



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

(1) Fifteenth Account and Report of Conservator and (2) Petition for Authority to Deposit Funds in Special Needs Trust Account for Attorney's Fees (Prob. C. 2620, 2640, 3602, & 3604)

Age: 48	<p>ISABEL OLIVARES, Mother, was appointed Conservator of the Estate on 12-1-83.</p> <p>Bond is \$14,300.00 (ok)</p> <p>Account period: 1-1-10 through 12-31-11</p> <p>Accounting: \$237,874.44 Beginning POH: \$212,934.18 Ending POH: \$212,952.15</p> <p>Conservator: Waived</p> <p>Attorney: \$1,600.00 (less than Local Rule)</p> <p>Costs: \$685.00 (filing fee, bond premium, filing fee for request in SNT)</p> <p><i>(Authorized Attorney fees and costs to be paid from the Special Needs Trust.)</i></p> <p>The GLORIA OLIVARES SPECIAL NEEDS TRUST was created per Order Settling the 13th Account on 7-25-08 (09CEPR00580). Conservatee receives \$1,000/month in connection with a personal injury settlement plus a \$20,000 lump sum payment every five years. In order to retain the Conservatee's Medi-Cal benefits, Petitioner requests authority to deposit the next lump sum payment upon receipt in November 2013 to the trustee of the Special Needs Trust.</p> <p>Pursuant to Order of 8-24-09 in the Special Needs Trust, accountings for the trust were eliminated as long as trust assets remained under \$20,000.00. Therefore, upon receipt of said funds, accounting will be required for the two-year period beginning after receipt of said funds.</p> <p>Petitioner prays for an order:</p> <ol style="list-style-type: none"> 1. Settling and allowing the 15th account; 2. Authorizing payment of attorney fees; 3. Authorizing Petitioner to cause the lump sum settlement payment to be received in November 2013 in the sum of \$20,000.00 to be deposited in the blocked account for the GLORIA OLIVARES SPECIAL NEEDS TRUST; and 4. Such other and further relief as the Court may deem proper. <p>Court Investigator Charlotte Bien's report filed 9-28-10 recommends conservatorship continue as is.</p>	NEEDS/PROBLEMS/COMMENTS:
DOB: 12-12-63		
Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
Inventory		
PTC		
Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail W		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
<input checked="" type="checkbox"/> CI Report		
<input checked="" type="checkbox"/> 2620(c)		
<input checked="" type="checkbox"/> Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
	<p>Reviewed by: skc</p> <p>Reviewed on: 3-12-12</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 1 – Olivares</p>	

Probate Status Hearing Re: Failure to File Inventory and Appraisal and to File a First Account or Petition for Final Distribution

DOD: 6/12/1995 Cont. from: 090910, 120610, 012711, 040611, 060711, 090611, 110811, 121311, 020812	<p>NITZA PEÑA, niece, was appointed Administrator with Limited IAEA on <u>12/6/1995</u> with bond fixed at \$20,000.00.</p> <p>Proof of Bond posted in the amount of \$20,000.00 was filed on 12/15/1995, and <i>Letters</i> issued on that date.</p> <p>The Inventory and Appraisal was due on 3/15/1996. The first account or petition for final distribution was due on 12/15/1996.</p> <p>Proof of Service by Mail – Failure to File Inventory and Appraisal was filed on 5/20/1996 indicating the notice of failure to file an inventory and appraisal, a first account or petition for final distribution was mailed to Attorney Keith Walker on 5/20/1996.</p> <p>Notice of Status Hearing filed on 7/28/2010 set a status hearing on 9/9/2010 for failure to file the inventory and appraisal, and failure to file a first account or petition for final distribution. <i>Clerk’s Certificate of Mailing</i> shows the <i>Notice</i> was mailed to Keith S. Walker on 7/28/2010.</p> <p>Notes from the previous status hearings for background:</p> <ul style="list-style-type: none"> • <i>Minute Order</i> dated 9/9/2010 [Judge Gallagher] states Attorney Walker represents to the Court that he lost contact with his client for a period of time but has now obtained a current address and should be able to close the estate quickly as the property has been lost. If the accounting is filed, no appearance is necessary on 12/6/2010. • <i>Minute Order</i> dated 12/06/10 [Judge Hamlin] states Attorney Walker states his intention to file a Petition to Set Aside in this matter and requests a continuance. If said petition is filed, then no appearance is necessary on 1/27/2011. • <i>Minute Order</i> dated 1/27/2011 [Judge Oliver] states Counsel is directed to file the inventory with the petition. If filed by 4/6/2011 and reviewed by an examiner no appearance will be necessary. • <i>Minute Order</i> dated 4/6/2011 [Judge Oliver] states Mr. Walker is appearing via conference call. Counsel advises the Court that he has managed to re-establish contact with his client and has made contact with an attorney in San Diego. Counsel further advises that he will be filing a Petition for Family Allowance. <p style="text-align: center;">~Please see additional page~</p>	NEEDS/PROBLEMS/COMMENTS: <p><u>Continued from 2/8/2012.</u> <i>Minute Order</i> states Keith Walker appears via Courtcall. Court orders Mr. Walker and Ms. Pena to personally appear if the Inventory and Appraisal is not filed by the next hearing on 3/21/2012.</p> <p><u>Note:</u> Court records show no documents other than the Court’s <i>Minute Orders</i> have been filed in this matter since 7/28/2010, which was the Court’s notice of status hearing to Attorney Walker.</p> <p><u>Note:</u> An <i>Amended Creditor’s Claim</i> was filed in this case on 6/21/1996 by Valley Medical Center [now Community Medical Center] for \$198,043.68.</p> <p>The following issues remain:</p> <ol style="list-style-type: none"> 1. Need Final <i>Inventory and Appraisal</i> pursuant to Probate Code § 8800. 2. Need first account, petition for final distribution, or current status report pursuant to Local Rule 7.5(B) and (C).
Aff.Sub.W		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv		
Conf. Screen		
Letters		
Duties/S		
Objection		
Video Receipt		
CI Report		
9202		
Order		
Aff. Post		
Stat Rpt		
UCCJEA		
Citation		
FTB Notc		
		Reviewed by: LEG
		Reviewed on: 3/12/12
		Updates:
		Recommendation:
		File 3 - Vaughn

Notes from the previous status hearings for background, continued:

- *Minute Order* dated 6/7/2011 [Judge Oliver] states Mr. Walker is appearing via conference call. Counsel requests a continuance. Matter continued to 9/6/2011.
- *Minute Order* dated 9/6/2011 [Judge Oliver] states Keith Walker states that he has had a medical procedure keeping him away from court. Mr. Walker requests a continuance, stating, for example, a pending creditor's claim. The Court notes the creditor's claim and understands the matter will be finished at the next court hearing of 11/8/2011.
- *Minute Order* dated 11/8/2011 [Judge Oliver] states Mr. Walker is appearing via conference call. Mr. Walker informs the Court that he has the Petition for Family Allowance largely prepared, but needs a continuance due to medical issues. Matter continued to 12/13/2011.
- *Minute Order* dated 12/13/2011 states Mr. Walker appears by CourtCall. Mr. Walker advises the Court that he should have the petition filed by the end of this year.