



## 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.

	<b>CHRIS WADE</b> , brother, was appointed Successor Conservator on 9-19-11.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <ol style="list-style-type: none"> <li><b>Need Second and Final Account of Successor Conservator.</b></li> <li><b>The trust created by substituted judgment is subject to continuing jurisdiction. Therefore, the trust must be filed into its own case pursuant to Local Rule 7.1.2.</b>  - Need filing fee \$435.00 to create new case.</li> </ol> <p><b>Also, the Court will set status hearings for applicable events in that case as follows:</b></p> <ul style="list-style-type: none"> <li>- Friday 4-25-14 for filing new trust case</li> <li>- Friday 7-24-15 for filing first account in new trust case</li> </ul>
	The Successor Conservator's First Account was settled on 3-14-13. On that date, the Court set this status hearing for the filing of the Second Account.	
	<u>Note:</u> On 2-25-14, the Court granted the Successor Conservator's Petition for Substituted Judgment and the Order for Substituted Judgment to Transfer Assets to Revocable Living Trust was signed. The order authorized Chris Wade as Conservator to execute the Ron C. Wade Revocable Living Trust and transfer the assets of the conservatorship estate to the trust, which is subject to continuing jurisdiction.	
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Citation		
FTB Notice		
		Reviewed by: skc
		Reviewed on: 3-18-14
		Updates:
		Recommendation:
		File 1 – Wade

**3A In the Matter of the Verni Family Trust**

**Case No. 10CEPR00639**

**Atty Marchini, Joseph; Fashing, Peter; of Baker Manock & Jensen (for Petitioner Carmela DeSantis, daughter and Trust Beneficiary)**  
**Atty Baldwin, Kenneth A.; Thompson, Timothy; Cunningham, Nikole; of McCormick Barstow (for Co-Trustees Antonietta "Rosa" Verni, daughter, and Nicola "Nick" Verni, son)**  
**Atty Phillips, John, of Wild, Carter & Tipton (for Leonard "Dino" Verni, son)**  
**Atty Childs, Jerry; Bohn, Jeffrey D., sole practitioner (for Erlinda M. Verni, surviving spouse)**

**Status Hearing**

<b>Leonarda DOD:</b> 7/31/2000	<p><b>CARMELA DeSANTIS</b>, daughter and Trust Beneficiary, filed the following pleadings in this matter:</p> <ul style="list-style-type: none"> <li><i>Petition to Remove Trustees; Appoint Receiver; Surcharge Trustees; Deny Trustees Compensation; Impose Constructive Trust on Assets; and Cause Proceedings to Trace and Recover Assets on 7/26/2012.</i></li> <li><i>Amended Objections to First Account Current of Trustee, and Objections to Second Account Current of Trustee on 7/26/2012.</i></li> <li><i>Petition to Construe Trust Provision on 7/26/2012.</i></li> <li><i>Petition to Establish Claim of Ownership, in Favor of Trust, to Property and for Order Directing its Transfer to the Trustees to Hold in Trust on 8/14/2012.</i></li> </ul> <p><b>NICOLA "NICK" VERNI</b>, son and Successor Trustee of the <b>SURVIVOR'S TRUST</b>, and <b>ANTONIETTA "ROSA" VERNI</b>, daughter and Trustee of the <b>MERGED FAMILY SUB-TRUST</b>, filed the following pleadings in this matter:</p> <ul style="list-style-type: none"> <li><i>Response to Petition to Remove Trustees, etc. on 9/27/2012.</i></li> <li><i>Response to Petition to Construe Trust Provision on 9/27/2012.</i></li> <li><i>Response to Petition to Establish Claim of Ownership on 9/27/2012.</i></li> </ul> <p><b>Court Trial Minutes – 2<sup>nd</sup> Day dated 1/27/2014</b> directed counsel to submit a list setting forth the depositions they wish the Court to review and consider, including objections thereto, and counsel is to submit their closing briefs [by the dates indicated, which were subsequently changed to later dates (now passed) by filed stipulation and signed order.] Court set this Status Hearing on 3/21/2014.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Page 3B</b> is the <i>Petition to Remove Trustees, etc.</i></p> <p><b>Page 3C</b> is the <i>Petition to Construe Trust Provision.</i></p> <p><b>Page 3D</b> is the <i>Petition to Establish Claim of Ownership in Favor of Trust to Property, etc.</i></p> <p><b>Page 3E</b> is the <i>Petition for Review of Accounts and Acts of Trustees.</i></p>
<b>Saverio DOD:</b> 5/25/2009		
<b>Cont. from</b>		
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>		
<b>Status Rep.</b>		
<b>Notice of Hrg</b>		
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<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> LEG</p> <p><b>Reviewed on:</b> 3/18/14</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 3A – Verni</b></p>	

**3B In the Matter of the Verni Family Trust (Trust)**

Case No. 10CEPR00639

Atty Marchini, Joseph; Fashing, Peter; of Baker Manock & Jensen (for Petitioner Carmela DeSantis, daughter and Trust Beneficiary)

Atty Baldwin, Kenneth A.; Thompson, Timothy; Cunningham, Nikole; of McCormick Barstow (for Co-Trustees Antonietta "Rosa" Verni, daughter, and Nicola "Nick" Verni, son)

Atty Armo, Lance, sole practitioner (for Leonard "Dino" Verni, son)

Atty Childs, Jerry; Bohn, Jeffrey D., sole practitioner (for Erlinda M. Verni, surviving spouse)

**Petition to: (1) Remove Trustees; (2) Appoint Receiver; (3) Surcharge Trustees; (4) Deny Trustees Compensation; (5) Impose Constructive Trust on Assets; and (6) Cause Proceedings to Trace and Recover Assets [Prob. C. 15642, 16420 & 17200]**

Leonarda DOD: 7/31/2000	<p><b>CARMELA DeSANTIS</b>, daughter and Trust Beneficiary, is Petitioner.</p> <p><b>Petitioner states:</b></p> <ul style="list-style-type: none"> <li>The <b>VERNI FAMILY TRUST of 1999</b> was created by <b>SAVERIO VERNI</b> and <b>LEONARDA VERNI</b> on 6/10/1999, and was amended once by Settlers on the following day, 6/11/1999; Leonarda died on 7/31/2000, thereby causing the Trust to be divided into three sub-trusts: the <b>VERNI MARITAL TRUST</b>, the <b>VERNI FAMILY TRUST</b>, (which was amended once during both Trustors' lifetimes), and the <b>VERNI SURVIVOR'S TRUST</b> (copies of Trusts attached as Exhibit A); following Leonarda's death, Saverio amended the <b>SURVIVOR'S TRUST</b> seven times, with the <i>Eighth Amendment</i> (the final) amending the <b>SURVIVOR'S TRUST</b> in its entirety;</li> <li>Saverio served as sole trustee of the three sub-trusts until his death on 5/25/2009, and upon his death the Marital Sub-Trust terminated and its principal was added to the Family sub-trust, which became the <b>MERGED FAMILY SUB-TRUST</b>;</li> <li>Pursuant to the Trust terms, <b>ANTONIETTA ROSA VERNI</b>, daughter, is first appointed and currently serves as Successor Trustee of the Merged Family Sub-Trust; pursuant to the <i>Eighth Amendment</i> to Trust, <b>NICOLA VERNI</b>, son, is first appointed and currently serves as Successor Trustee of the <b>SURVIVOR'S TRUST</b>;</li> <li>The beneficiaries of each of the Sub-Trusts are the Settlor's five children: <b>ANTONIETTA ROSA VERNI (Rosa)</b>, <b>NICOLA VERNI (Nick)</b>, <b>LEONARD VERNI (Dino)</b>, <b>MARIA STANZIALE</b>, and <b>CARMELA DeSANTIS</b> (Petitioner); and specific distributions from the Survivor's Sub-Trust are to <b>ERLINDA MARCIANO VERNI (\$200,000.00)</b> and <b>ST. ANTHONY OF PADUA CATHOLIC CHURCH (\$200,000.00)</b>;</li> <li>Following the death of Saverio and Leonarda, the Merged Family Sub-Trust names Rosa as First Successor Appointee, and Maria as Second Successor Appointee; Eighth Amendment provides that upon Saverio's ceasing to act as trustee, Nick will serve as trustee of the Survivor's Sub-Trust;</li> <li><b>Petitioner seeks a Court order pursuant to Probate Code § 15642 removing Rosa as trustee of the Merged Family Sub-Trust, and removing Nick as trustee of the Survivor's Sub-Trust; Petitioner also seeks a determination by the Court that Dino is not qualified to serve as next successor trustee of the Survivor's Sub-Trust.</b></li> </ul>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Continued from 1/27/2014.</b> Minute Order states Order Appointing Court Approved Reporter as Official Reporter Pro Tempore is signed by the Court.</p> <p><b>Note:</b> Additional notes pages originally prepared with respect to this petition have been omitted.</p>	
Saverio DOD: 5/25/2009			
Cont. from 091112, 100212, 120512, 010313, 022113, 032213, 052413, 062113, 062813, 083013, 092713, 103013, 120613, 012714			
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	Reviewed by: LEG		
	Reviewed on: 3/18/14		
	Updates:		
	Recommendation		
	File 3B - Verni		

**Atty Marchini, Joseph; Fashing, Peter; of Baker Manock & Jensen (for Petitioner Carmela DeSantis, daughter and Trust Beneficiary)**  
**Atty Baldwin, Kenneth A.; Thompson, Timothy; Cunningham, Nikole; of McCormick Barstow (for Co-Trustees Antonietta "Rosa" Verni, daughter, and Nicola "Nick" Verni, son)**  
**Atty Phillips, John, of Wild, Carter & Tipton (for Leonard "Dino" Verni, son)**  
**Atty Childs, Jerry; Bohn, Jeffrey D., sole practitioner (for Erlinda M. Verni, surviving spouse)**

**Petition to Construe Trust Provision [Prob. C. 17200]**

<b>Leonarda DOD:</b> 7/31/2000	<p><b>CARMELA DeSANTIS</b>, daughter and Trust Beneficiary, is Petitioner.  <b>Petitioner states:</b></p> <ul style="list-style-type: none"> <li>The <b>VERNI FAMILY TRUST of 1999</b> was created by <b>SAVERIO VERNI</b> and <b>LEONARDA VERNI</b> on 6/10/1999, and was amended once by Settlers on the following day, 6/11/1999; Leonarda died on 7/31/2000, thereby causing the Trust to be divided into three sub-trusts: the <b>VERNI MARITAL TRUST</b>, the <b>VERNI FAMILY TRUST</b>, (which was amended once during both Trustors' lifetimes), and the <b>VERNI SURVIVOR'S TRUST</b> (copies of Trusts attached as Exhibit A);</li> <li>The instant petition relates to a provision contained in the <b>SURVIVOR'S SUB-TRUST</b>; over Petitioner's objections, Trustees Nick and Rosa have provided a commingled accounting for the Merged Family and Survivor's Sub-Trusts, which fails to segregate each Sub-Trust's assets, liabilities, receipts and disbursements;</li> <li>The failure to appropriately segregate assets, liabilities, receipts and disbursements among the Sub-Trusts prevents the Court, trustee and beneficiaries from determining the size and holdings of the <b>SURVIVOR'S SUB-TRUST</b>; because the <b>SURVIVOR'S SUB-TRUST</b> will be used to fund the above-referenced equalization provision, any appropriate increase in size to that particular Sub-Trust will allow greater realization of the Trustor's intent and will provide a means for effectuating the equalization of prior distributions; conversely, any inappropriate decrease in the size of the <b>SURVIVOR'S SUB-TRUST</b> will undermine the Trustor's intent and deny the Trustee the ability to effectuate an equalization;</li> <li><b>The Trustee of the SURVIVOR'S SUB-TRUST believes that distributions made during Saverio's lifetime should not be considered for purposes of the equalization process; Petitioner believes this to be contrary to the language of the provision and intent of the Trustor.</b></li> </ul> <p>Petitioner requests a judicial declaration from the Court concerning the proper construction of Subsection 1, of Section B, or Article IV of the <b>SURVIVOR'S SUB-TRUST</b> [refer to copy of Trust or Paragraph 11 of Petition for exact language requiring apportionment of the residue of the trust estate into equal shares for Trustor's living children.]</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Continued from 1/27/2014.</b> Minute Order states Order Appointing Court Approved Reporter as Official Reporter Pro Tempore is signed by the Court.</p> <p><b>Note:</b> Additional notes pages originally prepared with respect to this petition have been omitted.</p>
<b>Saverio DOD:</b> 5/25/2009		
<b>Cont. from</b> 100212, 120512, 010313, 022113, 032213, 052413, 062113, 062813, 083013, 092713, 103013, 120613, 012714		
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		<b>Reviewed by:</b> LEG
		<b>Reviewed on:</b> 3/18/14
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 3C - Verni</b>

**3D In the Matter of the Verni Family Trust (Trust)**

Case No. 10CEPR00639

Atty Marchini, Joseph; Fashing, Peter; of Baker Manock &amp; Jensen (for Petitioner Carmela DeSantis, daughter and Trust Beneficiary)

Atty Baldwin, Kenneth A.; Thompson, Timothy; Cunningham, Nikole; of McCormick Barstow (for Co-Trustees Antonietta "Rosa" Verni, daughter, and Nicola "Nick" Verni, son)

Atty Phillips, John, of Wild, Carter &amp; Tipton (for Leonard "Dino" Verni, son)

Atty Childs, Jerry; Bohn, Jeffrey D., sole practitioner (for Erlinda M. Verni, surviving spouse)

Petition to Establish Claim of Ownership, in Favor of Trust, to Property and for Order Directing its Transfer to the Trustees to Hold in Trust (Prob. C. 850, 17200.1)

Leonarda DOD: 7/31/2000	<b>CARMELA DeSANTIS</b> , daughter and Trust Beneficiary, is Petitioner.  <b>Summary of Petitioner's requests for specific relief:</b> 1. Determining that the following is property of the Trust estate: (a) <b>Almond crops:</b> (i) The almond meat inventory on hand at the date of Saverio's death; (ii) all almond crops grown on Trust land since Saverio's death; and (iii) proceeds from the sale of the almond inventory and crops; (b) <b>Olive crops:</b> (i) The olive oil, olive crop and olive inventory on hand at the date of Saverio's death; (ii) all olive crops grown on Trust land since Saverio's death; and (iii) proceeds from the sale of the olive oil, inventory and crops; (c) <b>Other crops (Stone Fruit, Grapes, Etc.):</b> (i) The inventory of other crop grown on Trust land, on hand at the time of Saverio's death but not reported in the Trustee's First Account; (ii) all such crops grown on Trust land since Saverio's death and during 2009; and (iii) proceeds from the sale of the inventory and crops; (d) <b>Other Inventory on Hand:</b> (i) The inventory of firewood and olive oil on hand at the time of Saverio's death but not reported in the Trustee's First Account; (ii) all such items produced from products grown on Trust land since Saverio's death and during 2009; [and (iii) proceeds from the sale of the other inventory;] (e) <b>Proceeds from Sale of Trust Real Property:</b> The money received by Nick and Dino from DeYoung Properties in connection with the option to purchase land and used by DeYoung Properties to actually purchase Trust land which sum is believed to be not less than <b>\$1,000,000.00</b> ; 2. Directing each of the beneficiaries in possession or holding the property to transfer such property to the Trustees to hold for the benefit of the Trust and the appropriate Sub-Trust(s); 3. Directing each of the beneficiaries in possession or holding any proceeds from the sale or exchange of any of the property to transfer such proceeds to the Trustees to hold for the benefit of the Trust and the appropriate Sub-Trust(s); 4. For judgment in favor of the Trustees of the Trust against any beneficiary who received the Trust property and proceeds, in an amount to be determined and as required to compensate for all of the detriment and damages cause to the Trust; and 5. For treble damages pursuant to Probate Code § 859.	NEEDS/PROBLEMS/ COMMENTS:	
Saverio DOD: 5/25/2009			<b>Continued from 1/27/2014.</b> <i>Minute Order states Order Appointing Court Approved Reporter as Official Reporter Pro Tempore is signed by the Court.</i>  <b>Note:</b> Additional notes pages originally prepared with respect to this petition have been omitted.
Cont. from 100212, 120512, 010313, 022113, 032213, 062113, 062813, 083013, 092713, 103013, 120613, 012714			
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FTB Notice			
		Reviewed by: LEG	
		Reviewed on: 3/18/14	
		Updates:	
		Recommendation:	
		File 3D - Verni	

**Atty** Marchini, Joseph; Fashing, Peter; of Baker Manock & Jensen (for Petitioner Carmela DeSantis, daughter and Trust Beneficiary)  
**Atty** Baldwin, Kenneth A.; Thompson, Timothy; Cunningham, Nikole; of McCormick Barstow (for Co-Trustees Antonietta "Rosa" Verni, daughter, and Nicola "Nick" Verni, son)  
**Atty** Phillips, John, of Wild, Carter & Tipton (for Leonard "Dino" Verni, son)  
**Atty** Childs, Jerry; Bohn, Jeffrey D., sole practitioner (for Erlinda M. Verni, surviving spouse)

**Petition for Review of Accounts and Acts of Trustees [Prob. C. 16063(a)(5); 17200(b)(5)]**

<b>Leonarda DOD:</b> 7/31/2000	<p><b>CARMELA DeSANTIS</b>, daughter and Trust Beneficiary, is Petitioner.</p> <p><b>Summary of Petitioner's requests in the Prayer for Relief:</b></p> <ul style="list-style-type: none"> <li>That each of the Second, Third, and Fourth Accounts Current submitted to Petitioner by the Co-Trustees be disallowed;</li> <li>That the Co-Trustees, and each of them, be ordered to compensate the estate for any loss caused by their acts and omissions;</li> <li>That the Trustees be directed to prepare and file a true and full account of their acts and proceedings within such time as may be allowed by this Court; and</li> <li>That Petitioner be reimbursed attorney's fees and costs.</li> </ul> <p><b>Petitioner states the following in support of the requests for relief:</b></p> <p><b>Accounts Provided by the Trustees</b></p> <ul style="list-style-type: none"> <li>On or about 8/26/2010, the Co-Trustees, Rosa and Nick Verni, filed a <i>First Account Current and Report of Trustees and Petition for its Settlement</i>;</li> <li>On 10/5/2010, Petitioner filed written objections to the <i>First Account Current</i> based on, among other things, the limited scope of the Account, the Trustees' failure to render separate accountings for each Sub-Trust, the failure to provide information pertaining to transactions involving the Trustees, as well as with respect to various farming operations being managed by the Trustees on behalf of the Trust;</li> <li>At Petitioner's request, the Trustees provided Petitioner with a <i>Second Account Current</i>, covering the period of 1/1/2010 through 12/31/2010;</li> </ul> <p style="text-align: center;"><b>~Please see additional page~</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Continued from 1/27/2014.</b> Minute Order states Order Appointing Court Approved Reporter as Official Reporter Pro Tempore is signed by the Court.</p> <p><b>Note:</b> Petitioner's prayer requests the Court <b>disallow</b> the accounts. Petitioner requests in the body of the <i>Petition</i> that the Court <b>review</b> the Second, Third and Fourth Accounts, but because the subject accounts have not been filed with the Court by the Co-Trustees as the fiduciaries, the accounts have not been reviewed by the Court.</p>
<b>Saverio DOD:</b> 5/25/2009		
<b>Cont. from 120613, 012714</b>		
<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/> <b>Verified</b>		
<b>Inventory</b>		
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<b>Notice of Hrg</b>		X
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<b>CI Report</b>		
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<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> LEG		
<b>Reviewed on:</b> 3/18/14		
<b>Updates:</b>		
<b>Recommendation:</b>		
<b>File 3E – Verni</b>		

## **First Additional Page 1E, Matter of the Verni Family Trust Case No. 10CEPR00639**

### **Petitioner states, continued:**

- On 7/26/2012, Petitioner filed written *Objections to Second Account Current*, and attached a copy of the *Second Account Current (copy of the Objections to Second Account Current filed by Petitioner on 7/26/2012 attached as Exhibit B)*;
- The *Second Account Current* continued to be deficient in the same respects as noted with respect to the *First Account Current*, among others;
- In spite of Petitioner's repeated objections, the Trustees continue to fail to properly account to Petitioner and other beneficiaries, as required by the terms of the Trust and Probate Code § 16062 et seq., in the *Third Account Current*, covering the period of 1/1/2011 through 12/31/2011, mailed to Petitioner at her request on or about 11/19/2012, and the *Fourth Account Current* covering the period of 1/1/2012 through 12/31/2012, mailed to Petitioner at her request on or about 4/19/2013;
- The manner in which such Accounts are deficient is further described in Petitioner's *Objections to Third Account Current*, attached as *Exhibit C*, and Petitioner's *Objections to Fourth Account Current* attached as *Exhibit D*;
- Article 11, Section 4 of the Trust requires the Trustees to render an accounting upon written request of any beneficiary;
- To date, the Trustees have failed to provide adequate accounts in response to Petitioner's requests pursuant to this provision, thereby necessitating this request that the Court review the Second, Third and Fourth Accounts Current and the acts of the Trustees.

### **Response to Petition for Review of Accounts and Acts of Trustees filed on 12/5/2013 by Trustees Nick Verni and Rosa Verni states:**

- Trustees admit that they filed the *First Account Current* and *Report of Trustees and Petition for Settlement* on 8/26/2010; Trustees further admit that Petitioner filed written objections to the *First Account Current* on 10/5/2010; however, Trustees deny that any deficiencies exist, legal or otherwise, in the *First Account Current*;
- Trustees admit that they submitted the *Second Account Current* to Petitioner; Trustees further admit that Petitioner filed written objections to the *Second account current* on 7/26/2012; however, Trustees deny that any deficiencies exist, legal or otherwise, in the *Second Account Current*;
- Trustees admit that they submitted the *Third Account Current* to Petitioner on or about 11/19/2012; Trustees further admit that they submitted the *Fourth Account Current* to Petitioner on or about 4/19/2013; however, Trustees deny that any deficiencies exist, legal or otherwise, in the *Third Account Current* and *Fourth Account Current*;
- The Trustees have filed a full account of their acts and proceedings during the period embraced thereby, and their *Report and Account* should be allowed and approved;
- Trustees expressly deny that any of the *Second, Third and Fourth Accounts Current* are deficient or otherwise fail to comply with the Trust or the requirements set forth in the Probate Code;

### **Trustees pray for an Order of this Court finding that:**

1. The objections of Petitioner be dismissed;
2. All acts and transactions of the Trustees as reflected in the *Account and Report* be ratified and confirmed;
3. The Trustees be authorized and directed to continue the administration of the Sub-Trusts until such time as the remaining tasks discussed herein are accomplished, the remaining legal actions discussed herein are resolved, and a plan of final distribution can be presented to the beneficiaries of the trust for their consent;
4. Petitioner take nothing by way of her Petition; and
5. Attorney's fees and costs of suit are awarded to Respondents.

<b>Age: 74</b>	<b>TEMP (ESTATE ONLY) EXPIRES 5-12-14</b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
	<b>VANCE SEVERIN and TERRI SEVERIN</b> , Brother and Sister of Mr. Salzman's wife, Stacy Salzman, were appointed as Temporary Co-Conservators of the Person and Estate without bond (bond upon permanent appointment) on 9-25-12.	<u>Note:</u> The last status report of the temp conservators was filed 10-2-13. That report indicated that an offer was pending at a price far below the anticipated price, and also indicated that a mechanic's lien had been filed; however, the contractor was "a complete and total fraud" (no license). Thereafter, the temp conservators had filed a complaint with the Fresno County District Attorney and requested an additional 90 days to sell the house. <i>However, an accounting is due regardless of the status of the sale. Probate Code §§ 2255, 2256, 2257, 2620.</i>
<b>Cont. from 032913, 042613, 061413, 100413</b>	<b>At a hearing on 11-5-12, the Court set this status hearing for the filing of the first account.</b>	<b>1. Need account 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.</b>
<b>Aff.Sub.Wit.</b>	On 12-10-12, The Temporary Co-Conservators were authorized to sell the Conservatee's real property, with proceeds to be deposited into a blocked account.	<b>Reviewed by:</b> skc
<b>Verified</b>	<b>At hearing on 1-7-13, the petition for conservatorship of the <u>person</u> was withdrawn, and the conservatorship of the <u>estate</u> was extended to 3-29-13, but limited to the sale of the property and negotiate and settle with the Conservatee's creditors, including California Franchise Tax Board and IRS.</b>	<b>Reviewed on:</b> 3-17-14
<b>Inventory</b>	<b>At various hearings, the temporary conservatorship of the estate was extended. At a status hearing on 1-10-14, the temporary was extended to 5-12-14.</b>	<b>Updates:</b>
<b>PTC</b>	<b><u>Minute Order 1-10-14:</u> The Court is advised that there is a mechanic's lien and things are not going well. Matter is continued to 5-12-14. The temporary is extended to 5-12-14.</b>	<b>Recommendation:</b>
<b>Not.Cred.</b>	<b>Note:</b> The Public Guardian's First and Final Account was settled on 1-29-14.	<b>File 7B - Salzman</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>		

<b>DOD: 5-9-11</b>	<b>MAGDALENA MANCILLA</b> was appointed Administrator with Full IAEA without bond on 11-29-11.	<b>NEEDS/PROBLEMS/ COMMENTS:</b>  <b>1. Need amended Inventory and Appraisal pursuant to Probate Code §8900 et seq.</b>  <b>2. Need petition for final distribution pursuant to Probate Code §12200.</b>  <b>Note:</b> Inventory and Appraisal filed 11-1-11 by the former Administrator indicated a total estate value of \$140,000.00, which consisted of real property valued at \$65,000.00 and a pending personal injury lawsuit valued at \$75,000.00. <i>However, the value of the pending lawsuit was provided by the Administrator rather than the Probate Referee.</i>  <b>Note:</b> The decedent left a spouse and five adult children, including the former Administrator, Ms. Mancilla. Ms. Mancilla's original petition listed all relatives at the same address (the decedent's former residence), and all notices were sent to this address.
<b>Cont. from 041213, 011714</b>	The Administrator failed to appear for two status hearings on 1-24-13 and 2-22-13, and on 2-22-13, Ms. Mancilla was removed and the <b>FRESNO COUNTY PUBLIC ADMINISTRATOR</b> was appointed as Successor Administrator with full IAEA. Letters issued on 3-6-13.	
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>	At hearing on 2-22-13, the Court set this hearing for status.	
<b>Notice of Hrg</b>	<b>Status Report filed 4-9-13 states</b> the real property in Sanger is in foreclosure because there were no estate assets to pay the mortgage. There is the possibility of money coming into the estate from a civil lawsuit, <i>Analilia Anguiano v. Suzette Ihara</i> (Fresno Superior Court Case Number 11CECG01428). It is a physical injury/property damage lawsuit. On 3-19-13, a stipulation and order was filed in the civil matter to continue the trial to 4-21-2014, with mandatory settlement conference set for 3-26-14 and trial readiness hearing on 4-18-14. Therefore, the possibility of any funds coming into the estate soon is improbable.	
<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 9202</b>	Public Administrator states the estate is not in a position to be settled and requests that further status hearing be set at least nine (9) months from the date of this hearing.	
<b>Order</b>	<b>Status Report filed 1-17-14 states</b> the real property remains in the foreclosure process. As previously reported, there remains the possibility of money coming into the estate from a civil lawsuit. Settlement conference has been set for 3-26-14 and trial readiness for 4-18-14. The possibility of any funds coming into the estate until after the trial on 4-21-14 is improbably Public Administrator requests the next status hearing be set at least nine months from today's hearing date.	
<b>Aff. Posting</b>		
<input checked="" type="checkbox"/> <b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>	<b>Status Report filed 3-12-14 states</b> the Public Administrator previously requested continuance of seven months due to the pending civil litigation. The Court instead set status for two months later. At this time, the Public Administrator is advised that a settlement has been reached but there cannot be a signed agreement until they have a final Medical statement. They expect that within 30 days. Public Administrator requests that the next status hearing not be set before June 6, 2014.	

## Status Hearing Re: Filing of the Inventory and Appraisal; Filing of First Account and/or Petition for Final Distribution

DOD: 6-9-11	<b>JANETTE COURTNEY</b> , was appointed Executor with Full IAEA without bond and Letters issued on 9-15-11.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
Cont. from 040813, 062813, 072613, 100413, 011714	Inventory and Appraisal Partial No. 1 filed 2-13-13 included commercial real property valued at \$250,000.00, which was sold pursuant to Order Confirming Sale of Real Property.	<b>Minute Order 4-8-13:</b> Mr. Keeler and Mr. Ivy are appearing via conference call. Mr. Ivy is directed to file a fully executed agreement with the court. Matter is set for Status Hearing on 5/24/13 regarding the settlement agreement and the dismissal. If the agreement and dismissal are filed by 5/24/13, no appearance will be necessary. The status hearing regarding the inventory and appraisal is continued to 6/28/13 for appearance by Mr. Neilson only. Set on 5/24/13 @ 9:00 a.m. Dept. 303 for: Status Hearing Re: Settlement Agreement and Dismissal
Aff.Sub.Wit.	At hearing on 2-25-13, the Court set status hearing for 4-8-13 for the filing of the Final Inventory and Appraisal, filing of the first account, and/or petition for final distribution.	
Verified		
Inventory	The status hearing for filing of the final Inventory and Appraisal has been continued to 6-28-13 and now 7-26-13.	
PTC		
Not.Cred.		
Notice of Hrg	<b>Status Report filed 7-19-13 states:</b>	<b>Note:</b> Full and Complete Settlement Agreement and Mutual Release of All Claims filed 4-11-13, and dismissal of petition filed by Dennis L. Thomas on 12-19-11 was entered on 5-1-13.
Aff.Mail	<ul style="list-style-type: none"> <li>Petitioner has performed all required duties as personal representative</li> <li>All known debts have been paid except for mortgage on real property which has a market value below the mortgage amount</li> <li>All administration costs to date except for compensation to the personal representative and attorney have been paid</li> <li>The estate is solvent</li> <li>A creditor's claim filed by Steven Drummond has been rejected</li> <li>There is currently no pending litigation involving the estate; however, there is a potential claim against beneficiaries for recovery of a vehicle and reimbursement for sales tax paid</li> <li>The status of a business being operated by a beneficiary, and the estate's current interest therein, has yet to be determined/negotiated.</li> <li>It is estimated that an additional three (3) months will be needed to complete administration of the estate, unless litigation is needed to recover the vehicle.</li> <li><b>Petitioner requests authority to continue administration until 10-1-13.</b></li> </ul>	<b>As of 3-17-14, nothing further has been filed. The following issues remain:</b>
Aff.Pub.		<b>1. Need Final I&amp;A.</b>
Sp.Ntc.		<b>2. Need First Account or Petition for Final Distribution pursuant to Probate Code §12200.</b>
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		<b>Reviewed by:</b> skc
✓ Status Rpt		<b>Reviewed on:</b> 3-17-14
UCCJEA		<b>Updates:</b>
Citation		<b>Recommendation:</b>
FTB Notice	<b>Status Report filed 10/03/13 states:</b> Since the prior status hearing the executor has been able to locate the Chevrolet Suburban, however it is damaged and towing and storage may be equal or more than the value. A compromise with the storage facility is being negotiated. Additionally, no paperwork has been located regarding the horse that a beneficiary claims belonged to the decedent and for which he is making a claim for care and feeding. The estate has rejected the claim. As to the real property in Mariposa, CA, it was thought that the bank was foreclosing on the property, but they have not. Time is requested to appraise and inventory this property and the Suburban as well as resolve the disposition of the horse.	<b>File 8 - Drummond</b>

Atty Hemb, Richard E., of Hemb Law Office (for Michele R. Curley, Administrator)

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

<b>DOD: 9/7/2012</b>	<b>MICHELE R. CURLEY</b> , Daughter, was appointed Administrator with Full IAEA with bond of <b>\$30,000.00</b> on 11/7/2012.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Continued from 1/17/2014.</b> The following issue from the last hearing remains:</p> <ol style="list-style-type: none"> <li>1. Need first account and/or petition for final distribution, or verified status report and proof of service of notice of the status hearing pursuant to Local Rule 7.5(B).</li> </ol>
<b>Cont. from 011014, 011714</b>	<b>Minute Order dated 11/8/2013</b> from the <i>Status Hearing Re: Increase in Bond Based on the Value of the Estate as Shown on the Inventory and Appraisal</i> continued the status hearing to <b>1/17/2014</b> for filing of an ex parte petition to increase the bond.	
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>		
<b>Inventory</b>		
<b>Bond</b>		
<b>Not.Cred.</b>	<b>Ex Parte Application for Order to Increase Bond</b> was filed 12/5/2013.	
<b>Notice of Hrg</b>	<b>Order to Increase Bond filed 12/5/2013</b> grants the Administrator's ex parte application to increase bond, finding bond be increased to <b>\$44,000.00</b> .	
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>	<b>Proof of Bond filed 1/14/2014</b> shows bond of <b>\$14,000.00</b> was posted. Based on 1/22/2013 bond posted of <b>\$30,000.00</b> total bond is currently <b>\$44,000.00</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>	X	
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
		<b>Reviewed by: LEG</b>
		<b>Reviewed on: 3/18/14</b>
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 9 – Martinez</b>

<b>DOD: 9-21-12</b>	<p><b>ROSARIO R. FORESTIERE</b>, Spouse, was appointed as Administrator with Limited IAEA without bond on 1-3-13 and Letters issued on 1-7-13.</p> <p>At hearing on 1-3-13, the Court set this status hearing for the filing of the first account or petition for final distribution.</p> <p>Status Report filed 3-11-14 by Attorney Wright states that a will has now been discovered and a Petition for Probate of Will is in process. The assets of the estate include the decedent's home, personal vehicle, and personal effects. On 12-31-13, the Court approved the sale of the residence and it is currently in escrow. The estate is not in a condition to be closed until the will has been admitted and escrow has closed.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <ol style="list-style-type: none"> <li><b>Petitioner states the estate is not in a condition to be closed at this time because a will has been discovered and a Petition for Probate of Will is in process. In addition, escrow on the sale of the residence has not yet closed. The Court may require additional information as to the anticipated time frame for close of escrow, filing the petition for probate of will, and then closing the estate.</b></li> <li><b>The Administrator was previously appointed with Limited IAEA without bond. At this time, since the residence has sold for a purchase price of \$175,000.00, the Court may require bond or blocked account going forward.</b></li> </ol>
<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> 3-18-14</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 11 – Forestiere</b></p>



**Status Hearing Re: Filing of the Inventory and Appraisal**

<b>DOD: 11/02/2009</b>	<p><b>PAIGE MCKERRAL-BURNETT</b>, step-granddaughter, was appointed Administrator with Will Annexed with Limited IAEA authority without bond.</p> <p>Letters issued 08/26/2013</p> <p>Inventory and Appraisal Partial No. 1 filed 01/15/2014 - <b>\$208,171.00</b></p> <p>Minute Order of 08/19/2013 set this status hearing.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b><u>OFF CALENDAR INVENTORY AND APPRAISAL FILED ON 03/11/2014</u></b></p>	
<b>Cont. from 011714</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>			
			<b>Reviewed by: LV</b>
			<b>Reviewed on: 03/18/2014</b>
			<b>Updates:</b>
	<b>Recommendation:</b>		
	<b>File 14 – Gillespie</b>		

**Status Hearing Re: Filing of the Inventory and Appraisal**

<b>DOD: 07/18/2010</b>	<p><b>SHAWN H. SMITH</b>, nephew, was appointed Administrator with Full IAEA authority with bond set at \$60,000.00.</p> <p>Letters issued 01/10/2014</p> <p>Minute Order of 10/21/2013 set this status hearing.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. Need Final Inventory and Appraisal 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>	
<b>Cont. from</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>			
			<b>Reviewed by:</b> LV
			<b>Reviewed on:</b> 03/18/2014
			<b>Updates:</b>
	<b>Recommendation:</b>		
	<b>File 15 – Wardlaw</b>		

Status Hearing Re: Filing of the Inventory and Appraisal

<b>DOD: 08/19/2013</b>	<b>PUBLIC GUARDIAN</b> , appointed Administrator with full IAEA authority without bond.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. Need <b>Final</b> Inventory and Appraisal 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.	
	Letters issued on 10/21/2013.		
<b>Cont. from</b>	Inventory and Appraisal partial No. 1 filed 10/30/2013 - <b>\$450,000.00</b>		
<b>Aff.Sub.Wit.</b>	Inventory and Appraisal partial No. 2 filed 01/02/2014 - <b>\$376,050.27</b>		
<b>Verified</b>	Minute Order of 10/17/2013 set this matter for hearing.		
<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>			
			<b>Reviewed by:</b> LV
			<b>Reviewed on:</b> 03/18/2014
		<b>Updates:</b>	
		<b>Recommendation:</b>	
		<b>File 17 – McPike</b>	

Atty Alabart, Javier A. (for Petitioner Alfredo Banda Arriaga, father)  
 Atty Fanucchi, Edward L. (for Respondent Maria Luisa Sanchez, purported spouse)  
 Atty Kruthers, Heather H. (for Public Administrator, Administrator of the Estate)

Settlement Conference

<b>DOD: 5/14/2004</b>	<p><b>ALFREDO BANDA ARRIAGA</b>, father, filed a <i>Petition for Preliminary Distribution of Decedent Estate Assets</i> on 10/2/2013, requesting an order for a preliminary distribution of the estate assets, representing that the Petitioner is the sole-surviving parent of the Decedent, and the sole-surviving devisee of the Will signed by the Decedent on 10/16/1997.</p> <p><b>MARIA LUISA SANCHEZ</b>, purported spouse, filed an <i>Opposition to Alfredo Banda Arriaga's Petition for Preliminary Distribution of Decedent Estate Assets</i> on 10/25/2013, representing that this Court ruled 6 years ago that distribution of the estate is controlled by the decree of the Mexican court finding that Ms. Sanchez is the sole heir to the Decedent's estate, and further alleged that the Court should order distribution of the remaining assets of the estate to Ms. Sanchez.</p> <p><b>Minute Order dated 11/5/2013</b> states Mr. Fanucchi is appearing via CourtCall. Stipulation and Order to use Certified Shorthand Reporter is signed by the Court. The Court takes the matter under submission.</p> <p><b>Order on Arriaga's Petition for Preliminary Distribution of Decedent's Estate's Assets filed on 1/24/2014</b> denies Arriaga's Petition and declines to distribute further assets to Sanchez. The Order concludes:</p> <ul style="list-style-type: none"> <li>• Court has expressly found that two issues remain to be tried as to the parties' relative claims to the estate: (1) whether Arriaga's challenge to the orders in Sanchez' favor are untimely and barred; or (2) whether Sanchez' challenge to the estate's distribution was untimely, void and barred;</li> <li>• These two issues depend on disputed issues of fact: (1) the address of Arriaga and his wife before and after the time of the filing of the Petition for Probate; (2) the Arriagas' contact, direct or indirect, with the Public Administrator who provided notice of the Petition; and (3) Arriagas' knowledge of the ongoing probate.</li> <li>• Also to be tried is the validity of the order for preliminary distribution to Sanchez, as set forth by the Court in its last order dated 8/21/2013.</li> </ul>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p style="text-align: center;"><b>This matter will be heard at 10:30 a.m.</b></p> <p><b>Notes for Background:</b></p> <ul style="list-style-type: none"> <li>• <b>PUBLIC ADMINISTRATOR</b> was appointed as Special Administrator of the Decedent's estate on 8/30/2005; <i>Letters of Special Administration</i> with Will Annexed were issued to the Public Administrator on 9/27/2005. <b>Inventory and Appraisal was filed on 9/15/2005</b> showing assets of the estate at that time were valued at <b>\$203,823.43</b>.</li> <li>• <b>PUBLIC ADMINISTRATOR</b> was subsequently appointed Administrator of the Estate on 3/28/2006; <i>Letters of Administration</i> with Will Annexed were issued to the Public Administrator on 3/29/2006.</li> <li>• <b>Amended First and Final Account of the Public Administrator was approved on 6/25/2012</b> via <i>Order After Hearing Settling Amended First and Final Account, etc.</i>, finding that after payment of commissions, fees and costs in the amount of <b>\$19,643.43</b>, there will be <b>\$89,703.10</b> to distribute upon further Court order regarding entitlement to final distribution.</li> </ul>
<b>Cont. from</b>		
<b>Aff.Sub.W</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/S</b>		
<b>Objection</b>		
<b>Video Rct</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Post</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
		<b>Reviewed by:</b> LEG
		<b>Reviewed on:</b> 3/18/14
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 1 – Banda-Nieto</b>