledge of the bankruptcy filing and will failing to take action to seek relief from the bankruptcy court to protect its interests or pursue a claim. As such the estate's claim against McClay has been discharged by the bankruptcy court and the estate is barred from pursuing surcharge against him.

Because a claimant is required by law to obtain a surcharge judgment against a fiduciary before the surety's liability arises, the estate is legally precluded from proceeding against the surety in this matter.

Because McClay is bound by an indemnity agreement to indemnify the surety for all losses and fees and costs in connection with the bond, pursuing the surety would cause post-discharge economic loss to McClay and interfere with the fresh start granted by his bankruptcy discharge. (The surety did not receive notice of the bankruptcy action and the bankruptcy discharge does not preclude the surety from seeking indemnity from McClay, which it would do.) See authority provided.

The declaration concludes that the estate's ability to pursue surcharge against Jeffrey McClay has been discharged by the bankruptcy court, and the estate's ability to pursue the surety on its bond is also discharged for two reasons: 1) a surcharge against McClay is a prerequisite to pursuing the surety, and a surcharge cannot be sought; and 2) pursuit of the surety would violate the fresh start objective of the Bankruptcy Code.

Response of Public Administrator to Declaration of Tracy A. Stevenson was filed 9/10/15.

SEE ADDITIONAL PAGES

Response of Public Administrator filed 9/10/15 states although Ms. Stevenson refers to her document as a declaration, it is in fact an objection to the surcharge of the former Administrator. Her client, American Contractors Indemnity Company, will therefore be referred to as Objector.

According to the Court docket, the former administrator's attorney filed a petition for final distribution on 9/10/14. The petition included surcharge of McClay and for liability on the bond. The hearing on that petition has been continued several times for the attorney to provide notice, surety company to conduct discovery and file an objection, and the PA to file a response to objections.

The PA states McClay's bankruptcy case is irrelevant to the surety's obligation to make good on its bond. See CCP §§ 996.410 and 996.460, which specifically authorize this surcharge action and make Objector's liability independent of McClay's liability. The purpose of a bond for estate administration is to ensure that the estate can be made whole in the event a fiduciary (McClay) absconds with funds, and is unable to make the estate whole. Under the facts of this case, McClay did not faithfully execute his fiduciary duties, but rather violated that duty by stealing assets from the estate. Under the clear terms of the bond, the obligations to remit payment to the estate remain "in full force and effect."

The estate's claim against McClay is NOT discharged because of his knowledge of his bankruptcy filing because his knowledge is NOT imputed to the estate. The estate's claim is not discharged simply because McClay, the fiduciary, was aware of his own bankruptcy. His duty is to the beneficiaries and creditors of the estate. He did not make his bankruptcy known to anyone who had standing to object to his fraudulent taking of estate assets. There is no evidence before this court that he advised the bankruptcy trustee or judge of his fraudulent taking of estate assets. The PA used the case number provided to view the Federal Court's online case information system. The Estate of Joann McClay is not listed among the creditors of this case. This is not surprising since the only way it would be listed would be for McClay to have revealed his theft from the estate to the bankruptcy trustee and judge. Simply put, his knowledge cannot be imputed to the beneficiaries and creditors because of his breach of fiduciary duty and conflict of interest.

The PA states obtaining a surcharge against the personal representative is NOT a prerequisite to pursuing a claim against the surety so the estate CAN pursue the surety. See CCP §§ 996.410 and 996.460, stating that the principal and surety are liable jointly and severally. The PA agrees with Objector that the liability of a surety comes only after entry of judgment; however, Objector provides no basis for her statement that "this is generally taken to mean ...surcharge against the principal." The statute stands on its own and merely states entry of judgment. The PA is doing just that, seeking an entry of judgment against the surety, as authorized by state law.

The estate is NOT barred from pursuing the surety bond because it would NOT violate the fresh start objective of the bankruptcy code. First, the fresh start concept is to protect the principal. Second, the concept is not intended to protect the principal from all judgments. See authority. Third, by seeking payment from the surety, the PA is not seeking a judgment against the principal and thus is not violating the principal's right to the fresh start. The surety will do that if it decides to seek indemnification from McClay after paying on its claim to the estate.

Conclusion: There being no argument that McClay embezzled from the estate, the PA requests the Court deny the objections and surcharge the surety company, ACIC, the amount of \$252,100, to be paid to the PA as successor administrator of the estate of Joann McClay.

Note: Tracy A. Stevenson, attorney for Surety, American Contractors Indemnity Company, filed a Reply on 9/14/15. The reply cites authority and concludes that to pursue recovery, one must first obtain a surcharge judgment against McClay. However, surcharge cannot be pursued because the estate's claim has been discharged by the bankruptcy court. It is respectfully requested that the Court deny the request to surcharge.

SEE ADDITIONAL PAGES

Status Report Regarding Estate Assets filed 12/2/15 by Public Administrator states at the status hearing on 9/15/15, the Court took this matter under submission as to the issue of whether or not the surety company is liable for full surcharge based on the bankruptcy issue. If the Court rules in favor of the Public Administrator, the matter will be set for further status regarding the apportionment of the surcharge. The underlying petition for final distribution was continued to 12/15/15.

To date, the Court has not issued a ruling regarding the surcharge. The 90th day will run on the date of this status hearing. Therefore, the Public Administrator requests that this matter not be set again before 60 days.

Status Report Regarding Estate Assets filed 2/3/16 by Public Administrator states the Court's ruling on the liability for the surcharge was issued on 12/11/15 finding in favor of the Public Administrator. The bond company requested time to argue re apportionment, thus the matter was continued.

Since that time, Senior Deputy County Counsel Heather Kruthers calculated the amount to be surcharged against Jeffrey McClay as \$163,895.33, which is approx. \$87,000 less than the full bond fee. Ms. Kruthers emailed that proposal to the bond company on 1/11/16, and followed up on 1/19/16. Attorney Tracy Stevenson responded that she was working on the numbers as well. On 1/29/16, Ms. Stevenson reported that she had requested information from the tax collector's office to determine if Mr. McClay had paid any property taxes, for which he would be credited against the surcharge.

As of the drafting of this report, Ms. Stevenson has not heard back from the tax collector. Therefore, she and the Public Administrator jointly request that this matter be again continued for 45 days, which will allow time for response and for the parties to prepare a stipulation for the Court's consideration.

(1) Petition for Final Distribution and (2) for Final Accounting, and (3) for Allowance of Statutory Attorney's Compensation and (4) for Extraordinary Attorney's Compensation, and (5) to Surcharge Personal Representative, and (6) for Liability on Probate Bond

DOD: 7/27/2005	THOMAS ALEXANDER, JR. , attorney for Jeffrey McClay, Administrator, is Petitioner.		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Minute Order 2/9/16: Counsel request additional time. Ms. Stevenson will address the filing fee issue.</p> <p>Note: As noted at Page A, the Declaration of Tracy A. Stevenson filed on 6/15/15 is actually an Objection therefore a filing fee of \$435.00 is due.</p> <p>Status Report of the Public Administrator filed on 12/2/15 states the court took the matter under submission as to the issue of whether or not the surelty company is liable for full surcharge based on the bankruptcy issue. To date the court as not issue a ruling regarding the surcharge. Therefore the Public Administrator requests this matter not be set again before 60 days.</p> <p>1. Need proof of service of the Notice of Hearing along with a copy of the petition on:</p> <ul style="list-style-type: none"> a. Steven Diebert – pursuant to his Request for Special Notice. b. American Contractors Indemnity Company (bond) – pursuant to their Request for Special Notice. <p>Please see additional page.</p>
Cont. from 102914, 121515, 020916			
	Aff.Sub.Wit.		
✓	Verified		
✓	Inventory		
✓	PTC		
✓	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
✓	Letters	8/31/16	
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
✓	9202	X	
	Order	X	
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice	N/A	

THOMAS ALEXANDER, JR., attorney for Jeffrey McClay, Administrator, is Petitioner.

JEFFREY MCCLAY was appointed Administrator on 5/23/06 with full IAEA authority and bond set at \$252,100.00. Bond was filed on 8/31/06 and Letters issued.

I & A, part. 1, filed on 2/5/07 with a value of \$300,000.00.

Creditor's Claims filed:

- Cancer Care Associates - \$1,105.65

Attorney fees	-	\$9,000.00
Attorney x/o	-	\$1,500.00 (for the filing of this petition)
Costs	-	\$435.00 (filing fee)

Petitioning attorney states that it is his belief that the Administrator borrowed a sum of money (probably in excess of \$15,000) for the purpose of satisfying obligations and expenses of the estate. It is petitioner's belief that the loan was secured by the estate's real property. The intention of the Administrator that he would (1) distribute a portion of the loan to satisfy an assignment of interest of his sister and co-heir of the estate, Melanie McClay, (2) make necessary repairs to the estate real property, and (3) assume the loan, in his individual capacity, after the close of the probate proceedings. Petitioner states he is unaware (1) whether any distribution of the loan proceeds was made, (2) whether any payment to Melanie McClay or any repairs were made, or (3) whether any payments on the loan were made.

Please see additional page

Petitioning attorney states he is unaware whether any proceeds remain available for distribution. Petitioner is also unaware of the existence of any executed assignment of interest by Melanie McClay.

Petitioner request surcharge of the Personal Representative (1) to the extent of any breach of fiduciary duty or to the extent that estate funds have, through negligence or otherwise, become unavailable to the estate, (2) to the extent of any loss of her estate shares of the estate property by Melanie McClay, (3) of any monies that are due to the Probate Referee or any creditors of the estate, and (4) to the extent of any statutory compensation that are due this petitioning attorney, and for extraordinary services rendered in preparing this petition.

Wherefore Petitioning Attorney prays:

1. That the administration be brought to a close;
2. That this Final Account and Petition for Final Distribution and for Statutory and Extraordinary Attorney Fees and for Surcharge on the Personal Representative's Bond be approved as filed;
3. That the acts and proceedings of Petitioner as Administrator be confirmed and approved;
4. That this Petitioning attorney, be authorized and directed to pay himself \$9,000 in statutory and \$1,500 as extraordinary fees and \$435.00 for reimbursement of costs;
5. That the Administrator be surcharged in an amount calculated to pay the statutory and extraordinary fees and reimbursement of costs in the sum of \$10,935, and that Cancer Care Associated in the amount of \$1,105.65, and that distribution of on half of the remaining trust estate be paid to Melanie McClay to make her whole as the Administrator's co-heir. That any remaining estate property after proper payments of costs of administration and the ½ interest of his co-heir be paid to Jeffrey McClay, Administrator.

NEEDS/PROBLEMS/COMMENTS (Cont.):

2. Petition is signed and verified by the attorney using a cursive computer font. Need original signature.
3. Petition states that it is the attorney's belief that fees remain due to probate referee Steven Diebert. However the petition does not indicate the balance of the fees due nor does it request payment of said fees.
4. Petition does not contain a statement regarding Probate Code §216 and 9202(b) re: notice to the Director of Victims Compensation and Government Claims Board
5. Petition alleged Jeffrey McClay absconded with the estate. However the petition does not indicate what efforts were made to locate Jeffrey McClay.

NEEDS/PROBLEMS/COMMENTS (Cont.):

6. Attorney Thomas Alexander is requesting extra ordinary fees for the filing of this petition. The request for extraordinary fees does not comply with California Rules of Court, Rule 7.702. In addition,

Probate Code § 12205 indicates the court may reduce the compensation of the personal representative or attorney for the personal representative by an amount the court determines appropriate if the court makes all of the following determinations:

- 1) The time taken for administration of the estate exceeds the time required by this chapter or prescribed by the court.
- 2) The time taken was within the control of the personal representative or attorney whose compensation is being reduced.
- 3) The delay was not in the best interest of the estate or interested persons.

Probate Code § 12200 states the personal representative shall either petition for an order for final distribution of the estate or make a report of the status of administration not later than the following times:

- a) In an estate for which a federal estate tax return is not required, within one year after the date of issuance of letters.

In this matter there was no activity by the attorney or the personal representative from 2/5/07 until the matter was set for a status hearing by court staff on 3/7/14. The attorney and the personal representative did not appear at the status hearing on 3/7/14. An Order to Show Cause was issued and the matter continued to 5/2/14. On 5/2/14 the attorney and the personal representative again did not appear. The court imposed sanctions on the attorney for \$500 and continued the matter to 5/23/14. On 5/23/14 the attorney appeared (but did not file a written status report as required by Local Rule 7.5C). The attorney made representations to the court and the court rescinded the previously issued sanctions. The status hearing was continued to 8/7/14. On 8/7/14 the attorney appeared (but again did not file a written status report as required by Local Rule 7.5C) and the status hearing was continued to 9/25/14. On 9/10/14 this Petition was filed. There is no explanation as to why the estate was delayed for over 7 years.

7. Need Order.

**2A Ruby Garcia, Jessica Garcia, Isaiah Venegas, Case No. 11CEPR00125
Ruben Venegas and Faith Rose Venegas (GUARD/P)**

Petitioner Cardenas, Monica (Pro Per – Paternal Aunt – Petitioner)
Guardian Grider, Helen D. (Pro Per – Guardian)

Petition for Change of Guardianship

		See petition for details.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Note:</u> This petition pertains to the minor Jessica only.</p> <p>1. If this petition goes forward, need Notice of Hearing and proof of service on the minor and all relatives pursuant to Probate Code §1460(b)(5).</p>	
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg			X
	Aff.Mail			X
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			X
✓	Conf. Screen			
✓	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
✓	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: skc	
			Reviewed on: 3/10/16	
			Updates:	
			Recommendation:	
			File 2A- Garcia / Venegas	

**2A Ruby Garcia, Jessica Garcia, Isaiah Venegas, Case No. 11CEPR00125
Ruben Venegas and Faith Rose Venegas (GUARD/P)**

Page 2

CI Report states she made contact with Petitioner on 2/4/16, who stated that the last weekend, Jessica was supposed to spend a night at Ms. Riley's home (her guardian), but never returned. On 2/18/16, the Investigator followed up, and Petitioner stated Jessica still has not returned and Ms. Riley is not allowing her to speak with Jessica. Petitioner is unsure if she wants to pursue her petition, due to the statements Jessica made in her letter that Jessica really wanted to live with her, and the allegations that Ms. Riley hit her, slapped her, grabbed her by the neck, and threw things at her.

The Investigator spoke with the guardian, Helen Riley, on 2/18/16. She stated Jessica had problems in school and was suspended twice for cyberbullying. At home, Jessica also had problems after finding out her father had another baby and she felt abandoned by both parents. Jessica had been cutting herself so she reached out to Ms. Cardenas (Peticioner) for a 3-month trial visit. At the end of three months, Jessica reported that Ms. Cardenas slapped her every day and withheld visits with Ms. Riley. She indicated all Jessica's belongings are with Ms. Cardenas, who won't return calls.

Ms. Riley states Jessica had previously been seeing a behavioral health therapist, and she plans to have her attend counseling again, but may move to another city and wants to wait to get settled. Ms. Riley denied hitting Jessica.

The Investigator tried to speak with Ms. Cardenas again, but was unable to leave a message. As of the writing of this report, no calls have been received.

The Investigator made contact with Jessica on 3/8/16. Jessica said she does not want to live with her aunt Monica. When she was there, she missed her sister and cousins that live with her aunt Helen. See report for details of conversation re allegations of physical abuse.

The report states it appears Jessica was a rebellious teen and her guardian made a plan for her to stay with Petitioner for a trial visit. However, at the end of the trial, Jessica made allegations of being slapped and not being allowed to visit Ms. Riley. She had previously made allegations of being hit and slapped by Ms. Riley. Jessica is currently in the care of Ms. Riley, her guardian.

It appears the child and guardian have stabilized and the child now wants to remain in the guardian's care. It is therefore recommended that the petition be denied and dismissed.

**2B Ruby Garcia, Jessica Garcia, Isaiah Venegas, Case No. 11CEPR00125
Ruben Venegas and Faith Rose Venegas (GUARD/P)**

Petitioner Cardenas, Monica (Pro Per – Paternal Aunt – Petitioner)
Guardian Grider, Helen D. (Pro Per – Guardian)

Petition for Appointment of Guardian of the Person

		See petition for details.	NEEDS/PROBLEMS/COMMENTS: <u>Note:</u> This petition pertains to the minor Jessica only. 2. If this petition goes forward, need Notice of Hearing and proof of service on the minor and all relatives pursuant to Probate Code §1511.	
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg			X
	Aff.Mail			X
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			X
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
✓	CI Report			
	Clearances			
✓	Order			
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: skc	
			Reviewed on: 3/10/16	
			Updates:	
			Recommendation:	
			File 2B- Garcia / Venegas	

Second Amended First and Final Report and Account of Administrator; for Allowance of Statutory Attorneys' Fees and Costs; Allowance of Statutory Administrator's Fees and for Final Distribution

DOD: 6/2/11	TONI RICHARDSON , Administrator, is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> Fee base is incorrect. The fee base fails to include the \$5,500.00 loss on the sale of the real property. The correct fee base is \$172,824.57 resulting in statutory fees of \$6,184.74 Petition states the Rejection of the Creditor's Claim for DMC in the amount of \$358.63 was filed on 1/22/16. There is no record of said filing. - California Rules of Court, Rule 7.401 states that for each creditor's claim filed the Administrator must (1) Allow or reject the claim (2) serve a copy of the claim on the creditor (3) file a copy with proof of service with the court. <p align="center">Please see additional page.</p>
	Account period 2/22/12 – 12/31/15	
	Accounting - \$178,324.57	
	Beginning POH - \$177,550.00	
	Ending POH - \$106,368.64	
Cont. from		
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified	Attorney - \$6,350.00 (greater than statutory)	
<input checked="" type="checkbox"/> Inventory		
<input checked="" type="checkbox"/> PTC	Administrator - \$6,350.00 (greater than statutory)	
<input checked="" type="checkbox"/> Not.Cred.	Attorney costs - \$435.00 (filing fee)	
<input checked="" type="checkbox"/> Notice of Hrg	Reimbursement of costs to Administrator - \$19,488.00	
<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 2/22/12	Petitioner states Objector, William (Bill) Richardson retained his own attorney to file an Objection to Petitioner's original Petition and Account. After a great deal of conflict and negotiation, an agreement was finally reached between the parties. David Huynh, attorney at Lawvex, drafted the agreement and it was sent to all parties for signature. During that signature process Mr. Richardson stopped cooperating with Mr. Huynh, who subsequently petitioned the court to be removed as counsel of record for Mr. Richardson. That request was granted and Mr. Huynh did not execute the final agreement. Mr. Richardson did sign the agreement, but failed to "initial" one of the pages which required his initials. Mr. Richardson has failed to respond to requests for contact from Linda K. Durost, attorney for Petitioner, to initial the final page, or to confirm his continued agreement with the settlement. Lawvex filed an Attorneys' Fees lien in the sum of \$4,995.29. Petitioner requests the court approve the payment of that lien directly from Mr. Richardson's final distribution amount.	
<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		
		<p>Reviewed by: KT</p> <p>Reviewed on: 3/10/16</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 3- Bonham</p>

Proposed Distribution, pursuant to intestate succession and Settlement Agreement, is to:

Toni Richardson	-	\$32,745.64	
Bill Richardson	-	\$41,000.00	(less his attorneys' fees lien in the sum of \$4,995.29 as filed by his former attorney Lawvex, Inc.)

NEEDS/PROBLEMS/COMMENTS (cont.)

3. Request for Reimbursement of Costs includes an entry on 3/10/13 for \$500 to Warren Felger for filing fees. However the estate was open with a fee waiver a later entry shows the petitioner paid and is requesting reimbursement for the filing fees for the initial petition.
4. Petition indicates petitioner distributed the personal property valued at \$500.00 to herself. Request for Reimbursement of Costs includes \$2,188.09 in storage fees to Darrell's Storage. It is unclear why the estate should pay for storage of items distributed to the petitioner. Or why the estate should pay storage fees that exceed the value of the property. In addition, the storage fees vary each month from \$95.00 to \$198.00. Generally, storage fees are a set charge and do not fluctuate. Court may require clarification.
5. Petition indicates the petitioner distributed the automobile valued at \$1,550.00 to herself. Request for Reimbursement of Costs includes \$173.50 for DMV renewal in May 2012 (almost a year after the death of the decedent) and another DMV renewal charge of \$157.00 in May 2013. It is unclear why the estate should pay for the DMV renewal charges for a vehicle distributed to the petitioner. Court may require clarification.

Second and Final Account and Report of Conservator; Petition for Compensation to Conservator and her Attorney; Authorizing Sale of Personal Property and Distribution of Proceeds

DOD: 6/23/15	PUBLIC GUARDIAN , Conservator of the Estate, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Minute Order 2/2/16: Counsel requests continuance to confirm payment of fees to Dowling Aaron.</u></p> <p>The following issues remain noted:</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of service of Notice of Hearing at least 15 days prior to the hearing on all heirs plus the office of the Veterans Administration pursuant to Probate Code §§ 1460, 1461.5 and including a copy of the petition to those that requested special notice pursuant to Probate Code §1252. 3. Need §13100 Declaration from Debbie Covey. 4. Petitioner's math and distribution appears to be slightly off. Examiner calculates that the commissions, fees and costs total \$13,677.96, not \$13,707.08, which leaves \$14,525.75 for distribution, a difference of \$29.12. Although this is a minimal difference, the Court may require distribution to be recalculated.
Cont. from 020216	<p>Account period: 4/16/14 – 6/23/15 Accounting: \$174,403.00 Beginning POH: \$139,898.87 Ending POH: \$92,227.29</p>	
<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	<p>Account period: 6/24/15 – 8/28/15 Accounting: \$94,218.51 Beginning POH: \$92,227.29 Ending POH: \$73,468.70 (\$28,203.71 cash plus personal property including a mobile home and a TV)</p>	
<input type="checkbox"/> Aff.Mail		
<input type="checkbox"/> Aff.Pub.	<p>Conservator: \$11,123.00 (for 87.80 Deputy hours @ \$96/hr plus 35.45 Staff hours @ \$76/hr, itemized at Exhibit C, including</p>	
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.	<p>Attorney: \$1,875.00 (per local rule)</p>	
<input type="checkbox"/> Conf. Screen	<p>Bond fee: \$244.96</p>	
<input type="checkbox"/> Letters	<p>Filing fee: \$435.00</p>	
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections	<p>Petitioner requests authority to sell the personal property assets (mobile home and TV) and distribute the proceeds.</p>	
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order	<p>The beneficiaries under the decedent's will (Exhibit D) are her three children, Diana Rodrigues, Robert Chrest, and Debbie Covey.</p> <p>Petitioner states after payment of the allowed commissions, fees, and costs totaling \$13,707.08, Petitioner requests distribution of the remaining cash of \$14,496.63 be made in three equal shares to the beneficiaries, equal 1/3 shares of sale proceeds, and equal 1/3 shares of any other property of the deceased Conservatee not now known or discovered.</p>	
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
SEE PAGE 2		<p>Reviewed by: skc</p> <p>Reviewed on: 3/9/16</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 4- Chrest</p>

Petitioner prays for an order:

1. Approving, allowing and settling the Second and Final Account;
2. Authorizing the conservator and attorney fees and commissions;
3. Authorizing payment of the bond fee;
4. Authorizing Petitioner to sell the personal property as described above and distribute the proceeds;
5. Authorizing distribution of the balance of the property on hand as set forth above; and
6. In the event the whereabouts of the heirs are not known, authorizing Petitioner to deposit any remaining balance of funds with the Fresno County Treasury pursuant to Probate Code §11850(a); and
7. Any other orders the Court considers proper.

Attorney Bagdasarian, Gary G. (for Linda Plitt – daughter)
 Objector Loeffler, Mick (pro per – son)
 Attorney Downing, Marcella and McLaughlin, William T. (for Diane Huerta – daughter/Petitioner)
 Attorney Johnson, Summer A (for Bruce Bickel – temporary conservator of the estate/trustee)

Probate Status Hearing RE: Temporary Orders/Letters

	<p>The Current Letters of Temporary Conservatorship expire on 01/12/16</p>	<p>NEEDS/PROBLEMS/ COMMENTS:</p>
<p>Cont. from 061615, 091515, 120815, 011216</p>	<p>On 07/26/13, DIANE HUERTA, daughter, filed a Petition to appoint Diane Huerta and Linda Plitt as temporary and permanent co-conservators of the Person and Estate.</p>	<p>Minute Order 1/12/16:</p>
<p>Aff.Sub.Wit.</p>	<p>Temporary Conservatorship was granted on 07/29/13 and Temporary Letters were issued on 07/30/13. At a hearing on 08/19/13, the temporary Conservatorship was denied and Temporary Letters were not extended. On 09/25/13, Judge Black appointed Bruce Bickel as Temporary Conservator of the Estates of Fred and Kathleen Loeffler.</p>	<p>Ms. Downing makes an oral motion for the Court to appoint independent counsel for Dr. and Mrs. Loeffler; the un-noticed motion is denied. Ms. Johnson represents that Mr. Bickel has one account left to transition to the trust and she will be filing his final account within 60 days.</p>
<p>Verified</p>	<p>Since 09/25/13, the parties have engaged in numerous settlement talks, mediation, and several hearings have been heard before this Court. The Temporary Letters of Conservatorship have been extended numerous times.</p>	<p>Note: On 2/10/16, the attorneys of record for Fred Loeffler were relieved as counsel; therefore, Mr. Loeffler is not represented at this time.</p>
<p>Inventory</p>	<p>Order Approving Second and Final Account of Temporary Conservator of the Estate was filed 11/13/15. The Order authorized and directed Bruce Bickel, temporary conservator, to transfer the assets of the conservatorship estate to Comerica Bank & Trust, N.A., successor trustee of the Loeffler Family Trust.</p>	<p>1. Need Final/Supplemental account from Temporary Conservator Bruce Bickel.</p>
<p>PTC</p>	<p>Status Report of Petitioner Diane Huerta filed 12/04/15 states: After an extensive search for an appropriate neutral party to serve as healthcare representative for Dr./Mrs. Loeffler, Ms. Austin of Central Valley Fiduciary Services was proposed and the Loeffler's stated they were amenable to Ms. Austin serving in that capacity. Draft health care directives naming Ms. Austin are being drafted, but to Petitioner's knowledge have not been completed. Because the conservatorship is an integral part of this agreement and the advance healthcare directive must be in place for the agreement to provide the protections necessary, it is Petitioner's position that the conservatorship must remain in place until the health care directives have been finalized.</p>	<p>Reviewed by: JF/skc</p>
<p>Not.Cred.</p>	<p>Continued on Page 2</p>	<p>Reviewed on: 3/10/16</p>
<p>Notice of Hrg</p>		<p>Updates:</p>
<p>Aff.Mail</p>		<p>Recommendation:</p>
<p>Aff.Pub.</p>		<p>File 5 - Loeffler</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>UCCJEA</p>		
<p>Citation</p>		
<p>FTB Notice</p>		

Page 2

Status Report of Petitioner Dianne Huerta filed 01/11/16 states: After an extensive search for an appropriate neutral party to serve as healthcare representative for Dr./Mrs. Loeffler, Ms. Austin of Central Valley Fiduciary Services was proposed and the Loeffler's stated they were amenable to Ms. Austin serving in that capacity. Draft health care directives naming Ms. Austin were to be drafted by Jennie Barkinskaya (the Loeffler's attorney), but to Petitioner's knowledge have not been completed. Shortly after the 12/08/15 hearing, Ms. Austin advised that Ms. Barkinskaya refused to speak to her. To date, no draft of the advance health care directives has been received or durable power of attorney as agreed upon.

On 12/16/15, Ms. Barkinskaya petitioned the court to have her firm relieved as counsel for Dr. and Mrs. Loeffler. That hearing is set for 02/10/16. It is Petitioner's belief that Dr. and Mrs. Loeffler have had at least 5 attorneys involved in this case. Because of the long list of attorneys who have attempted to represent Dr. and Mrs. Loeffler and because Petitioner has reason to believe that their representation has been compromised by Mick Loeffler, Petitioner will be petitioning the Court to appoint independent counsel. Petitioner hopes to have that petition heard at the same time as Ms. Barkinskaya's Motion to Be Relieved as Counsel currently set for 02/10/16.

Meanwhile, Petitioner will be contacting all parties to determine dates at which the matter can be brought before Judge Broadman (ret.) for appointment of the healthcare representative and durable power of attorney as provided in the settlement agreement. Because the conservatorship is an integral part of this agreement and the advance healthcare directive must be in place for the agreement to provide the protections necessary, it is Petitioner's position that the conservatorship must remain in place until the health care directives and durable power of attorney have been finalized.

Attorney Bagdasarian, Gary G. (for Linda Plitt – daughter)
 Objector Loeffler, Mick (pro per – son)
 Attorney Downing, Marcella and McLaughlin, William T. (for Diane Huerta – daughter/Petitioner)
 Attorney Johnson, Summer A (for Bruce Bickel – temporary conservator of the estate/trustee)

Probate Status Hearing RE: Temporary Orders/Letters

	The Current Letters of Temporary Conservatorship expire on 01/12/16.	NEEDS/PROBLEMS/ COMMENTS:
	On 07/26/13, DIANE HUERTA , daughter, filed a Petition to appoint Diane Huerta and Linda Plitt as temporary and permanent co-conservators of the Person and Estate.	
	Temporary Conservatorship was granted on 07/29/13 and Temporary Letters were issued on 07/30/13. At a hearing on 08/19/13, the temporary Conservatorship was denied and Temporary Letters were not extended. On 09/25/13, Judge Black appointed Bruce Bickel as Temporary Conservator of the Estates of Fred and Kathleen Loeffler.	Minute Order 1/12/16: Ms. Downing makes an oral motion for the Court to appoint independent counsel for Dr. and Mrs. Loeffler; the un-noticed motion is denied. Ms. Johnson represents that Mr. Bickel has one account left to transition to the trust and she will be filing his final account within 60 days.
	Since 09/25/13, the parties have engaged in numerous settlement talks, mediation, and several hearings have been heard before this court in this matter and the Temporary Letters of Conservatorship have been extended numerous times.	
Cont. from 061615, 091515, 120815, 011216	Order Approving Second and Final Account of Temporary Conservator of the Estate was filed 11/13/15. The Order authorized and directed Bruce Bickel, temporary conservator, to transfer the assets of the conservatorship estate to Comerica Bank & Trust, N.A., successor trustee of the Loeffler Family Trust.	Note: On 2/10/16, the attorneys of record for Fred Loeffler were relieved as counsel; therefore, Mr. Loeffler is not represented at this time.
Aff.Sub.Wit.	Status Report of Petitioner Diane Huerta filed 12/04/15 states: After an extensive search for an appropriate neutral party to serve as healthcare representative for Dr./Mrs. Loeffler, Ms. Austin of Central Valley Fiduciary Services was proposed and the Loeffler's stated they were amenable to Ms. Austin serving in that capacity. Draft health care directives naming Ms. Austin are being drafted, but to Petitioner's knowledge have not been completed. Because the conservatorship is an integral part of this agreement and the advance healthcare directive must be in place for the agreement to provide the protections necessary, it is Petitioner's position that the conservatorship must remain in place until the health care directives have been finalized.	
Verified		2. Need Final/Supplemental account from Temporary Conservator Bruce Bickel.
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: JF/skc
		Reviewed on: 3/10/16
		Updates:
		Recommendation:
		File 6 - Loeffler

Attorney
Objector
Attorney
Attorney

Bagdasarian, Gary G. (for Linda Plitt – daughter)
Loeffler, Mick (pro per – son)
Downing, Marcella and McLaughlin, William T. (for Diane Huerta – daughter/Petitioner)
Johnson, Summer A (for Bruce Bickel – temporary conservator of the estate/trustee)

Probate Status Hearing

	On 08/19/13, DIANE HUERTA , daughter of Trustor's Fred and Kathleen Loeffler, filed a Petition to Determine the Validity of the Trust Modifying the Trust, Removing Trustees, Appointing Trustees, Instructing the Trustee, Compelling Redress of Breach of Trust, and Preliminary Injunction and Prohibition of Further Distributions to Mick Loeffler.	<p>NEEDS/PROBLEMS/ COMMENTS:</p> <p>Minute Order 1/12/16: Ms. Downing makes an oral motion for the Court to appoint independent counsel for Dr. and Mrs. Loeffler; the un-noticed motion is denied. Ms. Johnson represents that Mr. Bickel has one account left to transition to the trust and she will be filing his final account within 60 days.</p> <p>Note: On 2/10/16, the attorneys of record for Fred Loeffler were relieved as counsel; therefore, Mr. Loeffler is not represented at this time.</p>
Cont. from 061615, 091515, 120815, 011216	Since 08/19/13, the parties have engaged in numerous settlement talks, mediation, and several hearings have been heard before this court.	
Aff.Sub.Wit.	On 04/28/15, Diane Huerta, filed a Notice of Motion and Motion to Disqualify Conservatees' Attorneys of Record. The matter was heard on 06/10/15 and the took the matter under submission.	
Verified	Order After Hearing on Petition to Disqualify Conservatee's Counsel of Record denying the motion was filed 09/04/15.	
Inventory	Order Approving Second and Final Account of Temporary Conservator of the Estate was filed 11/13/15. The Order authorized and directed Bruce Bickel, temporary conservator, to transfer the assets of the conservatorship estate to Comerica Bank & Trust, N.A., successor trustee of the Loeffler Family Trust.	
PTC	Status Report of Petitioner Diane Huerta filed 12/04/15 states: After an extensive search for an appropriate neutral party to serve as healthcare representative for Dr./Mrs. Loeffler, Ms. Austin of Central Valley Fiduciary Services was proposed and the Loeffler's stated they were amenable to Ms. Austin serving in that capacity. Draft health care directives naming Ms. Austin are being drafted, but to Petitioner's knowledge have not been completed. Because the conservatorship is an integral part of this agreement and the advance healthcare directive must be in place for the agreement to provide the protections necessary, it is Petitioner's position that the conservatorship must remain in place until the health care directives have been finalized.	
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		
	Continued on Page 2	<p>Reviewed by: JF/skc</p> <p>Reviewed on: 3/10/16</p> <p>Updates:</p> <p>Recommendation: File 7 - Loeffler</p>

Page 2

Status Report of Petitioner Dianne Huerta filed 01/11/16 states: After an extensive search for an appropriate neutral party to serve as healthcare representative for Dr./Mrs. Loeffler, Ms. Austin of Central Valley Fiduciary Services was proposed and the Loeffler's stated they were amenable to Ms. Austin serving in that capacity. Draft health care directives naming Ms. Austin were to be drafted by Jennie Barkinskaya (the Loeffler's attorney), but to Petitioner's knowledge have not been completed. Shortly after the 12/08/15 hearing, Ms. Austin advised that Ms. Barkinskaya refused to speak to her. To date, no draft of the advance health care directives has been received or durable power of attorney as agreed upon.

On 12/16/15, Ms. Barkinskaya petitioned the court to have her firm relieved as counsel for Dr. and Mrs. Loeffler. That hearing is set for 02/10/16. It is Petitioner's belief that Dr. and Mrs. Loeffler have had at least 5 attorneys involved in this case. Because of the long list of attorneys who have attempted to represent Dr. and Mrs. Loeffler and because Petitioner has reason to believe that their representation has been compromised by Mick Loeffler, Petitioner will be petitioning the Court to appoint independent counsel. Petitioner hopes to have that petition heard at the same time as Ms. Barkinskaya's Motion to Be Relieved as Counsel currently set for 02/10/16.

Meanwhile, Petitioner will be contacting all parties to determine dates at which the matter can be brought before Judge Broadman (ret.) for appointment of the healthcare representative and durable power of attorney as provided in the settlement agreement. Because the conservatorship is an integral part of this agreement and the advance healthcare directive must be in place for the agreement to provide the protections necessary, it is Petitioner's position that the conservatorship must remain in place until the health care directives and durable power of attorney have been finalized.

Amended First Account and Report of Conservator; Allowing Fees to Conservator of the Estate and Attorney for Conservator, Allowing Conservator to Invade Conservatee's 401(k) Plan to Assist in Providing for Conservatee's Care and Finding that Conservatee Lacks the Ability to Vote

	BETTY FARMER , Mother and Conservator of the Person and Estate with bond of \$61,250.00, is Petitioner.		<p>NEEDS/PROBLEMS/ COMMENTS:</p> <p>Minute Order 2/2/16: Ms. Boyett proposes a withdrawal of enough funds from the 401k to cover 14 months of care at Paintbrush Assisted Living, at which time parties can reassess the situation. The Court reiterates its admonishment regarding tax consequences and assumption of the risk. The matter is continued for paper proof with regard to the Comerica account being titled in the name of the conservatorship and information as to where the money from the sale of the vehicles went. The remaining items on the Examiner's Notes will have to be determined by the Court, and the Court indicates that it will take the matter under submission on 3/15/16.</p> <p>Note: Please see additional pages re status report and stipulation filed 1/28/16. As of 3/9/16, nothing further has been filed.</p> <p style="text-align: center;"><u>SEE ADDITIONAL PAGES</u></p> <p>Reviewed by: skc Reviewed on: 3/9/16 Updates: Recommendation: File 8 - Hendricks</p>
	Account period: 3/26/14 – 3/31/15		
	Accounting: \$165,739.31		
	Beginning POH: \$138,586.82		
	Ending POH: \$130,404.23		
	(\$113,067.23 cash plus non-cash assets including a 100% interest in misc. personal property and a 50% community property interest in two vehicles)		
	Conservator states \$13,264.75 has been reimbursed to Petitioner during account period representing less than a one-third share of household expenses, and is far less per month than a full time care facility or an apartment, assuming she could care for herself.		
	Conservator requests compensation of \$30,000.00 for 10-14 hours per day caring for the Conservatee at a minimum of \$100/day (\$7.14/hr) for the care and assistance provided during all waking hours.		
	Attorney: \$15,643.38 (\$14,753.00 for 64.10 attorney/ associate hours @ \$195-275/hr, plus \$890.38 in costs including photocopies, postage, mileage, other costs advanced. Note: \$9,689.63 has already been paid to the attorney by Petitioner from her own funds. \$5,063.37 remains due to the attorney and Conservator requests reimbursement of the \$9,689.63.		
	Petitioner states at appointment she was a co-holder of an account with Comerica Bank on behalf of the Conservatee, which received Conservatee's Social Security benefits. All funds in this account are Conservatee's and have never been commingled with Petitioner's funds. Petitioner will take steps to convert this account to the name of the conservatorship estate prior to hearing on this matter. Petitioner now realizes that the Comerica account was inadvertently not inventoried on the Inventory and Appraisal; however, all transactions are detailed in this account and statement are provided.		
	<u>SEE ADDITIONAL PAGES</u>		
	Cont. from 102015, 120815, 020216		
	Aff.Sub.Wit.		
✓	Verified		
✓	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	W	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
✓	Letters	3/26/14	
	Duties/Supp		
	Objections		
	Video Receipt		
✓	CI Report		
✓	2620(c)		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

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Petitioner states she personally deposited \$3,000.00 of her own funds in order to open the Bank of the West account because she believed she was supposed to open a separate account and did not wish to take funds from the Comerica account to do so. The Comerica account was not a checking account, but a debit account. *[Examiner's Note: This amount has been reimbursed to Petitioner per Schedule C.]*

Petitioner states the Inventory and Appraisal filed with the Court identified the Conservatee's 401k plan from CVS Pharmacy earned by the Conservatee in part during her marriage to her current husband, Jeffrey Hendricks. The value at that time was estimated by telephonic access to be \$102,349.28. Subsequent to filing the I&A, Petitioner received a Participant Statement which shows a balance as of 12/31/14 of \$104,973.25. Personal oral requests and written requests from counsel to CVS Future Fund requesting a written account balance as of 3/31/15 went unanswered. This Amended First Account will use the financial data set forth in the statement dated 12/31/14 for continuity.

Petitioner states the two vehicles noted in the I&A as owned 50% by the Conservatee are in the possession of Conservatee's husband as the Conservatee does not drive.

Petitioner states the Court has inquired as to several gifts provided by the Conservatee over the past year. *(Prior Examiner Notes requested clarification re approx. \$350.00 used for gifts during the account period with reference to Duties of Conservator.)* Petitioner states the gifts were to close family on special days, including a mother's day bouquet. If the court desires the money be returned, she will reimburse the conservatorship.

Petitioner states that additional costs of part-time in-home care has resulted in a monthly negative cash flow scenario, as Teresa's social security disability payments will not completely cover her required care. This negative cash flow has eroded Conservatee's excess liquid cash to the point that only a few more month of excess cash remain to cover her expenses. In light of this fact, Petitioner requests the Court issue an order directing the trustee or custodian of Teresa's CVS Caremark Future Funds 401k Plan to allow Conservator access to the 401k proceeds to care for Conservatee. She believes the 401k Plan funds are community property assets but can and should be used for the care, maintenance and support of Conservatee. Attorney Logoluso's declaration states he does not believe accessing these funds subject's Conservatee to IRS penalties for early withdrawal in light of Conservatee's obvious need for appropriate care. Authority cited.

Petitioner requests that:

1. The Court find that Notice of Hearing of this account, report and petition was given as required by law;
2. The Court make an order approving, allowing and settling the attached account and report of Conservator as filed;
3. The Court authorize Petitioner to pay herself \$30,000.00 as compensation for services rendered as Conservator of the estate and person during the accounting period;
4. The Court authorize Petitioner to reimburse herself \$9,689.63 for costs and fees associated with the creation of the conservatorship;
5. The Court authorize Petitioner to pay her attorneys \$5,063.37 for legal services rendered during the accounting period;
6. The Court issue an order allowing for the use of Conservatee's 401k plan proceeds be authorized by the Court to be utilized for the payment of institutionalized care for Conservatee;
7. The Court order that Conservatee is not able to complete an affidavit of voter registration in accordance with Elections Code §2150, and is not entitled to vote; and
8. The Court make such other relief as it considers proper.

SEE ADDITIONAL PAGES

Status Report and Declaration of Mark A. Blum filed 12/2/15 states he met with the conservator and her son, the conservatee's brother, on 11/30/15. The Conservatee now requires continuous supervision and is estimated to be functioning at the level of a three year old. For example, she no longer knows she will be burned if she touches hot cookpots in the kitchen, and is completely incontinent and requires assistance with all functions including dressing. The need for constant supervision now exceeds the physical stamina of the conservator and her older husband, and they are exhausted. It is now necessary to place Teresa in an appropriate care facility. Attached is a letter from Suzanne Hirata, the conservatee's aunt. Ms. Hirata has also been a caregiver to other members of the family who have suffered from Early Onset Alzheimer's Disease. She believes that placing Teresa in a skilled nursing facility is not in Teresa's best interest. Ms. Hirata intends to attend the hearing and is willing to provide testimony regarding her recommendation for Teresa's care.

The Conservator has visited a number of facilities that could provide the care that Teresa needs and believes that Paintbrush Assisted Living and Memory Care in Fresno with a monthly cost of \$4,495 would best serve Teresa and is the most economical. See declaration re other facilities reviewed. For the reasons set forth in Ms. Hirata's letter, the Conservator believes that Paintbrush would be the best facility.

The Conservator again requests that the Court issue an order directing that CVS/Caremark's Future Fund Management to provide access to sufficient funds from Teresa's 401k plan holdings in order to provide for the cost of her care that she now needs.

At the previous hearing there was some discussion of whether the conservator should begin proceedings for a legal separation of Teresa from her husband. When Teresa was still able to express an opinion on this point, she took great pride in her marriage. When conservatorship was established, there was considerable dispute over whether her husband Jeff or the present conservator should become conservator. However, in the past year, Jeff and Teresa's children have had little or no contact with Teresa, and notice of the last hearing was returned undeliverable. Despite the lack of communication, Jeff still carries Teresa on his medical insurance, and the Conservator does not believe it would be beneficial to have that insurance coverage change or disappear, and neither the conservator nor the conservatee's finances could pay for a legal separation of dissolution at this time.

Status Report and Declaration of Mark A. Blum in Support of Amended Petition filed 1/28/16 states at this point, Teresa requires continuous supervision and is presently functioning at the level of a 3-year-old. The need for constant supervision exceeds the physical stamina of the conservator and her husband and it is necessary to place her in a care facility. At the previous hearing, the Court gave permission to place her in an appropriate care facility, but specified that the conservator would be limited to accessing only the funds necessary for two months of care from the retirement savings account. At that time, the court seemed to indicate that the conservator or her attorneys would be responsible if tax penalties were imposed in connection with such withdrawals. Consequently, the conservator has not accessed the account and continues to be cared for in the conservator's home.

Deborah Boyett, attorney for the Conservatee, was able to locate and communicate with Jeff Hendricks, the conservatee's husband. Filed concurrently is a stipulation by Mr. Hendricks in which he consents to the use of her retirement savings, subject to the conditions stated therein, and this Court's approval. Mr. Hendricks consulted with his attorney, Tres Porter, concerning the stipulation.

Subsequent to the last hearing, they were able to obtain an electronic copy of the CVS/Caremark Future Fund Management Plan Summary, which indicates that payments from the conservatee's retirement account are available for withdrawal upon disability, and provides tax information.

SEE ADDITIONAL PAGES

Page 4

Status Report filed 1/28/16 (Cont'd): Mr. Blum admits that the intricacies of the US Tax Code with respect to disability payments of retirement funds are beyond his expertise. With that in mind, the Court may choose to direct the conservator to obtain more skilled legal counsel on this matter before accessing the retirement account for her necessary care; however, it would appear that the Conservatee is disabled as identified by the IRS. See report for details, authority.

Mr. Blum states neither the conservator nor her attorney is willing to become guarantors of liabilities for taxes or penalties incurred for the purpose of providing what they believe to be the best and appropriate level of care for the Conservatee. The conservator and her attorney request clarification from the Court regarding the potential tax liability.

In light of the limited financial resources and in the interest of moving forward, the Conservator's attorneys are willing to waive any further payment of fees in this matter for work completed to date. As noted, the need for constant supervision exceeds the stamina of the conservator and they are becoming exhausted. With the continuing deterioration of Teresa's condition and increased demands it has become ever more urgent to place her in a care facility. The Conservator therefore requests that the Court rule on her prior requests by approving or modifying the previously proposed order or directing counsel to prepare a new order which may include the provisions of Mr. Hendricks' Stipulation.

Stipulation by Jeff Hendricks filed 1/28/16 states he is the husband of Teresa Hendricks. They were married 6/11/88. During the course of their marriage, both worked when able, and both participated in retirement savings plans offered by their respective employers. In or about 2012, they made withdrawals from retirement savings to cover living and relocation expenses, which resulted in the IRS requiring them to pay more than \$10,800 in additional taxes, penalties and interest, and they currently owe approx. \$10,000 to the IRS. Mr. Hendricks has entered into a payment plan with the IRS to make monthly payments of \$150 on this obligation from his own wages.

Subject to the Court's approval, Mr. Hendricks is willing to stipulate that Teresa's retirement savings with CVS/Caremark may be used for her care and medical needs at a board and care facility subject to the following conditions:

- a. That Mr. Hendricks be complete indemnified and held harmless for any tax liabilities or penalties that may arise in connection with future withdrawals for the purposes specified above;
- b. That the funds be used only to pay the board and care facility and providers of medical care and similar services, and only on the payment schedule required by such providers; and
- c. That none of the retirement funds are utilized to pay Conservator's requested \$30,000 in compensation as requested in the petition.

Mr. Hendricks states two vehicles are listed on the I&A filed by the conservator on 6/24/14. He and Teresa no longer own or operate either of these vehicles and to the best of his knowledge, Teresa's name is no longer shown as owner or operator of any motor vehicle.

SEE ADDITIONAL PAGES

Page 5

NEEDS/PROBLEMS/COMMENTS: The following issues remain noted for reference:

1. The Court may require proof of titling the Comerica account in the name of the conservatorship estate as noted in the petition.
2. Petitioner reimbursed herself for expenses associated with the conservatorship in the amount of \$13,264.75 without Court authorization in violation of Probate Code §2640 (noticed petition required) and Cal. Rules of Court 7.751, 7.752, 7.755.
3. Attorney requests a total of \$15,643.38 in fees and costs, and has already received and accepted payment of \$9,689.63 in violation of Probate Code §2640 (noticed petition required) and Cal. Rules of Court 7.751, 7.752, 7.755, etc.

Petitioner clarifies that the payment was made by Petitioner personally and not from the conservatorship estate, and Petitioner is now requesting authorization to reimburse herself for that amount; however, this does not negate the fact that the attorney received payment for services in connection with the establishment of the conservatorship without prior Court authorization.

4. Further, the Court may require clarification with regard to the total amount of attorney's fees requested with reference to Probate Code §2640 as to how this amount is just and reasonable given the value and status of the conservatorship estate. See amount authorized by Local Rule 7.16 for comparison.
5. Similarly, the Court may require clarification as to how compensation to Petitioner of \$30,000.00 is just and reasonable given the value and status of the conservatorship estate.
6. Total Disbursements exceed receipts by over \$11,000.00. Petitioner requests to invade the Conservatee's 401k plan to continue to provide the level of care required by the Conservatee; however, given the Conservatee's income level, given the amount available within the 401k account, and given the amount of compensation that is requested by both the Conservator herein, the attorney herein, and future needs, the Court may require further clarification regarding the level of spending for misc. items, clothes, etc., and may require a budget going forward.
7. The Court may require further additional information regarding Petitioner's request to invade the Conservatee's 401k account for the cost of the Conservatee's care. The attorney notes that he does not believe there will be tax penalties; however, the petition also states this account may be community property of the Conservatee's marriage, although it was inventoried as hers alone. Specifically, the Court may require clarification as to whether input may be necessary from the Conservatee's spouse of over 25 years, Jeffrey Hendricks.
Update: Please see Stipulation filed by Mr. Hendricks on 1/28/16.
8. Petitioner explains that the two vehicles owned conservatorship estate assets remain in possession of the Conservatee's husband. The Court may require clarification regarding how the vehicles are titled, and given that they are not in Conservator's possession, may require clarification regarding potential liability to the conservatorship estate.
Update: Mr. Hendricks' Stipulation states he and Teresa no longer own the vehicles. Need further information as it does not appear the conservatorship estate was compensated for Teresa's share upon sale."

SEE ADDITIONAL PAGES

NEEDS/PROBLEMS/COMMENTS (Cont'd):

9. Attorney requests reimbursement for costs that are considered by the Court to be costs of doing business and not reimbursable pursuant to Local Rule 7.17, including photocopies, postage, travel costs. The Court may strike \$45.38 from the order for the following items:
 - \$22.20 photocopies
 - \$11.88 postage
 - \$11.30 mileage

10. Bond: If access to the 401k is granted, bond will need to be increased. Examiner calculates that bond should be increased to at least \$168,139.82 or an increase of \$106,889.82, calculated based on the value of all assets at the close of the account period plus income including Social Security and dividends as noted in Receipts.

Note: If granted, the Court will set a status hearing for the filing of the next account as follows:

- Tuesday, June 21, 2016 if a one-year account is required or
- Tuesday, June 20, 2017 if a two-year account is required.

Probate Status Hearing RE: Filing of the First or Final Account

DOD: 5/22/13	<p>TERRI JEAN, Surviving Spouse and Administrator with Limited IAEA with bond of \$64,400, filed a First Account on 2/25/15, which was set for 4/7/15.</p> <p>RANDI POE, Daughter, filed Objection to Inventory; Petition to Establish Estate's Ownership of Real Property, and for Order Directing its Transfer to Estate under Probate Code §850 on 3/2/15, which was separately set for hearing on 4/7/15.</p> <p>Ms. Poe also filed an Objection to the Administrator's Account on 4/3/15.</p> <p>On 4/7/15, the matter was set for trial; however, on 5/12/15, the trial was vacated. Minute Order states parties are working on an agreement.</p> <p>At settlement conference on 5/19/15, the Court set a status hearing re agreement and trial.</p> <p>Minute Order 12/15/15 states: Counsel represent that they have settled the dispute. The First Account of Administrator, and Petition for its Settlement, along with the Objection to Inventory; Petition to Establish Estate's Ownership of Real Property, and for Order Directing its Transfer to Estate are reset as well for disposition. Hearing set on 3/15/16 for status re filing first or final account.</p>	NEEDS/PROBLEMS/COMMENTS:
		1. Need final account.
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: 3/9/16
		Updates:
		Recommendation:
		File 9 - Jean

14 Geno Andrew Nonini (Estate) Case No. 14CEPR00970

Attorney Simonian, Jeffrey D (for Christina Nonini Pericas and Martin A. Nonini)

Order to Show Cause RE: Failure to File the First or Final Account

DOD: 09/05/13	CHRISTINA NONINI PERICAS and MARTIN A. NONINI , were appointed Co-Administrators with will annexed on 12/09/14.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need First Account or Petition for Final Distribution or current written status report pursuant to Local Rule 7.5 which states in all matters 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	Letters issued on 12/10/2014	
Aff.Sub.Wit.		
Verified		
Inventory	Inventory & Appraisal , Final, filed 08/26/15 - \$628,573.00	
PTC		
Not.Cred.		
Notice of Hrg	Minute Order of 02/02/2016 set this Order to Show Cause Re: Failure to File the First and/or Final Account.	
Aff.Mail	Minute Order states – No Appearances – the Court issues an Order to Show Cause to Jeffrey D. Simonian as to why he should not be sanctioned \$250 for his failure to appear today, and to Christina Pericas and Martin Nonini as to why they should not be removed as Co-Administrators for their failure to file the first or final account. Mr. Simonian, Christina Pericas, and Martin Nonini are each ordered to be personally present in court or appear via CourtCall on 03/15/2016.	
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report	Clerk's Certificate of Mailing indicates that the Minute Order of 02/02/2016 was mailed to Attorney Jeffrey Simonian, Esquire; Christina Pericas, and Martin Nonini on 02/02/2016.	
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: LV
		Reviewed on: 03/10/2016
		Updates:
		Recommendation:
		File 14- Nonini

15 Carmen Alvarado Moreno (Estate) Case No. 14CEPR01001

Attorney Fanucchi, Edward L. (for Carmen C. Moreno – Executor)

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

DOD: 08/30/1996	<p>CARMEN C. MORENO, daughter, was appointed Executor with full IAEA authority without bond on 01/06/2015.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>
Cont. from	<p>Letters issued on 01/14/2015.</p>	
Aff.Sub.Wit.		
Verified	<p>Final Inventory and Appraisal filed 04/21/2015 shows an estate valued at \$65,000.00.</p>	<p>1. Need First Account or Petition for Final Distribution.</p>
Inventory		
PTC		
Not.Cred.	<p>Minute Order of 12/06/2014 set this status hearing for the filing of the First Account and/or Petition for Final Distribution.</p>	
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		

18 Bri'leeah Cooks (GUARD/P) Case No. 15CEPR00666

Petitioner Morson, Areka (pro per – paternal grandmother)

Petition for Appointment of Guardianship of the Person

		<u>TEMPORARY EXPIRES 02/02/2016</u>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Minute Order of 02/02/2016: Examiner notes provided in open Court. The Court views a text message to Desire Hernandez, mother, and finds substantial compliance as to notice for Ms. Hernandez. The paternal grandfather and maternal grandparents still need to be properly noticed.</p> <p>1. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for:</p> <ul style="list-style-type: none"> • Deric Cooks (Paternal Grandfather) – Unless the Court dispenses with notice. <p>Note: Declaration of Due Diligence filed 03/01/2016.</p> <ul style="list-style-type: none"> • Maternal Grandfather (Not Listed) – Unless the Court dispenses with notice. <p>Note: Declaration of Due Diligence filed 03/01/2016.</p>
		AREKA MORSON, paternal grandmother, is Petitioner.	
		<u>Please see petition for details</u>	
Cont. from 090815, 102715, 120815, 020216			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
	Aff.Mail	x	
	Aff.Pub.		
	Sp.Ntc.		
✓	Pers.Serv.	w/	
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
✓	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: LV
			Reviewed on: 03/10/2016
			Updates:
			Recommendation:
			File 18 – Cooks

Attorney
Attorney

Harris, Richard A. (for Mary Murray – Beneficiary – Petitioner)
Willoughby, Hugh (for Dale Murray Sullivan)

Petition (1) for Removal of Trustee; (2) for Damages for Breach of Trust; (3) to Compel Trust Accounting; and (4) Objection to Accounting (Prob. Code §§ 17200, 16063)

<p>John F. Murray DOD: 12/17/03</p>	<p>MARY MURRAY, Beneficiary, is Petitioner.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>					
	<p>Petitioner states Settlor John F. Murray executed the trust on 5/26/00 and amended one time on 6/19/02. The trust designated Settlor and DALE MURRAY SULLIVAN to act as co-trustees. Settlor died 12/17/03 and since his death, Dale Murray Sullivan has acted as sole trustee.</p>	<p><u>Continued from 1/12/16 per stipulation. As of 3/9/16, nothing further has been filed. The following issues remain noted:</u></p>					
<p>Cont'd from: 102715, 011216</p>	<p>Petitioner states in December 2005, the trustee sent a letter to beneficiaries outlining expenses, transactions and income of the trust estate. Petitioner alleges the letter is not a legally sufficient account of trust activities and fails to contain information required by Probate Code §16063. Petitioner object to the account and also objects to the fees claimed by the trustee of \$15,000. Petitioner states the account fails to justify the fees and the fees are excessive and should be disallowed.</p>	<p>Note: Although Mr. Willoughby signed a stipulation to continue the matter, no formal appearance has been made by Mr. Willoughby or his client Dale Murray Sullivan.</p>					
<table border="1"> <tr> <td data-bbox="99 596 162 636"></td> <td data-bbox="162 596 415 636">Aff.Sub.Wit.</td> <td data-bbox="423 596 1016 636"></td> </tr> </table>		Aff.Sub.Wit.			<p>1. Petitioner states Fresno County is the proper venue pursuant to Probate Code §16061.7 with reference to Exhibit C, a copy of the notice provided by the trustee in 2004 listing the trustee's address in Fresno.</p>		
	Aff.Sub.Wit.						
<table border="1"> <tr> <td data-bbox="99 636 162 676">✓</td> <td data-bbox="162 636 415 676">Verified</td> <td data-bbox="423 636 1016 676"></td> </tr> </table>	✓	Verified			<p>However, Exhibit D, an expense itemization provided by the trustee in 2005, indicates an address in Sioux Falls, South Dakota, and Petitioner provides a current address for the trustee in San Antonio, Texas.</p>		
✓	Verified						
<table border="1"> <tr> <td data-bbox="99 676 162 716"></td> <td data-bbox="162 676 415 716">Inventory</td> <td data-bbox="423 676 1016 716"></td> </tr> </table>		Inventory			<p>Therefore, need clarification as to why Fresno County is proper venue pursuant to Probate Code §§ 17002, 17005.</p>		
	Inventory						
<table border="1"> <tr> <td data-bbox="99 716 162 756"></td> <td data-bbox="162 716 415 756">PTC</td> <td data-bbox="423 716 1016 756"></td> </tr> </table>		PTC			<p>2. The Court may require further authority as to why §17200(b)(7) should not apply. It appears Petitioner has not had contact with the trustee for 10 years and has not made formal written request to the trustee for the information requested; therefore this petition may be filed prematurely.</p>		
	PTC						
<table border="1"> <tr> <td data-bbox="99 756 162 798"></td> <td data-bbox="162 756 415 798">Not.Cred.</td> <td data-bbox="423 756 1016 798"></td> </tr> </table>		Not.Cred.			<table border="1"> <tr> <td data-bbox="1024 1665 1565 1705">Reviewed by:</td> <td data-bbox="1287 1665 1565 1705">skc</td> </tr> </table>	Reviewed by:	skc
	Not.Cred.						
Reviewed by:	skc						
<table border="1"> <tr> <td data-bbox="99 798 162 840">✓</td> <td data-bbox="162 798 415 840">Notice of Hrg</td> <td data-bbox="423 798 1016 840"></td> </tr> </table>	✓	Notice of Hrg			<table border="1"> <tr> <td data-bbox="1024 1715 1565 1755">Reviewed on:</td> <td data-bbox="1326 1715 1565 1755">3/9/16</td> </tr> </table>	Reviewed on:	3/9/16
✓	Notice of Hrg						
Reviewed on:	3/9/16						
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✓	Aff.Mail	w					
Updates:							
<table border="1"> <tr> <td data-bbox="99 882 162 924"></td> <td data-bbox="162 882 415 924">Aff.Pub.</td> <td data-bbox="423 882 1016 924"></td> </tr> </table>		Aff.Pub.			<table border="1"> <tr> <td data-bbox="1024 1795 1565 1835">Recommendation:</td> <td data-bbox="1388 1795 1565 1835"></td> </tr> </table>	Recommendation:	
	Aff.Pub.						
Recommendation:							
<table border="1"> <tr> <td data-bbox="99 924 162 966"></td> <td data-bbox="162 924 415 966">Sp.Ntc.</td> <td data-bbox="423 924 1016 966"></td> </tr> </table>		Sp.Ntc.			<table border="1"> <tr> <td data-bbox="1024 1835 1565 1875">File 19 – Murray</td> <td data-bbox="1419 1835 1565 1875"></td> </tr> </table>	File 19 – Murray	
	Sp.Ntc.						
File 19 – Murray							
<table border="1"> <tr> <td data-bbox="99 966 162 1008"></td> <td data-bbox="162 966 415 1008">Pers.Serv.</td> <td data-bbox="423 966 1016 1008"></td> </tr> </table>		Pers.Serv.					
	Pers.Serv.						
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	Conf. Screen						
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	Letters						
<table border="1"> <tr> <td data-bbox="99 1092 162 1134"></td> <td data-bbox="162 1092 415 1134">Duties/Supp</td> <td data-bbox="423 1092 1016 1134"></td> </tr> </table>		Duties/Supp					
	Duties/Supp						
<table border="1"> <tr> <td data-bbox="99 1134 162 1176"></td> <td data-bbox="162 1134 415 1176">Objections</td> <td data-bbox="423 1134 1016 1176"></td> </tr> </table>		Objections					
	Objections						
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	Video Receipt						
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	CI Report						
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<table border="1"> <tr> <td data-bbox="99 1302 162 1344">✓</td> <td data-bbox="162 1302 415 1344">Order</td> <td data-bbox="423 1302 1016 1344"></td> </tr> </table>	✓	Order					
✓	Order						
<table border="1"> <tr> <td data-bbox="99 1344 162 1386"></td> <td data-bbox="162 1344 415 1386">Aff. Posting</td> <td data-bbox="423 1344 1016 1386"></td> </tr> </table>		Aff. Posting					
	Aff. Posting						
<table border="1"> <tr> <td data-bbox="99 1386 162 1428"></td> <td data-bbox="162 1386 415 1428">Status Rpt</td> <td data-bbox="423 1386 1016 1428"></td> </tr> </table>		Status Rpt					
	Status Rpt						
<table border="1"> <tr> <td data-bbox="99 1428 162 1470"></td> <td data-bbox="162 1428 415 1470">UCCJEA</td> <td data-bbox="423 1428 1016 1470"></td> </tr> </table>		UCCJEA					
	UCCJEA						
<table border="1"> <tr> <td data-bbox="99 1470 162 1512"></td> <td data-bbox="162 1470 415 1512">Citation</td> <td data-bbox="423 1470 1016 1512"></td> </tr> </table>		Citation					
	Citation						
<table border="1"> <tr> <td data-bbox="99 1512 162 1554"></td> <td data-bbox="162 1512 415 1554">FTB Notice</td> <td data-bbox="423 1512 1016 1554"></td> </tr> </table>		FTB Notice					
	FTB Notice						

SEE PAGE 2

Page 2

Petitioner alleges that the requirements of Probate Code §17200(b)(7) of a written request, a 60-day wait, and lack of account within the precedent six months should not apply when a breach of trust may have occurred, especially when more than \$100,000 has disappeared without explanation.

Petitioner states she has received and is in possession of a check dated 7/15/15 from HMS-Palm Springs in the sum of \$39,600 made out to John F. Murray. Petitioner has been unsuccessful in contacting HMS-Palm Springs to determine the reason for the check and/or to find out what other payments have been made since the death of the settlor.

Petitioner prays for an order:

- 1. Instructing Dale Murray Sullivan to prepare and file with this court an account for the John F. Murray Living Trust from the date of death, or alternatively, should the Court find Exhibit D to be a legally sufficient account, from the end date of Exhibit D;**
- 2. Instructing Dale Murray Sullivan to petition this court for settlement of the account;**
- 3. Removing Dale Murray Sullivan as trustee;**
- 4. Finding that Dale Murray Sullivan as trustee has breached the trust and that she is liable for all resulting damages;**
- 5. Sustaining Petitioner's objections to the account;**
- 6. Surcharging the trustee for damages and for all improper payments; and**
- 7. For any additional orders the court deems appropriate.**

Petition for Attorney's Fees

		<p>FLORA ISTANBOULIAN, petitioner was Court appointed to represent the Conservatee on 11/3/15.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>
		<p>PUBLIC GUARDIAN was appointed Conservator of the Person and Estate on 12/16/15.</p>	
Cont. from		<p>Petitioner requests fees in connection with the representation of the Conservatee for DeeAnn Doyle and John Doyle's petition to have the Public Guardian appointed a conservator of the person and estate.</p>	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified	<p>Petitioner asks that she be paid from the conservatorship estate for 6.5 hours @ \$250.00 per hour for a total of \$1,625.00 and for costs of \$435.00.</p>	
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC	<p>Services are itemized by date and include review of documents, visits with client, and court appearances.</p>	
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg	<p>Petitioner further request that her services as attorney for the conservatee be terminated.</p>	
<input checked="" 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 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: KT
			Reviewed on: 3/10/16
			Updates:
			Recommendation:
			File 20- Doyle

Petition for Appointment of Guardian of the Person

		NO TEMPORARY – not requested	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of personal service 15 days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence for: <ol style="list-style-type: none"> a. Father 3. Need proof of service 15 days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence for: <ol style="list-style-type: none"> a. Paternal grandfather b. Paternal grandmother 4. Petition lists brother/sister Dakota Williams. If sibling is 12 years or older, need proof of service 15 days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian on: <ol style="list-style-type: none"> a. Dakota Williams
		<p>SHARON JONES, maternal grandmother, is petitioner</p> <p>See petition for details.</p>	
Cont. from			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg	x	
	Aff.Mail	x	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.	x	
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		
			<p>Reviewed by: SEF</p> <p>Reviewed on: 3/10/2016</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 21- Williams</p>

23 Bob Mugerdechian and Norma Der Mugerdechian Declaration of Trust
8/31/1998 **Case No. 16CEPR00105**
 Attorney: Robyn L. Esraelian (for Petitioners Katherine (Zaroohi) Der Mugerdechian, Van Der Mugerdechian, Bob Mugerdechian, Jr., and Barlow Der Mugerdechian)

Petition for Order Confirming that Property is a Trust Asset (Probate Code Sections 17200 and 850)

	KATHERINE (ZAROOHI) DER MUGRDECHIAN, VAN DER MUGRDECHIAN, BOB MUGRDECHIAN, JR., and BARLOW DER MUGRECHIAN, co-trustees, are petitioners.	NEEDS/PROBLEMS/COMMENTS: 1. No written documentation has been provided to show that Bob Mugerdechian intended the subject real property to be included in the trust. The trust instrument lists specific property on schedule A. The trust instrument does not include any statement indicating additional property not specifically listed would become part of the trust.
Cont. from		
<input type="checkbox"/> Aff.Sub.Wit.	Petitioners allege:	
<input checked="" type="checkbox"/> Verified	The Trust was established by BOB MUGRDECHIAN and NORMA DER MUGRDECHIAN , as trustors on 8/31/1998.	
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg	Norma Der Mugerdechian died on 12/19/1999.	
<input checked="" type="checkbox"/> Aff.Mail	W/ Bob Mugerdechian died on 12/24/2015.	
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.	In Article One of the Trust instrument, the Trustors declared that they "have transferred and delivered to the trustee . . . all property set forth and described in Schedule A attached hereto and incorporated herein by this reference."	
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections	Schedule A attached to the trust, included a description of the Trustors' personal residential real property.	
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order	In 2004, the Surviving Trustor, Bob Mugerdechian, sole the personal residential owned by the trust and replaced it with the real property designed to be his personal residential real property.	
<input type="checkbox"/> Aff. Posting		Reviewed by: KT
<input type="checkbox"/> Status Rpt		Reviewed on: 3/10/16
<input type="checkbox"/> UCCJEA		Updates:
<input type="checkbox"/> Citation		Recommendation:
<input type="checkbox"/> FTB Notice		File 23- Mugerdechian

Please see additional page

23 Bob Mugerdechian and Norma Der Mugerdechian Declaration of Trust
8/31/1998 **Case No. 16CEPR00105**

Through inadvertence and error, the Surviving Trustor, BOB MUGRDECHIAN failed to instruct the title company to title the replacement real property in the name of the Trust. At all times, the Surviving Trustor, BOB MUGRDECHIAN, intended the replacement property to be held in the name of the trust and believed the replacement real property was titled in the name of the trust.

A declaration by the owner that he/she holds the property in trust is sufficient to create a trust that holds the property. The courts have held that a written declaration of trust by the owner of real property is sufficient to create a trust in that property, and a transfer of title is unnecessary when a Trustor declares herself to be the Trustee of her own property (*In re: Estate of Powell (2000) 83 Cal. App. 4th 1434; Estate of Heggstad (1993) 16 Cal. App 4th 948*).

Petitioners are informed and believe that it was the Trustor's intention and understanding that the real property described in Exhibit "B" herein was to be held in the trust. Therefore, Petitioners believe that the real property described in Exhibit "B" herein is subject to their control as Trustees.

Petitioners request this Court confirm that the real property described in Exhibit "B" herein is an asset of the Trust, and is under the control of Petitioners as Co-Trustees.

Petition for Appointment of Temporary Guardian of the Person

		<u>GENERAL HEARING IS 5/2/2016</u>	NEEDS/PROBLEMS/COMMENTS:
		KATHLEEN V. KANALEY , paternal grandmother, is petitioner.	5. Need Notice of Hearing. 6. Need proof of personal of the Notice of Hearing along with a copy of the Temporary Petition for Appointment of Guardian at least 5 court days prior to the hearing <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence for: a. Tyler Kanaley (father)
Cont. from		See petition for details.	
<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		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.	x	
<input checked="" type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input checked="" 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		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input checked="" type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: SEF
			Reviewed on: 3/9/2016
			Updates:
			Recommendation:
			File 24- Kanaley

Attorney: Heather H. Kruthers (for Public Guardian – Petitioner)

Attorney: Lisa Horton (for Conservatee)

Petition for Appointment of Temporary Successor Conservator

		<u>GENERAL HEARING IS 4/13/2016</u>	NEEDS/PROBLEMS/ COMMENTS:
		PUBLIC GUARDIAN , Conservator of the estate, is petitioner	
		See petition for details.	<p>Court Investigator Advised Rights on 3/7/2016.</p> <p>1. Need proof of personal service with 5 days notice of Notice of Hearing with copy of the temporary petition on proposed conservatee pursuant to Probate Code 2250.2(c).</p>
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
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<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.	X	
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<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input checked="" type="checkbox"/>	CI Report		
<input 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: SEF
			Reviewed on: 3/10/2016
			Updates:
			Recommendation:
			File 25- Moreno-Long