

**Petition for Terminating Further Proceedings and Discharging Personal Representative in Absence of Assets Subject to Probate**

<b>DOD: 12/19/03</b>		<p><b>ROSEMARIE LAHR</b>, Administrator, is Petitioner.</p> <p><b>Petitioner states:</b></p> <ol style="list-style-type: none"> <li>The assets of the decedent's that have come into her possession consist of a 2002 Kawasaki motorcycle, a travel trailer, some second hand furniture and Wells Fargo Bank Acct. ending in 3484 valued at \$1,167.43.</li> <li>Decedent's children removed decedent's firearms and tools and other miscellaneous items of tangible personal property before and shortly after decedent's death. Since the decedent's children would have been entitled to two-thirds of decedent's property, and since the estate did not have sufficient assets to recover the property, Petitioner did not proceed legally to recover the property.</li> <li>Petitioner sold the travel trailer for \$1,000.00 and the Kawasaki Motorcycle for \$6,000.00. The second hand furniture was in poor condition so Petitioner donated it charity.</li> <li>The total cash that has come into Petitioner's possession from the sales of the trailer and motorcycle, and from the cash in the Wells Fargo account total \$8,167.43.</li> <li>Petitioner was appointed with bond in the amount of \$50,000.00, the premium on the bond is \$250/yr. and is currently paid through May 2014. Total bond premiums for the bond from 06/08/04 – 05/25/14 amounts to \$2,500.00.</li> <li>At the time of his death, Decedent owed \$8,865.99 on his credit card for the purchase of the Kawasaki motorcycle. A Creditor's claim was filed by Capital One in the amount of \$8,865.99. A settlement was negotiated to settle the debt for \$6,649.49.</li> <li>Decedent also owed \$318.35 to Sprint PCS that was settled for \$228.84.</li> </ol> <p style="text-align: center;"><b>Continued on Page 2</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Note:</b> Petitioner mailed the Notice of Hearing to decedent's children to their last known addresses; but she is not sure if those addresses are still good.</p> <p>No Inventory &amp; Appraisal was filed in this matter.</p>
<b>Cont. from</b>			
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/>	<b>Verified</b>		
<input type="checkbox"/>	<b>Inventory</b>		
<input type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>		
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>		
<input checked="" type="checkbox"/>	<b>Aff.Mail</b> w/		
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input type="checkbox"/>	<b>Letters</b> 06/08/04		
<input type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		
<b>Reviewed by:</b> JF			
<b>Reviewed on:</b> 03/17/14			
<b>Updates:</b>			
<b>Recommendation:</b>			
<b>File 1 – Lahr</b>			

8. Expenses totaling \$9,043.33 have been paid on behalf of the estate. Petitioner personally paid the \$875.90 difference between estate assets and the estate expenses. Petitioner is waiving reimbursement of these costs advanced.
9. Attorney Rube has advance \$1,435.00 for bond premiums and filing fees. Mr. Rube is waiving reimbursement of these fees.
10. The estate is insolvent and has no assets to distribute.
11. Petitioner has had no contact with the decedent's children for the last 10 years and their current addresses are unknown.
12. Since the estate is insolvent and there are no assets to distribute Petitioner requests that the matter be dismissed and the bond be terminated or extinguished.

**Petitioner prays for an Order:**

1. Extinguishing or terminating American Contractors Indemnity Company Bond in the amount of \$50,000.00.
2. Terminating further proceedings for the administration of the estate.
3. Discharging petitioner as the personal representative of the estate.

Atty Neilson, Bruce A., sole practitioner (for Petitioner Diane Marie Lake, Administrator)

(1) Petition for Final Distribution on Waiver of Account and (2) for Allowance of Compensation for Ordinary Services

<b>DOD: 7/10/2004</b>		<p><b>DIANE LAKE</b>, daughter and Administrator with Full IAEA appointed on 9/21/2004 without bond, is Petitioner.</p> <p>Accounting is waived.</p> <p>I &amp; A — <b>\$235,000.00</b>                  POH — <b>\$160,435.62</b>                  (\$160,435.62 is cash)</p> <p>Administrator — <b>waives</b>                  (statutory)</p> <p>Attorney — <b>\$7,981.83</b>                  (statutory)</p> <p>Attorney XO — <b>waives</b>                  (extraordinary services of \$1,000.00 for preparing documents and other services in connection with the sale of real property;)</p> <p><b>Distribution pursuant to intestate succession is to:</b></p> <p>DIANE M. LAKE – <del>\$76,230.61 cash?</del> <b>\$76,226.90 cash;</b></p> <p>DENICE K. MITCHELL – <del>\$76,230.61 cash?</del> <b>\$76,226.90 cash;</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. <i>Exhibit A, Creditor's Claims</i> states the <i>Creditor's Claim</i> filed by <b>LAWRENCE DUNHAM</b> (in proper) on 1/13/2005 for the amount of <b>\$7,500.00</b> was allowed and paid with non-probate assets (Court records do not show that Petitioner filed an <i>Allowance of Creditor's Claim</i> pursuant to Probate Code § 9250(b).) Need satisfaction and receipt of payment from Lawrence Dunham to be filed with the Court. (Note: <i>Withdrawal of Claim</i> filed 2/13/2014 shows the <i>Creditor's Claim</i> of St. Agnes Medical Center filed on 11/30/2004 for the amount of <b>\$6,810.00</b> was withdrawn as satisfied by insurance payment.)—<i>Allowance of Creditor's Claim</i> filed 3/19/2014. Receipt attached signed by Lawrence Dunham dated 3/4/2005.</p> <p><b>~Please see additional page~</b></p>
<b>Cont. from</b>			
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/>	<b>Verified</b> ?		
<input checked="" type="checkbox"/>	<b>Inventory</b>		
<input checked="" type="checkbox"/>	<b>PTC</b>		
<input checked="" type="checkbox"/>	<b>Not.Cred.</b>		
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>		
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>		
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input type="checkbox"/>	<b>Letters</b> 070705		
<input type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b> N/A		
		<p><b>Reviewed by:</b> LEG</p> <p><b>Reviewed on:</b> 3/17/14</p> <p><b>Updates:</b> 3/19/14</p> <p><b>Recommendation:</b> SUBMITTED</p> <p><b>File 2 – Schraut</b></p>	

**NEEDS/PROBLEMS/COMMENTS, continued:**

2. *Petition* is dated and signed at Page 6 by Petitioner **DIANE MARIE LAKE**, with the date of **8/8/2006**. *Verification* attached to the *Petition* is similarly dated **8/8/2006** by Petitioner Diane Marie Lake. Additionally, the two *Waiver of Account by Distributee* documents signed by Petitioner and distributee, **DENICE KAY MITCHELL**, are dated **8/8/2006**. *Petition* does not explain the 2006 dates contained on the signature page and verification page, nor on the two *Waiver of Account by Distributee* documents, each filed on 2/13/2014 simultaneously with the instant *Petition for Final Distribution on Waiver of Account and Allowance of Compensation* to the attorney (the Petitioner's compensation is waived.) Most importantly, given that the instant *Petition for Final Distribution on Waiver of Account* was filed 2/13/2014, it seems reasonable that Petitioner should sign and date a recent *Verification* page to the instant *Petition*, since Petitioner having signed and dated her *Verification* in August of 2006 may not necessarily show, as is represented under penalty of perjury, that she "read the foregoing *Petition* and knows the contents thereof."—  
*Supplemental Declaration in Support of Petition for Final Distribution filed 3/19/2014 includes current Verification page signed by Petitioner Diane Marie Lake (however, the year is omitted from the date of March 18<sup>th</sup>.)*
3. Proposed order finds in Paragraph 3 that the attorney's statutory fee is **\$7,974.39**, while the correct statutory attorney fee as stated in the *Petition* is **\$7,981.83**. Additionally, proposed order finds in Paragraph 8 that the distributees shall each receive **\$76,230.62** cash from the estate; however, based upon the statutory attorney fee and the amount of cash on hand stated in the *Petition*, the amount distributable to each distributee appears to be **\$76,226.90**. Need clarification or revised proposed order containing correct distributions amounts.—*Revised proposed order submitted 3/19/2014.*

***Supplemental Declaration in Support of Petition for Final Distribution filed 3/19/2014*** states at the time of preparation of the *Petition for Final Distribution* in this matter in August of 2006, Attorney Neilson was in the midst of preparing to move his law office and reorganize his files as a result of the death of his law partner, J. Douglas MacArthur; while the petition had been completed and signed by Petitioner, somehow the file was packed and stored and the petition never filed; when he received notice from the Court as to the status of this case, he researched his files, and found and filed the pending petition; he has discussed this with the Petitioner and the other sole heir, who are aware of the mix-up, and they ask that the Court approve the *Petition* and excuse the late filing.



**Declaration of Thomas J. Keene states** the heirs to the estate waived bond and the principal asset of the estate, the real property, was sold on or about 10-26-06. From the escrow proceeds, \$10,023.97 was placed in the attorney trust account based on the estimated fees and costs at closing. Pursuant to an agreement of the heirs, \$72,000.00 was also paid to Jewel C. Heck, one of the heirs, for her interest in the property, and with her agreement, nothing was paid to Tracy L. Erskine, the second of the three heirs. The attorney was under the impression until very recently that the balance of the proceeds were paid to Administrator Adam Bryant. Although he asked for it, the attorney was never provided with a copy of the purchase and sale agreement, the escrow instructions, or the closing statement. After escrow closed in October 2006, the firm had difficulty contacting Mr. Bryant. When he had not heard from him by October 2007, the attorney sent via certified mail the forms for Allowance or Rejection of Creditor's Claim. In April 2008, Mr. Bryant resurfaced and signed the allowances. He was to provide a check to pay these claims, but he has never done so. When he once again failed to stay in touch, the attorney sent another certified letter that the firm would pay the claims if he would simply cooperate to close the estate. When he had not heard from Mr. Bryant by July 2009, he directed staff to pay the claims in order to put the estate in a condition to be closed. On 1-21-14, the attorney sent a letter to Mr. Bryant with a copy of the Notice of Status Hearing. In preparation of the Status Hearing Report, which was never filed because this account was filed, it came to the attorney's attention that Mr. Bryant was himself the purchaser of the property. It should be noted that the other heirs agreed to the terms and assigned their respective interests to Mr. Bryant. At the time of the status hearing, he had a client who had not communicated since 2008 and funds sitting in the trust account. All creditor's claims were paid and the estate was in a condition to be closed; however, a petition could not be filed without Mr. Bryant's signature. His letter of 1-21-14 advising Mr. Bryant of the ramifications of not appearing finally achieved what the attorney had been trying to do for six years – it got his client to come see him. In the attorney's opinion, he never abandoned this case, but his client did.

Attorney Keene states the full sum of the \$10,023.97 is the cash on hand in the estate. The proposed disposition is as follows:

Attorney Statutory Compensation:	\$5,584.02
Reimbursement of Costs:	\$2,761.34
Closing Reserve:	\$1,500.00
Distribution to Adam Bryant:	\$178.61

**(1) Report and Final Account of Administrator, (2) Petition for Reimbursement to Administrator for Costs Advanced and (3) Attorney's Compensation and (4) for Final Distribution**

<b>DOD: 4/5/2000</b>		<b>DANIEL DIAZ</b> , Administrator, is petitioner.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Continued from 2/4/2014. As of 3/17/14 the following issue remains:</b></p> <p>1. Petition request distribution of 1/5 interest in the estate to the decedent's grandson, Joseph Diaz, son of James Diaz. At the time the estate was opened in 2006 James Diaz, son, was alive and therefore his share of the estate must be distributed to him or his estate and not to his son, Joseph Diaz. - Declaration under Probate Code §13100 re: transfer of personal property filed on 1/28/14. A declaration under Probate Code §13100 <b>can only be used for personal property</b>. The petition requests that Joseph receive his father's share of the real property. <b>Therefore a declaration under Probate Code §13100 cannot be used in this situation.</b> (In addition the declaration is not notarized as required.)</p>
		Account period: 10/24/06 – 8/31/13	
		Accounting - <b>\$23,000.00</b>	
		Beginning POH - <b>\$23,000.00</b>	
		Ending POH - <b>\$23,000.00</b>	
<b>Cont. from 102213, 111913, 010714, 020414</b>		Administrator - <b>waives</b>	
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>	Attorney - <b>\$920.00</b>	
<input checked="" type="checkbox"/>	<b>Verified</b>	(statutory)	
<input checked="" type="checkbox"/>	<b>Inventory</b>	Costs - <b>\$1,065.00</b>	
<input checked="" type="checkbox"/>	<b>PTC</b>	(filing fees, publication, probate referee, certified copies)	
<input checked="" type="checkbox"/>	<b>Not.Cred.</b>	<b>Distribution, pursuant to intestate succession, is to:</b>	
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>	Virginia Macias, Daniel Diaz, Rachael Garcia, Patricia Contreras and Joseph Diaz, 1/5/ interest each in real property.	
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>		
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input checked="" type="checkbox"/>	<b>Letters</b>	10/24/06	
<input type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input checked="" type="checkbox"/>	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		
			<b>Reviewed by: KT</b>
			<b>Reviewed on: 3/17/14</b>
			<b>Updates:</b>
			<b>Recommendation:</b>
			<b>File 4 – Diaz</b>

**(1) Second and Final Account and Report of Conservators of the Estate of Conservatee, Petition for Approval and (2) Petition for Allowance of Attorney's Fees and (3) Petition for Discharge of Conservators**

<b>DOD: 11/03/13</b>	<b>ROBB P. MYERS and LYNN MYERS, Co-Conservators of the Estate, are Petitioners.</b>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. The Conservatee was residing in a care facility during the period of this accounting; therefore need original billing statements from the facility pursuant to Probate Code § 2620(c)(5).  <b>Note:</b> Per Petitioners, the facility statements are not available. The facility was paid directly by conservatee's insurance company and were not being paid by the conservatorship estate.</p>
	Account period: 07/01/12 – 11/03/13	
<b>Cont. from</b>	Accounting - \$48,217.09	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	Beginning POH - \$47,428.12	
<input checked="" type="checkbox"/> <b>Verified</b>	Ending POH - \$48,217.09	
<input type="checkbox"/> <b>Inventory</b>	Conservators - waived	
<input type="checkbox"/> <b>PTC</b>	Attorney - \$1,200.00 (OK per Local Rule)	
<input type="checkbox"/> <b>Not.Cred.</b>	Costs - \$435.00 (filing fees)	
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>	Petitioners state that the value of the conservatee's estate is less than \$150,000.00 and consists entirely of personal property. Conservatee's pour over will dated 12/04/08 devises her estate to The Rae Ann Marx 1996 Family Trust dated 06/27/96. The Trustees of the Rae Ann Marx 1996 Family Trust dated 06/27/96 have presented Petitioners with a Declaration under Probate Code § 13100-13116.	
<input checked="" type="checkbox"/> <b>Aff.Mail</b> w/		
<input type="checkbox"/> <b>Aff.Pub.</b>		
<input type="checkbox"/> <b>Sp.Ntc.</b>		
<input type="checkbox"/> <b>Pers.Serv.</b>		
<input type="checkbox"/> <b>Conf. Screen</b>		
<input type="checkbox"/> <b>Letters</b>		
<input type="checkbox"/> <b>Duties/Supp</b>		
<input type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>		
<input type="checkbox"/> <b>CI Report</b>		
<input checked="" type="checkbox"/> <b>2620(c)</b>		
<input checked="" type="checkbox"/> <b>Order</b>		
<input type="checkbox"/> <b>Aff. Posting</b>	<b>Petitioners pray for an Order:</b>	
<input type="checkbox"/> <b>Status Rpt</b>	<ol style="list-style-type: none"> <li>1. Approving, allowing and settling the second and final account;</li> <li>2. Authorizing the payment of attorneys fees and costs;</li> <li>3. Directing Petitioners to transfer the remaining assets of the conservatorship estate to the Trustees of the Rae Ann Marx 1996 Family Trust dated 06/27/96; and</li> <li>4. Terminating the Conservatorship of the Estate of Rae Ann Marx and discharging Petitioners as conservators and exonerating the bond.</li> </ol>	
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		
		<b>Reviewed by: JF</b>
		<b>Reviewed on: 03/17/14</b>
		<b>Updates: 03/18/14</b>
		<b>Recommendation:</b>
		<b>File 5 – Marx</b>

Atty Denning, Stephen M., sole practitioner (for Petitioner Jennifer R. Melton, Administrator)  
 Atty Moore, Susan L., of Pascuzzi, Moore & Stoker (for Objectors Susana Melton and Peter Melton)

**Amended (1) First and Final Account and Report of Administrator with Will Annexed and (2) Petition for Its Settlement, for Allowance of Compensation for Ordinary and Extraordinary Services, and for (3) Final Distribution**

<b>DOD: 4/27/2012</b>	<b>JENNIFER R. MELTON</b> , daughter and Administrator with Will Annexed with Limited IAEA authority, is Petitioner.	<b>NEEDS/PROBLEMS/ COMMENTS:</b>  Page <b>6B</b> is the Status Hearing.  <b>Continued from 2/13/2014.</b> Minute Order shows the matter was continued to 3/20/2014.  <hr/> <b>Reviewed by:</b> LEG <b>Reviewed on:</b> 3/17/14 <b>Updates:</b> <b>Recommendation:</b> File 6A – Melton
<b>Cont. from 010814, 021314</b>	<b>Account period: 11/13/2012 – 11/8/2013</b>	
	Accounting - <b>\$520,976.64</b>	
	Beginning POH - <b>\$302,500.00</b>	
	Ending POH - <b>\$485,020.48</b> (\$119,520.48 is cash)	
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified	Administrator - <b>\$13,419.53</b> <i>(statutory)</i>	
<input checked="" type="checkbox"/> Inventory		
<input checked="" type="checkbox"/> PTC	Attorney - <b>\$13,419.53</b> <i>(statutory)</i>	
<input checked="" type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg	Attorney XO - <b>\$1,000.00</b> <i>(per Local Rule 7.18, for court-confirmed sale of real property)</i>	
<input checked="" type="checkbox"/> Aff.Mail		
	Closing - <b>\$1,500.00</b>	
<input type="checkbox"/> Aff.Pub.		
<input checked="" type="checkbox"/> Sp.Ntc.	<b>Petitioner states:</b>	
<input type="checkbox"/> Pers.Serv.	<ul style="list-style-type: none"> <li>Decedent's Will was executed before he married <b>SUSANA MOGOLON-MELTON</b>, who is Decedent's surviving spouse;</li> <li>Susana is not provided for in the Will or any other testamentary instrument executed by Decedent; and it does not appear from any testamentary instrument executed by Decedent that his failure to provide for Susana was intentional;</li> <li>Decedent did not provide for Susan by any transfer outside of the estate, and Susan has not agreed in writing to waiver her right to a share in Decedent's estate;</li> <li>Susana is entitled to a share in the separate property of Decedent equal in value to that which she would have received if Decedent had died without having executed a testamentary instrument, up to ½ of the value of the separate property estate;</li> </ul>	
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters	111312	
<input type="checkbox"/> Duties/Supp		
<input checked="" 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		

~Please see additional page~

**Petitioner states, continued:**

- Decedent's Will provides for distribution of Decedent's tools to **FRANCIS MELTON, JR.**, and **THOMAS MELTON**; Petitioner is informed that all of Decedent's tools had previously been distributed to these persons; no tools have come into Petitioner's knowledge or possession;
- Decedent's Will provides for distribution of Decedent's fishing equipment to **RANDY GIN**; Petitioner is informed that all of Decedent's tools had previously been distributed to this person; no such fishing equipment has come into Petitioner's knowledge or possession;
- Decedent's Will provides for distribution of Decedent's automobile to **AARON WHALA**; at the time of his death, Decedent owned a 1985 Toyota pickup, and on 6/4/2013 Petitioner gave notice to all interested persons of her intent to sell the pickup; no objections having been received Petitioner sold the pickup to **RUSS MERRITT** for **\$2,000.00** cash; after deducting DMV fees of **\$295.00**, the balance of **\$1,705.00** will be distributed to **AARON WHALA** in satisfaction of this gift;
- Decedent's Will provides for distribution of Decedent's remaining personal property to **FRESNO WESTSIDE SEVENTH-DAY ADVENTIST CHURCH**, and the **FRESNO ASIAN SEVENTH-DAY ADVENTIST CHURCH**; Petitioner is informed that all of Decedent's personal property had previously been disposed of by Decedent; no such personal property has come into Petitioner's knowledge or possession;
- Decedent's Will provides for distribution of a part of the residue as follows: 75% of the estate to his issue who survive him; at Decedent's death, Decedent had 2 children who survived him: **JENNIFER RICHELE MELTON** and **PETER WILLIAM MELTON, JR.**; pursuant to Decedent's Will and subject to the interest of Decedent's surviving spouse in the estate, Decedent's children are entitled to share **75%** of the residue of Decedent's estate;
- Pursuant to Decedent's Will and subject to the interest of Decedent's surviving spouse in the estate, the **CENTRAL CALIFORNIA CONFERENCE ASSOC. OF SEVENTH-DAY ADVENTISTS OF CLOVIS** is entitled to share **25%** of the residue of Decedent's estate;
- Decedent's son, **PETER MELTON, JR.**, is a minor who is entitled to a share of the estate residue pursuant to Decedent's Will; Petitioner is not aware of the existence of a currently acting custodian for the minor under the California Uniform Transfer to Minors Act (CUTMA); accordingly, pursuant to the power given to the personal representative in Decedent's Will, Petitioner appoints the minor's mother, **SUSAN MOGOLON-MELTON**, as custodian of the minor under the CUTMA until the minor reaches age 25.

**Amended Proposed Distribution pursuant to Decedent's Will based upon apportionment of shares under Probate Code § 21612 is to:**

- **SUSANA MOGOLON-MELTON** – real property on Robinson Ave., **32.77278%** in Decedent's **20%** interest in Melton Family Limited Liability Co, and **\$28,868.32 cash**;
- **JENNIFER R. MELTON** – **33.6136%** of Decedent's **20%** interest in Melton Family Limited Liability Co.;
- **PETER WILLIAM MELTON, Jr.** (a minor) – **33.6136%** of Decedent's **20%** interest in Melton Family Limited Liability Co., to be held by **SUSANA MOGOLON-MELTON** as **Custodian under CUTMA**, until he reaches age 25;
- **AARON WHALA** – **\$1,705.00 cash**;
- **CENTRAL CALIFORNIA CONFERENCE ASSOC. OF SEVENTH-DAY ADVENTISTS OF CLOVIS** – **25%** of residue consisting of **\$59,608.10 cash**;
- **JOHN MELTON** – Rover pontoon boat and Bass Tracker boat with outboard motor.



**7A John Areias Jr. Trust Share of the Mary Luis Areias Living Trust, udt 5/26/92**

Case No. 13CEPR00967

Atty Pedersen, Kris B. (for Petitioners Betty Martin and John L. Areias, III)  
 Atty Nahigian, Eliot S. (for Respondent/Objector John Areias, Jr., Trustee)

Verified Petition for Breach of Trust, Removal of Trustee and Appointment of Successor Co-Trustee

Mary Luis Areias DOD: 3-4-93	BETTY MARTIN and JOHN L. AREIAS, III, are Petitioners.	NEEDS/PROBLEMS/ COMMENTS:
	Petitioners state Respondent JOHN AREIAS, JR., is the Successor Trustee and income beneficiary of the JOHN AREIAS JR. TRUST SHARE. Petitioners are the daughter and son of JOHN AREIAS, JR., and are remainder beneficiaries with standing to bring this petition, and are also named successor trustees of the JOHN AREIAS JR. TRUST SHARE.	Continued from 12-31-13, 2-4-14
Cont. from 123113, 020414	Petitioners state Respondents DOES 1-10 are presently unknown. It is believed they are co-conspirators with John Areias, Jr., and as such are equally liable for the wrongdoing alleged herein. Petitioners state all respondents are responsibility for the conduct of the other respondents because of the conspiracy or because they are agents, joint venturers, or representatives of one another.	1. Petitioners state they are entitled to accounting as remainder beneficiaries. However, pursuant to Probate Code §16062(a), the trustee is required to account to a beneficiary to whom income or principal is required or authorized in the trustee's discretion to be <u>currently distributed</u> . Need clarification, authority.
<input type="checkbox"/> Aff.Sub.Wit.	Petitioners state John Areias, Jr., was previously represented by the Dias Law Firm, but have been informed that he is no longer represented by counsel. Petitioners were previously provided with an accounting of the John Areias, Jr., Trust Share for the calendar year 2011, at which time the property on hand consisted of \$450,211.49 cash held at Wells Fargo Bank xxx9026, and a promissory note and deed of trust in the amount of \$900,000.00.	Reviewed by: skc
<input checked="" type="checkbox"/> Verified	Petitioners state that on 4-5-12, John Areias, Jr., executed a Special Power of Attorney designating his wife, Patricia A. Areias, as the attorney-in-fact for the trust's Wells Fargo bank account (attached).	Reviewed on: 3-17-14
<input type="checkbox"/> Inventory	Petitioners state their attorney sent a letter on 4-23-13 requesting an accounting for the calendar year 2012; however, in response, were provided only partial pages of bank statements. Significantly, the Wells Fargo bank account reflected a deposit of only \$147,659.04 as of January 26, 2012 (Exhibit F).	Updates:
<input type="checkbox"/> PTC	<u>SEE ADDITIONAL PAGES</u>	Recommendation:
<input type="checkbox"/> Not.Cred.		File 7A – Areias
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail <span style="float: right;">W</span>		
<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 checked="" 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		

**Page 2**

On 6-3-13, Petitioners' attorney sent another letter requesting additional information and documentation, and an explanation for the unaccounted for discrepancy of \$305,552.45. In response, Petitioner's attorney received various hand-written notes on bank statements, copies of summaries of deposits, a ledger, further bank statements and copies of cashier's checks, WF transactions records, and copies of correspondence with prior counsel re 2011 tax returns and client account ledgers.

On 8-15-13, in a further good faith attempt to obtain clarification of the accounting, the attorney sent another letter. On or about 8-26-13, Pat Areias personally delivered additional documents, which included typed and handwritten notations by Pat Areias and withdrawal slips signed by Pat Areias. These did not explain the discrepancy.

Petitioners state the accounting records provided do not comply with the presentation and statements required under Probate Code §16063. Further, as successor trustee, John Areias, Jr., has duties concerning the John Areias, Jr., Trust Share, including a duty not to delegate to another person the performance of acts that he is required to personally perform and a duty not to transfer the office of trustee to another person. This is specifically prohibited under Probate Code §16012.

Petitioners believe John Areias, Jr., has improperly delegated his duties as successor trustee to his wife Pat Areias and that she is acting under a POA for the trust bank account and has been performing all other actions that he is required to personally perform, including providing information about the trust and accountings. Pat Areias has no special training, skills, expertise or experience to qualify as an agent, attorney, accountant, or other fiduciary professional upon which a trustee could or should rely.

Petitioners therefore believe that John Areias, Jr., should be removed as successor trustee because he has violated the duty owed to Petitioners as ultimate beneficiaries of the trust share. John Areias, Jr., has failed to act with care, skill, prudence, and diligence required of a trustee, including failure to communicate, response to reasonable inquiries, provide accounting, or explanation of the discrepancy.

The trust agreement names Petitioners as successor co-trustees of the John Areias, Jr. Trust Share, and Petitioners are available, able and willing to serve as successor co-trustees.

**Petitioners request that:**

- 1. The Court remove John Areias, Jr., as Successor Trustee of the John Areias, Jr. Trust Share of the Mary Luis Areias Living Trust;**
- 2. The Court appoint Betty Martin and John L. Areias, III as Successor Co-Trustees of the John Areias, Jr. Trust Share of the Mary Luis Areias Living Trust;**
- 3. The Court order John Areias, Jr., to provide an accounting to Petitioners detailing the discrepancy between the Trust Share cash assets existing as of December 31, 2011 and existing on January 26, 2012;**
- 4. The Court order John Areias, Jr., to turn over all accounting records for the Trust assets to Petitioners as Successor Co-Trustees; and**
- 5. The Court order any other and further relief the Court deems just and proper.**

**SEE ADDITIONAL PAGES**

Page 3

**Response and Objection to Petition for Breach of Trust, Removal of Trustee and Appointment of Successor Co-Trustees filed 12-26-13 by John Areias, Jr., states** Petitioners are his daughter and son, with standing to bring this petition, are named successor trustees if he is unable to serve, and he has two other children who are also remainder beneficiaries. Respondent states the Trust Share was funded with a fractional interest in one parcel of property which was sold in 2011, resulting in the Trust Share receiving cash and an interest in a promissory note and deed of trust. Respondent states that although the 2011 accounting identifies cash assets held in an account at Wells Fargo, they were actually held in a trust account with the Dias Law Firm. Respondent admits that he executed a Special Power of Attorney designating his wife as his attorney in fact for the Trust Share's Wells Fargo Bank Account.

The response both admits and denies various statements in the petition. See pleadings for details. Respondent provides five affirmative defences:

- 1) Statute of limitations. Petition barred by Probate Code §§16460 and 16461.
- 2) Waiver. Petitioners have waived any claims they may have against Respondent with reference to the subject matter of the petition.
- 3) No damages. Petitioners' claims are barred because they have suffered no damages as a result of the alleged conduct.
- 4) Laches. Respondent is informed and believes that the petition is barred by the Doctrine of Laches.
- 5) Unknown Defense. Respondent has insufficient knowledge and information as to whether he may have additional as yet unidentified defenses available and reserves the right to assert additional defenses if appropriate.

Respondent prays that the court dismiss Petitioners' prayers for relief and that Petitioners take nothing by way of the petition; for Respondent's costs incurred herein, and for such other and further orders that the Court may deem proper.

**Atty Pedersen, Kris B. (for Petitioners Betty Martin and John L. Areias, III)**  
**Atty Nahigian, Eliot S. (for Respondent/Objector John Areias, Jr., Trustee)**

**Status Hearing**

<b>Mary Luis Areias</b> <b>DOD: 3-4-93</b>	<b>BETTY MARTIN and JOHN L. AREIAS, III</b> , filed a Verified Petition for Breach of Trust, Removal of Trustee and Appointment of Successor Co-Trustees on 11-4-13.	<b>NEEDS/PROBLEMS/COMMENTS:</b>		
		<u>Continued from 2-4-14</u>		
<b>Cont. from 020414</b>	<b>JOHN AREIAS, JR.</b> , filed Response and Objection to Petition for Breach of Trust, Removal of Trustee and Appointment of Successor Co-Trustees on 12-26-13.	<b>Minute Order 2-4-14:</b> Ms. Pedersen is appearing via CourtCall. Mr. Nahigian informs the Court that they are requesting additional time as they are attempting to reach a settlement.		
<table border="1"> <tr> <td data-bbox="142 457 321 493">Aff.Sub.Wit.</td> <td data-bbox="321 457 367 493"></td> </tr> </table>	Aff.Sub.Wit.			
Aff.Sub.Wit.				
<table border="1"> <tr> <td data-bbox="142 493 321 529">Verified</td> <td data-bbox="321 493 367 529"></td> </tr> </table>	Verified			<b>As of 3-17-14, nothing further has ben filed.</b>
Verified				
<table border="1"> <tr> <td data-bbox="142 529 321 564">Inventory</td> <td data-bbox="321 529 367 564"></td> </tr> </table>	Inventory		At hearing on 12-31-13, the matter was continued to 1-30-14 (See Page 7A) and the Court also set this status hearing.	
Inventory				
<table border="1"> <tr> <td data-bbox="142 564 321 600">PTC</td> <td data-bbox="321 564 367 600"></td> </tr> </table>	PTC			
PTC				
<table border="1"> <tr> <td data-bbox="142 600 321 636">Not.Cred.</td> <td data-bbox="321 600 367 636"></td> </tr> </table>	Not.Cred.			
Not.Cred.				
<table border="1"> <tr> <td data-bbox="142 636 321 672">Notice of Hrg</td> <td data-bbox="321 636 367 672"></td> </tr> </table>	Notice of Hrg			
Notice of Hrg				
<table border="1"> <tr> <td data-bbox="142 672 321 707">Aff.Mail</td> <td data-bbox="321 672 367 707"></td> </tr> </table>	Aff.Mail			
Aff.Mail				
<table border="1"> <tr> <td data-bbox="142 707 321 743">Aff.Pub.</td> <td data-bbox="321 707 367 743"></td> </tr> </table>	Aff.Pub.			
Aff.Pub.				
<table border="1"> <tr> <td data-bbox="142 743 321 779">Sp.Ntc.</td> <td data-bbox="321 743 367 779"></td> </tr> </table>	Sp.Ntc.			
Sp.Ntc.				
<table border="1"> <tr> <td data-bbox="142 779 321 814">Pers.Serv.</td> <td data-bbox="321 779 367 814"></td> </tr> </table>	Pers.Serv.			
Pers.Serv.				
<table border="1"> <tr> <td data-bbox="142 814 321 850">Conf. Screen</td> <td data-bbox="321 814 367 850"></td> </tr> </table>	Conf. Screen			
Conf. Screen				
<table border="1"> <tr> <td data-bbox="142 850 321 886">Letters</td> <td data-bbox="321 850 367 886"></td> </tr> </table>	Letters			
Letters				
<table border="1"> <tr> <td data-bbox="142 886 321 921">Duties/Supp</td> <td data-bbox="321 886 367 921"></td> </tr> </table>	Duties/Supp			
Duties/Supp				
<table border="1"> <tr> <td data-bbox="142 921 321 957">Objections</td> <td data-bbox="321 921 367 957"></td> </tr> </table>	Objections			
Objections				
<table border="1"> <tr> <td data-bbox="142 957 321 993">Video Receipt</td> <td data-bbox="321 957 367 993"></td> </tr> </table>	Video Receipt			
Video Receipt				
<table border="1"> <tr> <td data-bbox="142 993 321 1029">CI Report</td> <td data-bbox="321 993 367 1029"></td> </tr> </table>	CI Report			
CI Report				
<table border="1"> <tr> <td data-bbox="142 1029 321 1064">9202</td> <td data-bbox="321 1029 367 1064"></td> </tr> </table>	9202			
9202				
<table border="1"> <tr> <td data-bbox="142 1064 321 1100">Order</td> <td data-bbox="321 1064 367 1100"></td> </tr> </table>	Order			
Order				
<table border="1"> <tr> <td data-bbox="142 1100 321 1136">Aff. Posting</td> <td data-bbox="321 1100 367 1136"></td> </tr> </table>	Aff. Posting			
Aff. Posting				
<table border="1"> <tr> <td data-bbox="142 1136 321 1171">Status Rpt</td> <td data-bbox="321 1136 367 1171"></td> </tr> </table>	Status Rpt			
Status Rpt				
<table border="1"> <tr> <td data-bbox="142 1171 321 1207">UCCJEA</td> <td data-bbox="321 1171 367 1207"></td> </tr> </table>	UCCJEA			
UCCJEA				
<table border="1"> <tr> <td data-bbox="142 1207 321 1243">Citation</td> <td data-bbox="321 1207 367 1243"></td> </tr> </table>	Citation			
Citation				
<table border="1"> <tr> <td data-bbox="142 1243 321 1278">FTB Notice</td> <td data-bbox="321 1243 367 1278"></td> </tr> </table>	FTB Notice			
FTB Notice				
		<b>Reviewed by:</b> skc		
		<b>Reviewed on:</b> 3-17-14		
		<b>Updates:</b>		
		<b>Recommendation:</b>		
		<b>File 7B – Areias</b>		

Atty Flanigan, Philip M. (for Anthony Kinsey, by and through his Conservator Ian Kinsey – Petitioner)  
 Petition for Order Establishing Special Needs Trust; for Authority to Invest in Mutual Funds and U.S. Government Bonds with Maturity Dates Later Than 5 Years; and for Attorney's Fees

	<b>ANTHONY KINSEY</b> , a conserved adult, by and through his Conservator, <b>IAN KINSEY</b> , is Petitioner.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><u>Continued from 2-27-14</u></p> <p><b>Note:</b> On 3-4-14, Attorney Paul Pimentel filed a Notice of Lien for Attorney Fees and Costs indicating attorney fees of approx. \$80,000.00 and costs of \$10,167362. The Notice requests that should the Court authorize the special needs trust, that the trustee of said trust be authorized to issue a check to the Law Office of Tomassian, Pimentel &amp; Shapazian for its attorney fees earned and its costs expended.</p> <p><b><u>Examiner's Note: The above-referenced Notice of Lien appears to request relief (Court authorization for payment of attorney fees). The Court may require proper noticed petition and filing fee to address this request.</u></b></p> <p><u>As of 3-17-14, the following issues remain:</u>  <b><u>SEE ADDITIONAL PAGES</u></b></p> <hr/> <p><b>Reviewed by:</b> skc</p> <p><b>Reviewed on:</b> 3-17-14</p> <p><b>Updates:</b> 3-19-14</p> <p><b>Recommendation:</b></p> <p><b>File 8 – Kinsey</b></p>
	Petitioner seeks an order under Probate Code §§3600-3613 to establish a Special Needs Trust (SNT) with the proceeds of a litigation settlement resulting from a car accident. No legal proceedings have actually been filed as the matter was resolved via mediation with the Honorable Howard Broadman.	
	Petitioner has a disabling condition and receives Supplemental Security Income (SSI) and Medi-Cal benefits in order to meet his basic needs. Because these benefits are needs-based, outright distribution of assets to Petitioner will result in losing eligibility for public benefits unless the assets are directed to a SNT.	
	Petitioner additionally requests that the trustee of the SNT be authorized to deposit the funds into a blocked account but that he have the authority to invest in mutual funds and US government bonds with a maturity date later than five years.	
	Petitioner also seeks an order authorizing payment for attorneys' fees for his attorney in counseling the client, preparing the trust, preparing this petition, and other related services.	
	<b><u>SEE ADDITIONAL PAGES</u></b>	
<b>Cont. from 022714</b>		
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		

## Page 2

**Petitioner states:** Ian Kinsey is the Court-appointed conservator of the person and estate and has standing to bring this petition under Probate Code §3602(b). Anthony Kinsey is disabled due to an automobile accident in which he sustained severe head injuries at the age of five. As a result of these injuries, his cognitive function is impaired, affecting his ability to live independently and be employed. Petitioner is a SSI and Medi-Cal recipient as a result of his disability and must meet certain income and resource restrictions. Petitioner relies on Medi-Cal for all of his medical needs.

Description of claim: A personal injury lawsuit was threatened but never filed as the parties agreed to mediate the dispute. As a result of the mediation, a settlement was reached: The defendant's insurance company agreed to pay \$250,000.00 and the defendant agreed to pay \$100,000.00 of his own funds for a total settlement of \$350,000.00. Agreement attached. After payment of attorney's fees (which are in dispute), liens (which are being negotiated), and expenses from the settlement, Anthony Kinsey will receive approx. \$270,000.00.

If received outright, the lump sum would eliminate his continuing eligibility for SSI and Medi-Cal. The only way to preserve eligibility is via special needs trust, recognized under federal law as a "safe harbor" trust. The SNT is necessary to provide for Anthony's current and future needs while preserving his eligibility for public benefits.

Therefore, Petitioner requests an order of the Court that the settlement funds be paid to the trustee of the Anthony Kinsey Special Needs Trust pursuant to Probate Code §§3604, 3611. The proposed SNT complies with all federal and state law requirements including payback provision and Cal. Rules of Court 7.903. See petition and attached proposed trust for references.

Petitioner requests that the Court for good cause allow the funds to be placed into a blocked account and expand the trustee's investment powers beyond those in Probate Code §2574 to include authority to purchase mutual funds and US government bonds with maturity dates later than five years. Court authorization is necessary pursuant to Cal. Rules of Court 7.903(c)(4). Petitioner states investment in mutual funds permits investment across several asset classes, subclasses and sectors while avoiding high transaction costs. Because they are highly diversified, mutual funds are inherently less risky than individual securities in which a conservator may invest pursuant to code.

Petitioner requests that **IAN KINSEY**, Anthony's brother and conservator, be named as the initial trustee and shall be responsible for all investments and general management. Petitioner requests that no bond be required and instead the Court order that funds be deposited to a blocked account.

Petitioner also requests authorization to pay attorney Philip M. Flanigan fees of \$6,340.00 for legal services including consultation on public benefits, petitioning the Court for establishing a conservatorship of the person and this special needs trust, and costs of \$899.50 for filing and process server fees for a total of \$7,239.50.

**SEE ADDITIONAL PAGES**

Page 3

Petitioner prays that the Court make the following findings and order:

1. That all notices have been given as required by law;
2. That the Court establish the ANTHONY KINSEY SPECIAL NEEDS TRUST, the Petitioner is directed to execute it, and the Court has continuing jurisdiction over the ANTHONY KINSEY SPECIAL NEEDS TRUST;
3. That IAN KINSEY shall serve as initial trustee of the ANTHONY KINSEY SPECIAL NEEDS TRUST with no bond required although under the direction that funds be deposited into a blocked account;
4. That Petitioner ANTHONY KINSEY has a disability that substantially impairs his ability to provide for his own care or custody and constitutes a substantial handicap;
5. That Petitioner ANTHONY KINSEY is likely to have special needs that will not be met without the trust;
6. That money to be paid to the trust does not exceed the amount that appears reasonably necessary to meet ANTHONY KINSEY's special needs;
7. That payment of all monies due plaintiff ANTHONY KINSEY by and through his Conservator IAN KINSEY shall be paid to the trustee of the ANTHONY KINSEY SPECIAL NEEDS TRUST;
8. That any proceeds of the settlement award received by plaintiff's attorney before the hearing of this petition and deposited into the attorney's attorney/client trust account shall not be considered received by ANTHONY KINSEY for public benefit eligibility purposes;
9. That the assets of the trust are unavailable to the beneficiary and shall not constitute a resource for ANTHONY KINSEY's financial eligibility for Medi-Cal, SSI, regional center assistance, or any other program of public benefits;
10. That the trustee provide the Court with a biennial account and report beginning one year after the date of approval and every two years thereafter;
11. That the trustee is authorized to invest in mutual funds and in US government bonds with maturity dates later than five years;
12. That the Court approve and direct payment of \$6,340.00 to the attorney for services and \$899.50 for costs;
13. That such other and further orders be issued by the Court as it may deem just and proper.

SEE ADDITIONAL PAGES

## NEEDS/PROBLEMS/COMMENTS:

1. Need authority to go forward without substituted judgment to create the trust from the conservatorship estate.
2. Inventory and Appraisal filed 5-2-13 in the Conservatorship 12CEPR01097 indicates that a \$250,000.00 settlement was received by the conservatorship estate over six months ago. However, this petition indicates that settlement funds have not yet been received, but then also requests in the prayer that if funds were received by the attorney and held in trust, that those funds not be considered received.

Need clarification: If funds were previously received, accounting may be appropriate. If not, then it is unclear why I&A indicating receipt by the conservatorship estate was filed, and Petitioner may wish to consider filing clarification for that case.

3. Need clarification regarding investment in funds with maturity dates later than five years with regard to availability of funds for the beneficiary's current special needs in addition to future needs, if necessary.
4. The Court may require clarification as to the anticipated uses for the special needs trust funds. Major purchases will require Court approval.

For example, it is the Court's understanding that Anthony current resides in a group home setting. However, the trust at Section 2.03 indicates a desire to live in a private residence. Does the trust anticipate purchasing real property?

5. Petitioner requests the Court waive bond and instead deposit funds to a blocked account. However, bond is required pursuant to Probate Code §2320(c)(4) and Cal. Rules of Court 7.207. Based on receipt of \$270,000.00, bond including cost of recovery should be \$297,000.00 pursuant to Probate Code §2320(c)(4) and Cal. Rules of Court.

Note: Section 12.04 "Banking Powers" does not indicate blocked account. The Court may require further language clarifying blocking and court authorization for withdrawal.

6. Need itemization for attorney fees and costs. Cal. Rules of Court 7.751, Local Rule 7.17.
7. Attorney requests costs including process server fees. This is considered by the Court to be a cost of doing business and not reimbursable. Local Rule 7.17.
8. The trust at Section 2.05 supports the possible use of funds for the beneficiary's attendance at family activities such as reunions, vacations, or other family events. However, it also states: "This also includes funds for family to visit Anthony Kinsey." The Court may require authority as to how travel expenses for non-beneficiaries can be included in a special needs trusts, and may strike this language.
9. The trust provides for the employment of an advocate for the benefit of Anthony Kinsey to provide advisement concerning his needs, rights, and entitlement to public benefits, and requests to establish a separate bank account for payments to the advocate. The Court may require clarification and language requiring blocking and Court approval of compensation for such advocate upon petition and itemization, and language requiring that this account be included in the biennial accounting for the SNT.

SEE ADDITIONAL PAGES

**NEEDS/PROBLEMS/COMMENTS (Cont'd):**

10. Many of the terms and language of the trust (for example at Section 12, 13) appear to be general terms for a typical family trust rather than for this special needs trust. The Court may require clarification or revision.
11. Need MC-355 Order to Deposit Funds into blocked account.
12. Need revised order based on the outcome of the hearing. Note that pursuant to Local Rules, the signature line should appear LAST (after the attachment of the trust).

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

- Friday 5-16-14 for filing of bond or receipt for blocked account
- Friday 6-26-15 for filing of the first account

Petition to Determine Succession to Real Property (Prob. C. 13151)

<b>DOD: 11/20/2013</b>		<b>WILLIAM CAVAGNARO</b> , son is petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. Attachment 11 does not provide the decedent's interest in the real property.  2. #5(a) or #5(b) of the Inventory and Appraisal was not marked regarding the property tax certificate.
		40 days since DOD	
		No other proceedings	
<b>Cont. from</b>			
	<b>Aff.Sub.Wit.</b>	I&A - <b>\$95,000.00</b>	
✓	<b>Verified</b>	Decedent died intestate	
	<b>Inventory</b>		
	<b>PTC</b>	Petitioner requests determination that	
	<b>Not.Cred.</b>	decedent's interest in real property located	
✓	<b>Notice of Hrg</b>	at 4663 E. Brown, Fresno, Ca pass to William	
✓	<b>Aff.Mail</b>	Cavagnaro pursuant to intestate	
	<b>Aff.Pub.</b>	succession.	
	<b>Sp.Ntc.</b>		
	<b>Pers.Serv.</b>		
	<b>Conf. Screen</b>		
	<b>Letters</b>		
	<b>Duties/Supp</b>		
	<b>Objections</b>		
	<b>Video Receipt</b>		
	<b>CI Report</b>		
	<b>9202</b>		
✓	<b>Order</b>		
	<b>Aff. Posting</b>		
	<b>Status Rpt</b>		
	<b>UCCJEA</b>		
	<b>Citation</b>		
	<b>FTB Notice</b>		
			<b>Reviewed by:</b> LV
			<b>Reviewed on:</b> 03/18/2014
			<b>Updates:</b> 03/19/2014
			<b>Recommendation:</b>
			<b>File 9 – Cavagnaro</b>

Petition for Probate of Will and for Letters Testamentary; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

<b>DOD: 04/03/2013</b>		<p><b>MADELINE M. TOSTO</b>, spouse/named executor without bond is petitioner.</p> <p>Full IAEA – o.k.</p> <p>Will dated: 01/27/1983</p> <p>Residence: Fresno          Publication: The Business Journal</p> <p><b>Estimated value of the Estate:</b></p> <table> <tr> <td>Personal property</td> <td>-</td> <td>\$9,600.00</td> </tr> <tr> <td>Real property</td> <td>-</td> <td>\$38,600.00</td> </tr> <tr> <td><b>Total</b></td> <td>-</td> <td><b>\$48,200.00</b></td> </tr> </table> <p>Probate Referee: Rick Smith</p>	Personal property	-	\$9,600.00	Real property	-	\$38,600.00	<b>Total</b>	-	<b>\$48,200.00</b>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Note: If the petition is granted status hearings will be set as follows:</b></p> <ul style="list-style-type: none"> <li>• <b>Friday, 08/22/2014 at 9:00a.m. in Dept. 303</b> for the filing of the inventory and appraisal <b>and</b></li> <li>• <b>Friday, 05/22/2015 at 9:00a.m. in Dept. 303</b> for the filing of the first account and final distribution.</li> </ul> <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.</p>
Personal property	-		\$9,600.00									
Real property	-		\$38,600.00									
<b>Total</b>	-		<b>\$48,200.00</b>									
<b>Cont. from</b>												
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b> s/p											
<input checked="" type="checkbox"/>	<b>Verified</b>											
<input type="checkbox"/>	<b>Inventory</b>											
<input type="checkbox"/>	<b>PTC</b>											
<input type="checkbox"/>	<b>Not.Cred.</b>											
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>											
<input checked="" type="checkbox"/>	<b>Aff.Mail</b> w/											
<input checked="" type="checkbox"/>	<b>Aff.Pub.</b>											
<input type="checkbox"/>	<b>Sp.Ntc.</b>											
<input type="checkbox"/>	<b>Pers.Serv.</b>											
<input type="checkbox"/>	<b>Conf. Screen</b>											
<input checked="" type="checkbox"/>	<b>Letters</b>											
<input checked="" type="checkbox"/>	<b>Duties/Supp</b>											
<input type="checkbox"/>	<b>Objections</b>											
<input type="checkbox"/>	<b>Video Receipt</b>											
<input type="checkbox"/>	<b>CI Report</b>											
<input type="checkbox"/>	<b>9202</b>											
<input checked="" type="checkbox"/>	<b>Order</b>											
<input type="checkbox"/>	<b>Aff. Posting</b>											
<input type="checkbox"/>	<b>Status Rpt</b>											
<input type="checkbox"/>	<b>UCCJEA</b>											
<input type="checkbox"/>	<b>Citation</b>											
<input type="checkbox"/>	<b>FTB Notice</b>											
<b>Reviewed by:</b> LV												
<b>Reviewed on:</b> 03/17/2014												
<b>Updates:</b>												
<b>Recommendation:</b> Submitted												
<b>File 10 – Tosto</b>												

<b>DOD: 3-18-13</b>	<p><b>JOHN KEVIN WILSON</b>, Brother, was appointed as Administrator with Full IAEA without bond and Letters issued on 9-5-13.</p> <p>The Administrator is a resident of Getzville, NY.</p> <p>The original petition estimated the estate to contain real property valued at \$175,000.00.</p> <p>At hearing on 9-5-13, the Court set this status hearing for the filing of the Inventory and Appraisal.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p style="text-align: center;"><b><u>OFF CALENDAR</u></b></p> <p><b>Final I&amp;A filed 3-11-14</b></p>
<b>Cont. from 020714</b>		
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
		<p><b>Reviewed by:</b> skc</p> <p><b>Reviewed on:</b> 3-17-14</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 11 – Wilson</b></p>

Pro Per Hair, Gail (Pro Per Co-Conservator, sister)  
 Pro Per Michael, Sheryl (Pro Per Co-Conservator, sister)

Probate Status Hearing Re Conservatorship

<b>Age:</b> 54 years	<p><b>GAIL HAIR</b>, sister residing in San Clemente, and <b>SHERYL MICHAEL</b>, sister residing in Clovis, were appointed Successor Co-Conservators of the Person with medical consent powers and as Co-Conservators of the Estate on 1/25/2008.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Note:</b> Judgment Approving Final Report and Accepting Resignation of Kathryn Zaninovich as Conservator and Allowing Compensation and Reimbursement to Attorneys filed <b>1/25/2008</b> orders that the sum of <b>\$2,500.00</b> for legal services and <b>\$589.00</b> for reimbursement of costs shall be paid to Attorneys Helon &amp; Manfredo by the Successor Conservators upon the sale of the Conservatee's interest in real property, provided such can then be paid in the reasonable judgment of the Successor Conservators without jeopardizing the Conservatee's care. Request for Special Notice was filed 3/19/2008 by Attorney Marvin Helon, who represented the former Conservator, Kathryn Zaninovich. Court records do not show Mr. Helon has notice of this Status Hearing.</p> <p><b>Note:</b> Attorney Michael Dowling formerly represented the Co-Conservators, who are now self-represented per <i>Substitution of Attorney</i> filed on 4/23/2009.</p>
<b>Cont. from</b>	<p><b>Conservatee is a developmentally disabled adult and has been subject to a conservatorship since 1/23/1981</b>, when her aunt, <b>KATHRYN ZANINOVICH</b>, was appointed Conservator, and served until her resignation due to health reasons. Judgment Approving Final Report and Accepting Resignation of Kathryn Zaninovich as Conservator and Allowing Compensation and Reimbursement to Attorneys was filed 1/25/2008.</p>	
<input type="checkbox"/> Aff.Sub.Wit.	<p><b>The Conservatorship estate</b> consists of an undivided <b>1/16<sup>th</sup> interest in 24 acres of undeveloped real property</b> on McKinley Avenue in Fresno County, which produces no income.</p> <p><b>Reappraisal for Sale filed on 5/5/2009</b> shows the value as of 1/25/2008 of the Conservatee's <b>1/16<sup>th</sup> interest</b> in the real property as <b>\$28,125.00</b>.</p> <p><b>Minute Order dated 3/10/2009</b> from a Status Hearing Re: First Account states the Court dispenses with further accountings unless the real property is sold.</p> <p><b>Minute Order dated 3/22/2012</b> from the last Status Hearing Re: Conservatorship states no appearances. A Probate Status Hearing is scheduled for 3/20/2014; however, an accounting shall immediately be filed if property is sold or assets come into the Conservatorship.</p> <p><b>Clerk's Certificate of Mailing filed 3/23/2012</b> shows a copy of the Minute Order dated 3/22/2012 was mailed to Co-Conservators Gail Hair and Sheryl Michael on 3/23/2012.</p> <p><b>Court Investigator Jo Ann Morris' Annual Review was filed 6/27/2013.</b></p>	
<input type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input type="checkbox"/> Notice of Hrg		
<input type="checkbox"/> Aff.Mail		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202 Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice	<p><b>Reviewed by:</b> LEG</p> <p><b>Reviewed on:</b> 3/17/14</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 12 – Storey</b></p>	



Pro Per Corrales, Patricia Ann (Pro Per Petitioner, paternal grandmother)

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Janessa Age: 5 years	<p><b>TEMPORARY EXPIRES 10/17/2013; extended to 1/9/2014; extended to 3/20/2014</b></p> <p><b>PATRICIA ANN CORRALES</b>, paternal grandmother, is Petitioner.</p> <p>Father: <b>JESUS GONZALEZ</b>; <i>Court dispensed with notice unless and until location becomes known.</i></p> <p>Mother: <b>VANESSA NICOLE NORIEGA</b>; <i>present at 10/17/2013 hearing and informed Court she is in favor of guardianship.</i></p> <p>Paternal grandfather: Abel Gonzalez</p> <p>Maternal grandfather: Victor Noriega                  Maternal grandmother: Kathy Noriega</p> <p><b>Petitioner states</b> the mother is currently incarcerated for failure to attend her program and test for drugs, and the father is attending a program called King of Kings. Petitioner states CPS placed the children in her care and encouraged her to seek guardianship of the children.</p> <p><b>Court Investigator Julie Negrete's Report was filed on 10/10/2013.</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Continued from 1/9/2014.</b> Minute Order states the Court is informed that eight people are living in the home. An ICWA packet is provided to the Petitioner. Matter is continued to 3/20/2014.</p> <p><b>Note for background:</b> Minute Order dated 10/17/2013 states mother is in favor of the guardianship. The Court dispenses with notice to the father unless and until his location becomes known. The Court is informed that the children have Indian ancestry. The Court orders that father not be around the children. The Petitioner is directed to contact Probation to clear up the issue regarding the number of people who are actually living in her home. The Court Investigator is ordered to conduct a further investigation to verify the number of people residing in the Petitioner's home. Matter continued to 1/9/2014.</p> <p>1. Need proof of service by mail of the <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Guardian, or Consent to Appointment of Guardian and Waiver of Notice, or a Declaration of Due Diligence</i>, for:</p> <ul style="list-style-type: none"> <li>Abel Gonzalez, paternal grandfather;</li> <li>Victor Noriega, maternal grandfather;</li> <li>Kathy Noriega, maternal grandmother.</li> </ul>	
Josiah Age: 4 years			
Jesse Age: 3 years			
Julian Age: 1 year			
Cont. from 101713, 010914			
Aff.Sub.Wit.			
✓ Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			X
Aff.Mail			X
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
✓ Conf. Screen			
Aff. Posting			
✓ Duties/Supp			
Objections			
Video Receipt			
✓ CI Report			
✓ Clearances			
✓ Order			
✓ Letters			
Status Rpt			
✓ UCCJEA			
Citation			
FTB Notice			
Reviewed by: LEG			
Reviewed on: 3/17/14			
Updates:			
Recommendation:			
File 14 – Gonzalez			



**Petition for Termination of Guardianship**

		<b>AARON THOMPSON</b> , Father, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		<b>LOLA ANNETTE STARNES</b> , maternal grandmother was appointed Guardian of Erianna and her two half-siblings on 10-25-12.	
Cont. from 010214, 020614		Mother: <b>SHANICE OWENS</b>	<p><b>Note:</b> This petition pertains to the minor Erianna Owens only.</p> <p><b>Note:</b> Lola Annette Starnes was appointed Guardian of Erianna, along with her half-siblings Dorian and Dominik Maham (both age 4), on 10-23-12.</p> <p><b>Continued from 1-2-14 at Petitioner's request and 2-6-14 due to the guardian being unable to attend because the children were ill.</b></p> <p><b>As of 3-17-14, nothing further has been filed. The following issues remain:</b></p> <ol style="list-style-type: none"> <li><b>Need Notice of Hearing.</b></li> <li><b>Need proof of service of Notice of Hearing at least 15 days prior to the hearing on the guardian and all relatives pursuant to Probate Code §1460(b)(5):</b> <ul style="list-style-type: none"> <li>- Lola Annette Starnes (Guardian)</li> <li>- Shanice Owens (Mother)</li> <li>- Maternal Grandfather</li> <li>- Paternal Grandfather</li> <li>- Paternal Grandmother</li> </ul> </li> </ol>
<input type="checkbox"/>	Aff.Sub.Wit.	Maternal Grandfather: Not listed	
<input checked="" type="checkbox"/>	Verified	Paternal Grandfather: Not listed	
<input type="checkbox"/>	Inventory	Paternal Grandmother: Not listed	
<input type="checkbox"/>	PTC	<p><b>Petitioner states</b> the child and father have developed a strong and loving bond and she has shown interest in living with him. Petitioner states he can provide a safe and stable living environment. Petitioner resides in Jonesboro, Arkansas. He has come to California to visit and Erianna has visited him in Arkansas on several occasions. Petitioner states he mother shows no interest in pursuing custody, and communication with the grandmother has been as stagnant as it was with the mother. Problems keeping in contact with the child have created an unbalanced and inconsistent mode of care for her. The grandparents of this minor's half-siblings have informed Petitioner about the guardian's issues with keeping an available home/cell phone. The numbers Petitioner has are out of service. Petitioner is concerned that an emergency may not be responded to in a timely manner without such amenities. Her address has changed without notice.</p> <p>Petitioner states his living situation is stable and secure, he has a full time steady job, and lives in a home where Erianna can have her own bedroom. Erianna has told Petitioner on numerous occasions that she wants to live with him. Petitioner states he loves his child very much and wants to be sure she is raised in a safe and loving environment and requests that the guardianship be terminated and that he be granted sole legal and physical custody.</p> <p><b>Court Investigator Samantha Henson filed a report on 12-20-13.</b></p>	
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg		X
<input type="checkbox"/>	Aff.Mail		X
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input 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		
		<b>Reviewed by:</b> skc	
		<b>Reviewed on:</b> 3-17-14	
		<b>Updates:</b>	
		<b>Recommendation:</b>	
		<b>File 16 – Owens &amp; Maham</b>	

ProPer Draper, Cynthia Lucia (pro per – mother/Petitioner)

ProPer Kelley, Sabrina Irene (pro per – mother’s domestic partner/Petitioner)

Petition for Appointment of Probate Conservator of the Person (Prob. C. 1820, 1821, 2680-2682)

Age: 18	<b><u>NO TEMPORARY REQUESTED</u></b>		<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b><u>OFF CALENDAR – Amended Petition set for hearing on 04/08/14</u></b></p>
	<p>CYNTHIA DRAPER, mother and SABRINA KELLEY, mother's domestic partner, are Petitioners and request appointment as Conservators of the Person with medical consent powers.</p>		
	<p>Petitioners state that Kaycee is intellectually disabled and requires assistance in activities of daily living. She is not able to provide for her own needs of housing, food, etc.</p>		
Cont. from 022014	<p>Court Investigator Samantha Henson filed a report on 02/14/14.</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	<input checked="" type="checkbox"/>		
<input type="checkbox"/> Aff.Mail	<input checked="" type="checkbox"/>		
<input type="checkbox"/> Aff.Pub.			
<input type="checkbox"/> Sp.Ntc.			
<input type="checkbox"/> Pers.Serv.	<input checked="" type="checkbox"/>		
<input checked="" type="checkbox"/> Conf. Screen			
<input checked="" type="checkbox"/> Letters			
<input checked="" type="checkbox"/> Duties/Supp			
<input type="checkbox"/> Objections			
<input checked="" 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 checked="" type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice			
			<p>Reviewed by: JF</p> <p>Reviewed on: 03/17/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 17 – Draper</p>

Petition for Instruction to Establish Trust Ownership of Insurance Proceeds

<p>Stan H. Unruh DOD: 12-4-12</p> <hr/> <hr/> <hr/> <p>Cont. from 030614</p> <table border="1" style="width: 100%;"> <tr> <td style="width: 10%;"></td> <td style="width: 80%;">Aff.Sub.Wit.</td> <td style="width: 10%;"></td> </tr> <tr> <td>✓</td> <td>Verified</td> <td></td> </tr> <tr> <td></td> <td>Inventory</td> <td></td> </tr> <tr> <td></td> <td>PTC</td> <td></td> </tr> <tr> <td></td> <td>Not.Cred.</td> <td></td> </tr> <tr> <td></td> <td>Notice of Hrg</td> <td>X</td> </tr> <tr> <td></td> <td>Aff.Mail</td> <td>X</td> </tr> <tr> <td></td> <td>Aff.Pub.</td> <td></td> </tr> <tr> <td></td> <td>Sp.Ntc.</td> <td></td> </tr> <tr> <td></td> <td>Pers.Serv.</td> <td></td> </tr> <tr> <td></td> <td>Conf. Screen</td> <td></td> </tr> <tr> <td></td> <td>Letters</td> <td></td> </tr> <tr> <td></td> <td>Duties/Supp</td> <td></td> </tr> <tr> <td></td> <td>Objections</td> <td></td> </tr> <tr> <td></td> <td>Video Receipt</td> <td></td> </tr> <tr> <td></td> <td>CI Report</td> <td></td> </tr> <tr> <td></td> <td>9202</td> <td></td> </tr> <tr> <td>✓</td> <td>Order</td> <td></td> </tr> <tr> <td></td> <td>Aff. Posting</td> <td></td> </tr> <tr> <td></td> <td>Status Rpt</td> <td></td> </tr> <tr> <td></td> <td>UCCJEA</td> <td></td> </tr> <tr> <td></td> <td>Citation</td> <td></td> </tr> <tr> <td></td> <td>FTB Notice</td> <td></td> </tr> </table>		Aff.Sub.Wit.		✓	Verified			Inventory			PTC			Not.Cred.			Notice of Hrg	X		Aff.Mail	X		Aff.Pub.			Sp.Ntc.			Pers.Serv.			Conf. Screen			Letters			Duties/Supp			Objections			Video Receipt			CI Report			9202		✓	Order			Aff. Posting			Status Rpt			UCCJEA			Citation			FTB Notice		<p><b>JO ANN PEELMAN UNRUH</b>, Settlor and Sole Remaining Trustee of the <b>Unruh Family Trust created 9-14-10</b>, is Petitioner.</p> <p>Stan H. Unruh died 12-4-12. Petitioner is named as Co-Trustee and Trustor, and was married to Stan H. Unruh at the time of his death. Petitioner states the life insurance policy of Stan H. Unruh held with Sun America (Item No. 2 on Exhibit "A" to the Trust Agreement) was intended to be an asset of the trust to be held, managed, and distributed by the trustee.</p> <p>Petitioner states Stan H. Unruh was suffering from poor health at the creation of the trust and evidently failed to change the beneficiary designation of the policy to the trust, although he had expressed a clear intention to his attorneys and in the trust agreement that the policy proceeds were to be included in the trust. <b>As a result of his failure to change the beneficiary designation of the policy, the named beneficiary is the trustee of the decedent's former trust, the Stan H. Unruh Revocable Trust of 1997.</b></p> <p>Petitioner states that neither Petitioner nor Dennis Klassen, the trustee named under the attached Abstract of Trust, are able to find the original copy of that trust. It is believed in light of the fact no copy of the 1997 trust can be located, that the beneficiary named in the Abstract is Stan H. Unruh's ex-wife Claudia Unruh, and that Stan H. Unruh created the Unruh Family Trust with his current wife, Petitioner Jo Ann Unruh, in 2010, that said Stan H. Unruh Revocable Trust was revoked.</p> <p>As a result of the 1997 trust being named beneficiary, Sun Life <b>has paid</b> the proceeds under the policy to Dennis Klassen as trustee of that trust. Petitioner requests instructions directing that the proceeds are assets of the Unruh Family Trust, that the Unruh Family Trust has title to said assets, and that Dennis Klassen, trustee under the 1997 trust, shall transfer all such proceeds to Jo Ann Peelman Unruh, Trustee of the Unruh Family Trust.</p>	<p><b>NEEDS/PROBLEMS/ COMMENTS:</b></p> <p><b>Continued from 3-6-14</b></p> <p><b>Nothing further has been filed. The following issue remains:</b></p> <p style="text-align: center;"><b><u>SEE PAGE 2</u></b></p> <hr/> <p><b>Reviewed by:</b> skc</p> <p><b>Reviewed on:</b> 3-17-14</p> <p><b>Updates:</b> 3-19-14</p> <p><b>Recommendation:</b></p> <p><b>File 18 – Unruh</b></p>
	Aff.Sub.Wit.																																																																						
✓	Verified																																																																						
	Inventory																																																																						
	PTC																																																																						
	Not.Cred.																																																																						
	Notice of Hrg	X																																																																					
	Aff.Mail	X																																																																					
	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																																																																						

Page 2

**Petitioner prays for an order:**

1. Instructing the trustee with regard to the proper administration of the trust with respect to the mater alleged herein;
  2. Instructing the trustee and Dennis Klassen that the proceeds of the Sun America Policy are assets of the Unruh Family Trust, that the trust has title to said assets, and that Dennis Klassen, trustee under the Stan H. Unruh Revocable Trust of 1997 shall transfer all such proceeds to Jo Ann Peelman Unruh, trustee of the Unruh Family Trust; and
  3. For such other orders as the Court may deem proper.
- 

**NEEDS/PROBLEMS/COMMENTS:**

1. Petitioner states she is the only person entitled to notice of this petition and therefore did not serve notice on any other parties. However, because Sun Life has already paid the proceeds of the policy to Dennis Klassen as trustee of the 1997 trust, it appears that he is a party in possession of the subject asset and is therefore entitled to 30 days' notice pursuant to Probate Code §§ 851 (a)(2) and 17203(b). It further appears that the beneficiary thereunder, Claudia Unruh, and anyone else named, may also be entitled to notice. Time for notice cannot be shortened.

**Declaration of Paul C. Franco filed 3-19-14 states he has had numerous conversations with Dennis Klassen both before and after filing the instant petition, about the Sun America Policy and the various trusts. Dennis has told him he has spoken to Stan's ex-wife Claudia Unruh about the same and has consistently stated that both he and Claudia feel the Sun America Policy should be part of the Unruh Family Trust created in 2010 and make no claim to such assets.**

**Note: Lodged concurrently with the above declaration is an "Order After Hearing March 6, 2014" indicating that the petition was granted on March 6, 2014. However, on March 6, 2014, the Court continued the matter to March 20, 2014 and did not grant the petition. Examiner has modified the order to reflect the date of March 20, 2014 in the event that the petition is granted; however, a revised order may be necessary.**

**Note: Although Mr. Franco's declaration indicates consent, Mr. Klassen and Ms. Unruh are still entitled to notice of hearing pursuant to law.**

**Petition for Probate of Will and for Letters Testamentary; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)**

<b>DOD: 1-9-14</b>		<p><b>EARLEEN M. LESHER</b>, Sister and Named Executor without bond, is Petitioner.</p> <p>Full IAEA – ok</p> <p>Holographic Will dated 6-9-80 (Proof of Holographic Will filed separately.)</p> <p>Residence: Clovis Publication: Fresno Business Journal</p> <p>Estimated value of estate: Personal property: \$10,000.00 Real property: \$3,000,000.00</p> <p>Probate Referee: Steven Diebert</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Note: If the petition is granted status hearings will be set as follows:</b></p> <ul style="list-style-type: none"> <li>• <b>Friday, 08/22/2014 at 9:00a.m. in Dept. 303</b> for the filing of the inventory and appraisal <u>and</u></li> <li>• <b>Friday, 05/22/2015 at 9:00a.m. in Dept. 303</b> for the filing of the first account and final distribution.</li> </ul> <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.</p>
<input checked="" type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/>	<b>Verified</b>		
	<b>Inventory</b>		
	<b>PTC</b>		
	<b>Not.Cred.</b>		
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>		
<input checked="" type="checkbox"/>	<b>Aff.Mail</b> <span style="float: right;">w</span>		
<input checked="" type="checkbox"/>	<b>Aff.Pub.</b>		
	<b>Sp.Ntc.</b>		
	<b>Pers.Serv.</b>		
	<b>Conf. Screen</b>		
<input checked="" type="checkbox"/>	<b>Letters</b>		
	<b>Duties/Supp</b>		
	<b>Objections</b>		
	<b>Video Receipt</b>		
	<b>CI Report</b>		
	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
	<b>Aff. Posting</b>		
	<b>Status Rpt</b>		
	<b>UCCJEA</b>		
	<b>Citation</b>		
	<b>FTB Notice</b>		
		<p><b>Reviewed by:</b> skc</p> <p><b>Reviewed on:</b> 3-17-14</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b> SUBMITTED</p> <p><b>File 19 – Leshar</b></p>	

Atty Oakley, Katherine L. (pro per – maternal grandmother/Petitioner)

Petition for Appointment of Temporary Guardianship of the Person (Prob. C. 2250)

Destiny, 11	<b><u>GENERAL HEARING: 05/12/14</u></b>		<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Note:</b> There is a family law matter involving these minors (13CEFL03841). Father, John Jones, was awarded sole legal and physical custody of the minors in the family law case on 01/02/14. The next hearing in the family law matter is set for 06/03/14 for a Family Centered Status Hearing. Due to the active family law matter, it may be appropriate for Petitioner to seek a joinder in that matter.</p> <ol style="list-style-type: none"> <li>1. Need <i>Notice of Hearing</i>.</li> <li>2. Need proof of personal service at least 5 court days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Temporary Petition</i> <u>or</u> Consent &amp; Waiver of Notice <u>or</u> Declaration of Due Diligence for:                         <ul style="list-style-type: none"> <li>- John Jones (father)</li> <li>- Melissa Jones (mother)</li> </ul> </li> </ol>
Shyanne, 10	KATHERINE OAKLEY, maternal grandmother, is Petitioner.		
Jonathan, 7	Father: JOHN JONES		
Cont. from	Mother: MELISSA JONES		
Aff.Sub.Wit.	Paternal grandparents: DECEASED		
✓ Verified	Maternal grandfather: MARC MARTINO		
Inventory	<b>Petitioner states</b> that the children have been in her care for the past 3 years with minimal visits with the parents. The children are stable, attending school and in a safe environment in her care. The father is homeless, abuses drugs and has no income or stability. He now wants to remove the children from Petitioner's stable home. Petitioner states that the children were removed from the father's care by CPS in the past. Petitioner states that temporary guardianship is necessary to keep the children safe in her home.		
PTC			
Not.Cred.			
Notice of Hrg	x		
Aff.Mail			
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			
			<b>Reviewed by:</b> JF
			<b>Reviewed on:</b> 03/18/14
			<b>Updates:</b>
			<b>Recommendation:</b>
			<b>File 20 – Jones</b>

<b>DOD: 09/13/2013</b>		<b>JENEBIE LAZO</b> , daughter, and <b>JEREMIAH RIBEIRO</b> , son, request appointment as Administrator without bond.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		All heirs waive bond	<b>Note: If the petition is granted status hearings will be set as follows:</b>
<b>Cont. from 031314</b>		Full IAEA – o.k.	
	<b>Aff.Sub.Wit.</b>	Decedent died intestate	<ul style="list-style-type: none"> <li>• <b>Friday, 08/22/2014 at 9:00a.m. in Dept. 303</b> for the filing of the inventory and appraisal <u>and</u></li> <li>• <b>Friday, 05/22/2015 at 9:00a.m. in Dept. 303</b> for the filing of the first account and final distribution.</li> </ul>
✓	<b>Verified</b>		
	<b>Inventory</b>	Residence: Fresno	
	<b>PTC</b>	Publication: The Fresno Bee	
	<b>Not.Cred.</b>	<b>Estimated value of the Estate</b>	
✓	<b>Notice of Hrg</b>		Personal property - \$50,000.00
✓	<b>Aff.Mail</b>	Real property - \$250,000.00	
✓	<b>Aff.Pub.</b>	<b>Total - \$300,000.00</b>	
	<b>Sp.Ntc.</b>	Probate Referee: Rick Smith	
	<b>Pers.Serv.</b>		
	<b>Conf. Screen</b>		
	<b>Letters</b>	x	
✓	<b>Duties/Supp</b>		
	<b>Objections</b>		
	<b>Video Receipt</b>		
	<b>CI Report</b>		
	<b>9202</b>		
	<b>Order</b>	x	
	<b>Aff. Posting</b>		
	<b>Status Rpt</b>		
	<b>UCCJEA</b>		
	<b>Citation</b>		
	<b>FTB Notice</b>		
			<b>Reviewed by:</b> LV
			<b>Reviewed on:</b> 03/18/2014
			<b>Updates:</b>
			<b>Recommendation:</b> Submitted
			<b>File 21 – Ribeiro</b>