



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.

Petition for Surcharge Against Former Administrator for Breach of Duty

DOD: 11/15/2002	PUBLIC ADMINISTRATOR , Successor Administrator, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
	Petitioner states: on June 21, 2007, the Court issued a minute order reading, "the court orders the Public Administrator is appointed...Personal Representative Christopher O'Neal is Removed."	
Cont. from	The Court is respectfully referred to the PA's status report filed on 05/20/2014. Therein, the PA reported that she has been unable to make contact with any of the heirs, including the former administrator.	
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg	On 03/29/2004, the former administrator filed a final Inventory and Appraisal showing the value of the estate to be \$145,000.00 consisting solely of real property. The PA was able to determine that Christopher O'Neal put the property in his name, took out a loan against it, and then lost the house to foreclosure. He used part of the loan proceeds to purchase a new pick up, which the PG was able to marshal and sell for \$16,400.00.	
<input checked="" type="checkbox"/> Aff.Mail		
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<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen	Christopher O'Neal never filed an accounting with the Court or provided any documents to the PA as directed by the Court. Due to his breach of fiduciary duty as personal representative, he should be surcharged the full value of the estate, \$145,000.00, less the amount recovered, \$16,400, for a total surcharge of \$128,600.	
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections	On 12/08/2003, proof of a \$50,000 bond was filed, as required by the Court. The bond company that issued it was Western Surety Company. Since it appears the PA will not be able to collect the judgment from Christopher O'Neal, he requests an order directing Western Surety Company, or the successor of that company, to pay the \$50,000 bond to the PA. Proper notice of this hearing will be given to the bond company.	
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting	Wherefore, petitioner prays for an order that:	
<input type="checkbox"/> Status Rpt	<ol style="list-style-type: none"> 1. The Court find Christopher O'Neal breached his fiduciary duty as personal representative of the above-named estate; 2. The Court find that Christopher O'Neal's breach cost the estate the amount of \$128,600, and surcharge him that amount; 3. The Court make an order that Western Surety Company, or any successor of that company, be ordered to pay the bond of \$50,000 to the PA; and 4. The Court make any other proper orders. 	
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
	Please see additional page for Objection	Reviewed by: LV
		Reviewed on: 03/11/2015
		Updates:
		Recommendation:
		File 1 – O'Neal

Objection to Petition for an Order of Surcharge and Demand for Evidentiary Hearing After Completion of Discovery filed on 03/09/2015 by Attorney Timothy J. Tomlin for Western Surety Company states they object to the Petition for surcharge filed by the Fresno County Public Administrator and requests an evidentiary hearing be set in late 2015 to permit WSC sufficient time to defend the allegations raised in the petition.

WSC issued a \$50,000.00 fiduciary bond to secure the faithful performance of fiduciary Christopher O'Neal as administrator. As such, it may be jointly and severally liable for any defalcations committed by Mr. O'Neal. WSC is an "interested person" in this proceeding and is entitled to participate in discovery and otherwise defend the surcharge claim to minimize any potential exposure on the administrator bond.

WSC and the personal representative Christopher O'Neal are entitled to an evidentiary hearing on the allegations raised. Each of the categories of alleged misconduct and related issues must be fully explored prior to the imposition of any surcharge. Ultimately, a trial may have to be set if a settlement cannot be reached and evidence hearing on the allegations. The Court should afford WSC and Mr. O'Neal with an opportunity to defend the allegations. This prevents the injustice of binding the principal and the sureties to the consequences of a proceeding in which there has been an insufficient opportunity to engage in discovery, present evidence, and cross examine the witnesses.

For the foregoing reasons, WSC requests that the Court set an evidentiary hearing with a time estimate of three (3) days for a date in August, 2015.

Notice of Motion to Expunge Notice of Pendency of Action from Record

Age:		NEEDS/PROBLEMS/COMMENTS: <p style="text-align: center;"><u>OFF CALENDAR</u> Request for Dismissal filed by Petitioner on 03/10/15</p>
DOD:		
Cont. from		
<input type="checkbox"/>	Aff.Sub.Wit.	
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<input type="checkbox"/>	Not.Cred.	
<input type="checkbox"/>	Notice of Hrg	
<input type="checkbox"/>	Aff.Mail	
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<input type="checkbox"/>	Pers.Serv.	
<input type="checkbox"/>	Conf. Screen	
<input type="checkbox"/>	Letters	
<input type="checkbox"/>	Duties/Supp	
<input type="checkbox"/>	Objections	
<input type="checkbox"/>	Video Receipt	
<input type="checkbox"/>	CI Report	
<input type="checkbox"/>	9202	
<input type="checkbox"/>	Order	
<input type="checkbox"/>	Aff. Posting	
<input type="checkbox"/>	Status Rpt	
<input type="checkbox"/>	UCCJEA	
<input type="checkbox"/>	Citation	
<input type="checkbox"/>	FTB Notice	
		Reviewed by: JF
		Reviewed on: 03/11/15
		Updates:
		Recommendation:
		File 2 – O'Hannesian

DOD: 10/18/12		PUBLIC ADMINISTRATOR , Conservator of the Estate, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: <u>CONTINUED FROM 02/09/15 Minute Order from 02/09/15 states: Ms. Amador states 45 days is necessary for the Public Guardian to issue subpoena's regarding the missing monies.</u>
		Account period: 06/26/12 – 10/18/12	
		Accounting - \$733,869.23	
		Beginning POH - \$655,215.93	
		Ending POH - \$578,727.55	
		Subsequent account period: 10/19/12 – 02/20/14	
		Accounting - \$728,711.54	
		Beginning POH - \$578,727.55	
		Ending POH - \$605,382.95	
		(\$62,645.20 is cash)	
		Conservator - \$7,482.62 (26.09 staff hours @ \$76/hr. and 57.29 deputy hours @ \$96/hr.)	
		Attorney - \$2,500.00 (ok per Local Rule)	
		Bond fee - \$769.44 (ok)	
		Costs - \$539.00 (filing fees and certified copies)	
		Petitioner states that the conservatee has a trust and her assets will pass to that trust. Michael Smith, conservatee's son, is the trustee of her trust. Petitioner requests distribution of the remaining cash of \$51,354.17 and personal and real property be made to her son, in his capacity as trustee of her trust.	
		Petitioner prays for an Order:	
		1. Finding that the conservatorship of the person and estate terminated on 10/18/12, the conservatee's date of death;	
		2. Approving, allowing and settling the first and final account;	
		3. Authorizing the conservator and attorney fees and commissions;	
		4. Authorizing payment of the bond fee and costs; and	
		5. Authorizing distribution of the balance of property as stated in the Petition (and above).	
		Continued on Page 2	
2620 n/a			
<input checked="" type="checkbox"/> Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		Reviewed by: JF	
		Reviewed on: 03/10/15	
		Updates:	
		Recommendation:	
		File 4 – Smith	

Objection to First and Final Account and Report of Conservator and Petition for Distribution filed 04/22/14 by Mike (Butch) Smith, Jr. states:

1. The Petition for Distribution requests to distribute the remaining assets of the conservatorship estate to the conservatee's trust – to Michael Smith, as trustee of that Trust.
2. Petitioner reports that the conservatorship estate is holding cash assets in the amount of \$62,645.29 and other non-cash assets.
3. Objecting party alleges that the Jean Smith conservatorship estate owes Ben Smith (conservatee's husband) \$116,398.12 [itemization and reasoning provided].
4. Objector further alleges that the conservatee owes \$6,203.99 to the State of California for the 2011 tax year and states this should be cleared before distribution of the conservatorship estate.

Declaration of Randolph Krbecek Regarding Status Hearing filed 12/10/14 states: The Conservatee's husband, Ben Smith, was also subject to conservatorship in Fresno County. Mr. Smith died on 06/28/14. According to the records provided by the Public Guardian, the conservatorship estate of Ben Smith has made payments to Gary Istanbulian, CPA for tax services for both conservatorship estates. This conservatorship is not ready to be closed because 2012 tax returns have not been completed. Likewise, the 2012 and 2013 tax returns have not been completed for Ben Smith's conservatorship estate. In November, 2014 Mike (Butch) Smith, was asked to provide 1099's for Ben Smith's trust assets, which were delivered to the Public Guardian on 12/03/14. Another problem that has come to their attention is regarding a promissory note payable by Mahill Farms. The Public Guardian collected payments for 2012, 2013 and 2014 and deposited all of the funds into the Jean Smith conservatorship estate totaling \$146,941.20. The Mahill Farms note was not community property, but was payable to Jean and Ben Smith as joint tenants. Jean Smith died before the end of 2012, such that the 2013 and 2014 payments should go entirely to the Ben Smith conservatorship estate. The Public Guardian transferred \$88,980.40 to Ben Smith's conservatorship estate and Mr. Krbecek calculates that another \$33,470.60 is still owed to his estate. Despite written requests, the owing sum has not been transferred.

Declaration of Michael H. Smith, Sr. filed 12/12/14 states: he was the original petitioner in this conservatorship matter as Dorothy Smith is his mother. Upon being appointed, the Public Guardian (PG) began identifying and marshal estate assets. In this care, assets included community property assets belonging to Conservatee and her husband, Ben Smith. At the time the PG was appointed, Ben had delegated responsibility for management of his estate, including his interest in community property assets by a power of attorney to his grandson, Michael H. Smith, Jr. ("Butch"). Ben suffered from dementia and was unable to manage his own affairs at that time. In usual circumstances, the spouse of a conserved person will manage community property assets owned by the Conservatee, however the statute addressing these circumstances doesn't allow a 3rd person to do so under a power of attorney. Therefore, the PG sought and obtained an Order from the Court permitting their office to marshal and manage all community property assets belonging to Conservatee and her spouse. Ben was subsequently conserved also with the PG service as Conservator of his person and estate, although Butch continued to manage certain separate property assets belonging to my father. These assets were held in a Trust with Butch named as trustee. Declarant states that he has consistently worked with the PG to collect and provide the information they need, but Butch has better access to Ben's financial records and has personal knowledge of numerous acts he took on Ben's behalf.

Continued on Page 3

The PG has been attempting to complete the final account and obtain approval of a Petition for distribution of Conservatee's assets pursuant to her estate plan since March 2014. After objections were lodged to this petition, an extensive review and analysis of the account, including credits and debits owed between Conservatee's estate and Ben's estate followed. Declarant is aware that certain significant community funds belonging to Conservatee and Ben were not accounted for. Namely, Ben sold a cattle operation, which was a community asset, in late 2009 or early 2010. Prior to succumbing to dementia, Conservatee indicated that she had not been informed by either Ben or Butch about what had happened to the proceeds of the sale, although she repeatedly asked for the information. Declarant states that he knows that the proceeds of the sale of the business were delivered to Butch who was acting under his power of attorney. Further, declarant states that there were 2 separate checks made out either to Ben alone or Ben and Dorothy together both in excess of \$50,000.00 and both were delivered to Butch. Shortly after the sale, a Trust was ostensibly set up by Ben for the benefit of Butch, naming Butch as trustee. Declarant states that Butch has substantial cash assets in this trust. The PG needs to marshal this asset and divide it appropriately between Ben and Dorothy's respective conservatorship accounts. Requests for information have been made to Butch's attorney but no response has been received. Despite frequent request from the PG's office, Butch has failed or refused to provide any information regarding the source of the funds ostensibly used by Ben to set up the trust in Butch's name. It is quite possible that community funds were inappropriately used to fund the trust without Dorothy's agreement or knowledge. It is also possible that Butch abused his position as Ben's agent under the power of attorney by directing funds belonging to both Ben and Dorothy for his own benefit.

Declarant and his brother are the sole beneficiaries of Dorothy's estate and have been waiting 2 years for distribution of her estate to occur. Declarant requests that the Court direct Butch and/or his attorney to provide the requested information to the PG without further delay so the final account can be completed and the Petition for Distribution can be addressed by the Court.

Declaration of Randolph Krbecek Regarding Status Hearing filed 02/03/15 states: On 12/03/14, the Public Guardian provided tax returns for the 2010 and 2011 tax years, included with the returns was an amendment and notes. The Jean Smith Conservatorship estate is not ready to be closed because the 2012 income tax returns have not been completed.

Declaration of Mike "Butch" Smith, Jr. regarding Cattle Payments filed 02/03/15 states: at the last hearing on 12/15/14, Judge Hamlin ordered Mike "Butch" Smith, Jr. (Declarant) to provide counsel all information regarding payments received from the sale of the cattle. Butch states that he does not have any documents reflecting any payments received from the sale of his grandparents' cattle. Mike Smith, Sr. claims that one cattle payment was made by Western Stockman's Market and that a second cattle payment was made by Harris Feeding Company and Cattle Sales. Butch states that he recalls that there were two payments and both checks were delivered to Ben Smith to deposit. He does not know what happened to the checks after they were delivered to Ben. He did not receive any of the proceeds from the sale of the cattle. All documentation regarding the cattle checks was taken from the house by Mike Smith, Sr. Butch states that he does have documentation regarding the January 2010 payment on the Mahill note that was a joint asset of Ben and Jean Smith until her death. Butch provides a scanned copy of a deposit slip for \$48,980.40 which Ben Smith deposited on 01/06/10 at 9:11 am. Butch states that Mike Smith, Sr. received \$51,000.00 from Ben Smith's account immediately thereafter and provides a scanned copy of a deposit slip. Butch states that he remembers the day that Ben made this deposit and alleges that Mike Smith, Sr., took Ben to the bank to make the deposit and transfer. Later that evening Ben told Butch that he was missing some money and provided him copies of the bank slips. When they contacted Mike Smith, Sr. regarding the transaction he stated that Dorothy Jean Smith (conservatee) had requested that the transaction take place. Butch alleges that Mike Smith, Sr. absconded with \$51,000.00 from Ben Smith's account. This information has been submitted to the Public Guardian, but nothing has been done to recover this money for the benefit of Ben Smith.

Continued on Page 4

Status Report Regarding Non-Cooperation of Grandson filed 02/03/15 states: the minute order from the last hearing on 12/15/14 ordered Michael Smith, Jr. ("Butch") to provide counsel all information regarding payments received from the sale of cattle. It is unknown if Butch provided the information to his counsel, but the information has not been given to the Public Guardian. A reminder and additional request was sent to Mr. Krbecek on 01/21/15. No response was received. The public guardian has provided the tax returns for years 2010 and 2011 to Mr. Krbecek and he has told him that the returns for 2012 and 2013 are not yet complete and cannot be completed until Butch provides the information that he was ordered to provide. It is anticipated that rather than provide the information or an explanation as to why he has not, Mr. Krbecek will again deflect any responsibility from his client for failing to provide the information. This really is so simple. Butch needs to provide his attorney, who in turn needs to provide an explanation of the whereabouts or expenditure of funds as ordered by the court, with this information this matter can be resolved.

Declaration of Catherine A. Amador Re: Request to Conservator to Retain Funds in Conservatee's Account filed 02/06/15 states: In December 2014, the Court ordered Butch to produce certain specific financial information regarding the amount and disposition of the proceeds from the 2010 sale of the community property cattle operation. This information is required to complete tax returns for both Dorothy and Ben Smith. It is also required so that the Public Guardian can determine the appropriate distribution of funds from the Conservatorship estate of Ben Smith, including payments owed to the Conservatorship estate of Dorothy Smith. Declarant states that the proceeds from the sale of the cattle operation were received and retained by Butch, ostensibly on behalf of Ben. It is necessary to determine the amount of the sale proceeds and to account for any amount owed to Dorothy's estate before either estate can be distributed to their respective heirs. The Public Guardian received the final payment on a note owed to Ben Smith in the amount of \$48,000 in December 2014. Declarant requested that the Public Guardian retain these funds in Ben's Conservatorship account to ensure that adequate funds remain in his Conservatorship account to pay Dorothy's estate her share of the proceeds from the cattle operation sale. To the best of Declarant's knowledge, Butch has not yet provided the information ordered by the Court. Status of the ordered information has been requested at least twice of Butch's counsel without a reply.

Petition for Settlement of First and Account and Report of Successor Administrator

DOD: 02/18/10		<p>BRUCE BICKEL, Successor Administrator, is Petitioner.</p> <p>Account period: 04/14/14 – 01/15/15</p> <p>Accounting - \$108,980.66 Beginning POH - \$108,977.67 Ending POH - \$108,524.66 (all cash)</p> <p>Administrator - not addressed Attorney - not addressed</p> <p>Creditor's Claim filed by the DHS in the amount of \$163,847.89</p> <p>Petitioner prays for an Order that:</p> <ol style="list-style-type: none"> The First Account and Report of Petitioner as Successor Administrator be settled, allowed and approved as filed; All acts, transactions, sales, and proceedings of the personal representative be ratified, approved, and confirmed; That the Successor Administrator has in his possession belonging to the estate \$108,524.66 cash. <p>Objections to Petition for Settlement of First Account and Report of Successor Administrator filed 02/17/15 states: in the First Account and Report of Successor Administrator, the Successor Administrator identified 4 cashier's checks as being assets of the decedent. Objector alleges that these 4 cashier's checks are his property and not an asset of the estate and has filed a <i>Petition to Determine Ownership of Estate Property and for an Order Authorizing and Directing the Personal Representative to Transfer Property Held in the Trust Estate</i> (See page 6B).</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need Order.</p>	
Cont. from				
<input type="checkbox"/>	Aff.Sub.Wit.			
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<input checked="" type="checkbox"/>	FTB Notice			
		<p>Reviewed by: JF</p> <p>Reviewed on: 03/11/15</p> <p>Updates:</p> <p>Recommendation: File 6A - Girazian</p>		

DOD: 3-26-14	<p>RAMON GUIBA, Spouse, is Petitioner and requests appointment as Administrator with bond (amount not stated).</p> <p>Full IAEA – ok</p> <p>Decedent died intestate</p> <p>Residence: Clovis, CA</p> <p>Publication: Fresno Business Journal</p> <p>Estimated Value of Estate: Blank</p> <p>Probate Referee: Rick Smith</p> <p>Angela Burke, Daughter, filed an Objection on 1-22-15. Objector states the decedent was survived by three children: Objector Angela Burke, her brother Antonio L. Alcorta, Jr., and her sister, Alicia N. Alcorta. Objector notes that Petitioner did not identify Alicia N. Alcorta in Section 8 of the Petition. Objector objects to the petition on the grounds that: a) Petitioner is not suitable to serve as administrator, and b) there are no assets in the estate. Petitioner has been in and out of jail multiple times over the last several years, is largely unable to read or write, and would be unable to manage the estate. Following the decedent's death, Objector had to assist Petitioner with opening his own checking account and provided him with \$200.00 of her own funds. Objector also took responsibility for paying a number of the decedent's bills after her death, including using \$21,000.00 of her own money to pay off the balance remaining on the decedent's car loan. Objector states the decedent left no assets to probate. The decedent did not own real property or personal property of any significance. The decedent had a life insurance policy, which Petitioner applied for and collected the whole of the proceeds, believed to be \$100,000.00. Objector further points out that Petitioner has failed to identify any purported assets or the value for purposes of calculating bond. In short, Objector asserts that Petitioner fails to state facts sufficient to support the granting of the petition and the opening of a probate, and requests the Court deny the petition.</p> <p>If the Court finds that a probate is appropriate, Objector states the Public Administrator is a more suitable choice.</p> <p>Status Report filed 2-9-15 by Attorney Fanucchi states he is investigating whether a time share in Maui, HI may be an asset. Additional time is requested. Petitioner has not been able to ascertain the decedent's assets because it is alleged that the decedents' daughter went to the decedent's home and removed all documents before the spouse arrived home.</p>	NEEDS/PROBLEMS/COMMENTS:
		Continued from 12-15-14, 2-9-15.
		SEE PAGE 2
Cont from 121514, 020915		
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<input type="checkbox"/> UCCJEA		
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		Reviewed by: skc
		Reviewed on: 3-10-15
		Updates:
		Recommendation:
		File 9 - Guiba

Page 2

NEEDS/PROBLEMS/COMMENTS:**The following defect remains noted:**

1. **Need Estimated Value of Estate. Probate Code §8002(a)(4). This information is necessary for bond calculation.**

Supplement to Petition filed 2-26-15 states the character and estimated value is unknown except for real property with estimated value of \$1,000.00. Petitioner has requested from Hilton Grand Vacations the encumbrance owed on the time share in Maui and its value as of the decedent's date of death. Petitioner believes that at her death, the decedent was a co-owner of D. Danz & Sons, Inc. Petitioner has been unable to determine the value of the decedent's 50% interest in that corporation and business.

Petitioner's Declaration filed 2-26-15 states on 10-15-14, his attorney received a letter from Richard M. Aaron, Esq., enclosing a copy of the Declaration of Patricia J. Rader dated 4-18-14, wherein Ms. Rader declared that the decedent relinquished and assigned her entire interest in D. Danz & Sons, Inc., in 1993. As of this date, Antonio Alcorta, decedent's former spouse, the corporation, and Patricia J. Rader have failed to produce such relinquishment. It is highly suspicious that the copy of such document allegedly in the decedent's mother's possession was shredded after the decedent's death. At no time during his marriage did she ever mention that she had relinquished her co-ownership of the corporation. Approximately two months prior to her death, the decedent was having heated arguments with Antonio Alcorta because he was wanting to buy out her interest in the business and she did not want to sell. Said business was equally owned by Mr. Alcorta and the decedent pursuant to their Marital Settlement Agreement. Prior to her death, she was working full time at said business and was involved in the decision-making and management thereof.

Declaration of Angela Burke, Objector, filed 3-6-15 states the accusation that she entered their mother's home and removed all papers, documents, computer, insurance papers, documents of title, before the surviving spouse arrived home is false. She did not enter the home and remove any documentation papers or a computer. After her mother died, her spouse, Ramon Guiba, asked Objector for help because he did not know what to do as to her mother's affairs. At Mr. Guiba's request, Objector reviewed bills and other correspondence for him. She assisted him with payment of expenses, including payoff of the decedent's auto loan, which was over \$21,000, and helped him open his own checking account because he did not know how to do so. She provided \$200 to him to open the account.

Objector states her mother had a life insurance policy with no named beneficiary. Mr. Guiba presented collected the whole of the proceeds, which totaled \$100,000.00.

Mr. Guiba alleges that the decedent was a co-owner of D. Danz & Sons, Inc. Objector is informed and believes that her mother relinquished her interest in the corporation following her divorce in 1990. Exhibit A is a copy of the declaration of Patricia Rader, the decedent's mother, regarding the relinquishment.

Note: If granted, the Court will set status hearings as follows:

- **Monday 5-4-15 for filing of bond**
- **Monday 8-17-15 for the filing of the Inventory and Appraisal**
- **Monday 5-16-16 for the filing of the first account or petition for final distribution**

If the proper items are on file pursuant to Local Rules, the status hearings may be taken off calendar.

Atty Larson, Timothy J
 Atty THIRKELL, EDWARD D

Petition to Remove Co-Trustee; Accept Co-Trustee Resignation; and Appoint Neutral Third Party Trustee

Age:		NEEDS/PROBLEMS/COMMENTS: <p style="text-align: center;"><u>CONTINUED TO 04/08/15</u> Per request of counsel</p>
DOD:		
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
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Notice of Hrg		
Aff.Mail		
Aff.Pub.		
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Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
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Order		
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Status Rpt		
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Citation		
FTB Notice		
		Reviewed by: JF
		Reviewed on: 03/11/15
		Updates:
		Recommendation:
		File 10 - Gallardo

Status Hearing RE: Filing of the Second Amended First Accounting; and
 Ex Parte Petition for Extension of Time to File Final Account of Conservator

	<p>JOAN ST. LOUIS, Former Conservator, filed her First Amended First Account on 7-31-14 for account period 4-25-12 through 12-31-13.</p> <p>At hearing on 11-19-14, the Court took the First Amended First Account under submission.</p> <p>Pursuant to Order Granting Conservator Leave to Resign as Conservator of the Person and Estate filed 12-4-14, Mrs. St. Louis' resignation would be effective at 12-31-14, and she was ordered to render a final account on or before 3-1-15.</p> <p>Subsequently, the Court's Order on First Amended First Account filed 2-10-15 denied the First Amended First Account and ordered that a Second Amended First Account be filed no later than 3-16-15.</p> <p>On 2-25-15, Mrs. St. Louis filed an Ex Parte Petition for Extension of Time to File Final Account, given that a Second Amended First Account is now required.</p> <p>On 3-2-15, the Court set this status hearing regarding the filing of the Second Amended First Account, and stated that it will address the Ex Parte Petition for Extension of Time to File Final Account at this hearing as well.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need Second Amended First Account (for account period 4-25-12 through 12-31-13). 2. Need Final Account (for account period 1-1-14 through 12-31-14). <p>Note: Proposed Order extends the time for filing the final account from 3-1-15 to 5-15-15.</p>
Aff.Sub.Wit.		
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Notice of Hrg		
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Video Receipt		
CI Report		
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Status Rpt		
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Citation		
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		Reviewed by: skc
		Reviewed on: 3-11-15
		Updates:
		Recommendation:
		File 14A - Bingham

DOD: 08/17/12	<p>EDWARD SIMPSON, brother, was appointed Administrator with Limited IAEA, without bond, with deposits of \$1,000,000.00 to be placed into a blocked account on 10/16/13. Letters of Administration were issued on 10/22/13.</p>	NEEDS/PROBLEMS/COMMENTS:		
<p>Cont. from 111513, 031714, 071514, 090914, 111014, 011215</p>	<p>Status Hearing Report filed 01/09/15 states: The Decedent was killed in an auto accident. After the accident the family learned that there was an insurance policy for \$1,000,000 and that an Administrator would be needed to handle the insurance matter and therefore Edward Simpson petitioned and was appointed as Administrator. In the car accident that killed decedent, there was a passenger who was injured and was seeking the full \$1,000,000 of insurance proceeds. The parties participated in mediation on 06/20/14 and settled the matter. There was some confusion on possible modifications to the settlement agreement and the final settlement agreement was approved by the Court in September. The Administrator was unsure if the estate was receiving part of the settlement or it was going to be given to the Decedent's son, who is his only heir. Clarification was received and it was confirmed that the estate will not be receiving any funds. A sum of money was placed into a blocked account according to a Minor's Compromise for the benefit of Decedent's son and when he turns 18, he will also start receiving structured lump sum payments. No receipt for deposit of funds into blocked account or Inventory & Appraisal can be filed because no funds will be distributed to the estate and there are no other assets in the estate. A Petition to Terminate proceedings will be prepared and a 60 day continuance is requested.</p>	<u>CONTINUED FROM 01/12/15</u>		
<table border="1"> <tr><td>Aff.Sub.Wit.</td><td></td></tr> </table>	Aff.Sub.Wit.			<p>1. Need Receipt & Acknowledgement of Order for the Deposit of Money into Blocked Account.</p>
Aff.Sub.Wit.				
<table border="1"> <tr><td>Verified</td><td></td></tr> </table>	Verified			<p>Note: It does not appear that an Order to Deposit Money into Blocked Account has been submitted/signed.</p>
Verified				
<table border="1"> <tr><td>Inventory</td><td></td></tr> </table>	Inventory			
Inventory				
<table border="1"> <tr><td>PTC</td><td></td></tr> </table>	PTC			
PTC				
<table border="1"> <tr><td>Not.Cred.</td><td></td></tr> </table>	Not.Cred.			
Not.Cred.				
<table border="1"> <tr><td>Notice of Hrg</td><td></td></tr> </table>	Notice of Hrg			
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<table border="1"> <tr><td>Aff.Mail</td><td></td></tr> </table>	Aff.Mail			
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<table border="1"> <tr><td>Aff.Pub.</td><td></td></tr> </table>	Aff.Pub.			
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<table border="1"> <tr><td>Sp.Ntc.</td><td></td></tr> </table>	Sp.Ntc.			
Sp.Ntc.				
<table border="1"> <tr><td>Pers.Serv.</td><td></td></tr> </table>	Pers.Serv.			
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<table border="1"> <tr><td>Conf. Screen</td><td></td></tr> </table>	Conf. Screen			
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<table border="1"> <tr><td>Letters</td><td></td></tr> </table>	Letters			
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<table border="1"> <tr><td>Duties/Supp</td><td></td></tr> </table>	Duties/Supp			
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<table border="1"> <tr><td>Objections</td><td></td></tr> </table>	Objections			
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<table border="1"> <tr><td>Video Receipt</td><td></td></tr> </table>	Video Receipt			
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<table border="1"> <tr><td>CI Report</td><td></td></tr> </table>	CI Report			
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<table border="1"> <tr><td>9202</td><td></td></tr> </table>	9202			
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<table border="1"> <tr><td>Order</td><td></td></tr> </table>	Order			
Order				
<table border="1"> <tr><td>Aff. Posting</td><td></td></tr> </table>	Aff. Posting			
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<table border="1"> <tr><td>Status Rpt</td><td></td></tr> </table>	Status Rpt			
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<table border="1"> <tr><td>UCCJEA</td><td></td></tr> </table>	UCCJEA			
UCCJEA				
<table border="1"> <tr><td>Citation</td><td></td></tr> </table>	Citation			
Citation				
<table border="1"> <tr><td>FTB Notice</td><td></td></tr> </table>	FTB Notice			
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<table border="1"> <tr><td>Reviewed by: JF</td></tr> </table>	Reviewed by: JF			
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<table border="1"> <tr><td>Reviewed on: 03/11/15</td></tr> </table>	Reviewed on: 03/11/15			
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<table border="1"> <tr><td>Updates:</td></tr> </table>	Updates:			
Updates:				
<table border="1"> <tr><td>Recommendation:</td></tr> </table>	Recommendation:			
Recommendation:				
<table border="1"> <tr><td>File 15A – Simpson</td></tr> </table>	File 15A – Simpson			
File 15A – Simpson				

Status Hearing Re: Filing of the Inventory and Appraisal

DOD: 08/17/12	EDWARD SIMPSON , brother, was appointed Administrator with limited IAEA, without bond, with deposits of \$1,000,000.00 to be placed into a blocked account on 10/16/13.	NEEDS/PROBLEMS/COMMENTS:
Cont. from 012114, 031714, 071514, 090914, 111014, 011215	Letters of Administration were issued on 10/22/13.	<u>CONTINUED FROM 01/12/15</u>
Aff.Sub.Wit.	Minute order dated 8/20/13 set this status hearing for the filing of the inventory and appraisal.	1. Need inventory and appraisal.
Verified	Status Hearing Report filed 01/09/15 states: The Decedent was killed in an auto accident. After the accident the family learned that there was an insurance policy for \$1,000,000 and that an Administrator would be needed to handle the insurance matter and therefore Edward Simpson petitioned and was appointed as Administrator. In the car accident that killed decedent, there was a passenger who was injured and was seeking the full \$1,000,000 of insurance proceeds. The parties participated in mediation on 06/20/14 and settled the matter. There was some confusion on possible modifications to the settlement agreement and the final settlement agreement was approved by the Court in September. The Administrator was unsure if the estate was receiving part of the settlement or it was going to be given to the Decedent's son, who is his only heir. Clarification was received and it was confirmed that the estate will not be receiving any funds. A sum of money was placed into a blocked account according to a Minor's Compromise for the benefit of Decedent's son and when he turns 18, he will also start receiving structured lump sum payments. No receipt for deposit of funds into blocked account or Inventory & Appraisal can be filed because no funds will be distributed to the estate and there are no other assets in the estate. A Petition to Terminate proceedings will be prepared and a 60 day continuance is requested.	Reviewed by: JF
Inventory		Reviewed on: 03/11/15
PTC		Updates:
Not.Cred.		Recommendation:
Notice of Hrg		File 15B – Simpson
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		

DOD: 08/17/12	<p>EDWARD SIMPSON, brother, was appointed Administrator with limited IAEA, without bond, with deposits of \$1,000,000.00 to be placed into a blocked account on 10/16/13.</p> <p>Letters of Administration were issued on 10/22/13.</p> <p>Minute order dated 8/20/13 set this status hearing for the filing of the First Account and/or Petition for Final Distribution.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>CONTINUED FROM 01/12/15</u></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 102314, 111014, 011215		
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		
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CI Report		
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Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
	Reviewed by: JF	
	Reviewed on: 03/11/15	
	Updates:	
	Recommendation:	
	File 15C – Simpson	

