



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.

Probate Status Hearing Re: Failure to File Petition for Final Distribution

DOD: 3-7-06	<p>HAL B. HAVLISCH was appointed Executor with Full IAEA without bond and Letters issued on 5-24-06.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Note:</u> The Executor, attorney Hal B. Havlisch, was previously represented by attorney Thomas C. Peterson, now deceased.</p> <p><u>Note:</u> The decedent's will devises the entire estate to GOOD SHEPHERD LUTHERAN HOME OF THE WEST in Fountain Valley, CA.</p> <p><u>Minute Order 2-10-15:</u> The Court directs that a Corrected Inventory and Appraisal be filed if the original was incorrect. If the petition is not filed by 4-10-15, then a verified status report must be filed by the same date.</p> <p>As of 4-8-15, nothing further has been filed.</p> <p><u>Note:</u> See Page 2 re updated status report.</p> <p>1. Need first account or petition for final distribution.</p> <p><u>Note:</u> This estate has been open since 2006 (over 8 years) without accounting.</p>
Cont'd from 31414, 111814, 120914, 021015		
Final Inventory and Appraisal filed 10-27-06	<p>indicated a total estate value of \$148,162.92, including \$3,517.92 cash plus real property, personal property including a stamp collection valued at \$1,500.00, and a vehicle.</p> <p>On 11-30-06, a Notice of Proposed Action was filed indicating that the Executor intended to sell the real property for \$100,000.00 cash.</p> <p>Nothing further was filed.</p> <p>On 12-20-13, the Court set this status hearing for failure to file a first account or petition for final distribution and mailed notice to Hal B. Havlisch.</p> <p>The most recent status report was filed on 12-4-14. See Page 2.</p>	
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: skc
		Reviewed on: 4-8-15
		Updates:
		Recommendation:
		File 10 – Muhley

Status Report filed 12-4-14 states the house has decreased in value to \$72,000 in 2008 and has now increased to \$123,000 according to www.zillow.com. The home was built in 1927. Executor has made all necessary repairs out of his own funds including a new foundation, wiring, plumbing, roof, refrigeration and heating unit, kitchen, floor, interior and exterior paint, window treatments, termite damage.

The Executor states when the repairs were done the home was rented in June 2011 to a disabled woman who was receiving Section 8 subsidy. The only money received was from what Section 8 paid, as the tenant could not afford additional rent. The home is not in the best of areas and it was considered a good investment to not have the home sitting empty to avoid damage due to vandalism. The tenant paid utilities and kept up the property while the remaining repairs were done.

The house is now empty and has been listed with London Properties for \$130,000.00. The 1977 Dodge Monaco Broagham was sold for the appraised value of \$2,500.00, although there were expenses involved in the sale of the vehicle (smog, DMV, etc.). The furniture has been sold for the appraised value. The stamp collection is intact and can be disbursed to the beneficiaries. At the present time, there is no estate bank account, but estate funds have been placed in Executor's attorney's trust account with an approx. balance of \$600.00.

Executor states the Waiver of Accounting and Petition for Final Distribution will be filed at the close of escrow.

Examiner's Note: *Mr. Havlisch states funds have been placed in his attorney's trust account; however, Mr. Havlisch is now self-represented and used a non-attorney legal document service to file this status report. Need clarification regarding the "attorney trust account."*

Status Report filed 1-20-15 states the I&A filed 10-27-06 states an incorrect value (\$140,000.00). The home was originally listed with a realtor for \$130,000.00, but there has been a low interest at the listed price; therefore, the listing price has been lowered to \$124,900.00.

Examiner's Note: *The I&A value is the value as of the decedent's date of death, not the market value. However, if the Executor feels that the I&A value is incorrect, a Corrected I&A should be filed.*

Status Hearing Re: Filing of the Fourth Account

	FRANCIS KENNEDY is Conservator of the Person and Estate.	NEEDS/PROBLEMS/COMMENTS:
	The Conservator's Third Account was settled on 10-31-13 and the Court set this status hearing for the filing of the Fourth Account.	<u>Continued from 2-27-15. If accounting is filed at least 2 court days prior to continued date, no appearance is necessary.</u>
Cont. from 022715	Status Hearing Report filed 2-24-14 by Attorney Lisa Horton of Walters & Moshrefi states they are in the process of drafting the fourth account and report. They need final bank information from their client, which they are in the process of obtaining. A continuance of 45 days is requested to complete and file the fourth account.	<u>As of 4-8-15, nothing further has been filed.</u>
Aff.Sub.Wit.		1. Need Fourth Account.
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		Reviewed by: skc
Status Rpt		Reviewed on: 4-8-15
UCCJEA		Updates:
Citation		Recommendation:
FTB Notice		File 11 - Clover

Status Hearing Re: Filing of the Proof of Establishing a Guardianship in Missouri

	<p>BRANDI CHAVONNE LANIER, guardian, filed an ex parte Petition to Fix Residence Outside the State of California on 3-6-14.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Minute Order 1-6-15: Ms. Lanier is to advise her legal help that the Court needs an estimated date as to when the guardianship can be established in Missouri.</p> <p>1. Need proof of establishment of guardianship or equivalent in Missouri pursuant to Probate Code §2352(d).</p>
<p>Cont. from 071814, 111814, 010615</p>	<p>The Court set the matter for hearing on 3-19-14.</p>	
<p>Aff.Sub.Wit.</p>		
<p>Verified</p>	<p>At the hearing on 3-19-14, the Court granted the petition and set this status hearing for the filing of proof of guardianship in Missouri.</p>	
<p>Inventory</p>		
<p>PTC</p>		
<p>Not.Cred.</p>		
<p>Notice of Hrg</p>	<p>Status Report filed 7-9-14 states the family move to Springfield, Missouri on 3-22-14. Since moving, Caitlin and Autumn have been doing well and are in communication with their parents. On 6-23-14, Mrs. Lanier met with an attorney from Legal Services of Southern Missouri, who told her that guardianship could not be established in Missouri until they had resided there for six months pursuant to the Uniform Child Custody Jurisdiction and Enforcement Act. Mrs. Lanier intends to contact the attorney in October to establish guardianship.</p>	
<p>Aff.Mail</p>		
<p>Aff.Pub.</p>		
<p>Sp.Ntc.</p>		
<p>Pers.Serv.</p>		
<p>Conf. Screen</p>		
<p>Letters</p>		
<p>Duties/Supp</p>		
<p>Objections</p>		
<p>Video Receipt</p>		
<p>CI Report</p>		
<p>9202 Order</p>	<p>Mrs. Lanier therefore requests that the Court postpone the status hearing until after November 15, 2014, and that the California Guardianship remain in full force and effect until guardianship in Missouri can be established.</p>	
<p>Aff. Posting Status Rpt</p>		
<p>UCCJEA</p>		
<p>Citation</p>		
<p>FTB Notice</p>	<p>Status Report filed 12-31-14 states Ms. Lanier has been approved to receive legal representation through Legal Services of Southern Missouri's Volunteer Lawyer Project to establish a guardianship in the State of Missouri. Attached are notarized consent forms signed by both parents, Kenneth Lanier and Erin Zane.</p>	<p>Reviewed by: skc</p> <p>Reviewed on: 4-8-15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 12 – Lanier</p>

Amended Petition for Probate of Will and for Letters Testamentary

DOD: 10-16-14		<p>DEBORA A. CAVANAUGH, Daughter and named alternate executor without bond, is Petitioner.</p> <p>Full IAEA: ok</p> <p>Will dated 11-17-94</p> <p>Residence: Kerman, CA Publication: Fresno Bee</p> <p>Estimated value of estate: Personal property: \$ 3,000.00 Real property: \$158,000.00 Total: \$161,000.00</p> <p>Probate Referee: Rick Smith</p> <p>TERRY BREWER, Son, filed an objection on 12-29-14 in response to the prior petition for probate filed 11-26-14.</p> <p>Petitioner responded to the objection in an attachment to this amended petition.</p> <p>See Page 2.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 3-10-15</p> <p>Note: If granted, the Court will set status hearings as follows:</p> <ul style="list-style-type: none"> • Tuesday, Sept. 15, 2015 for the filing of the Inventory and Appraisal • Tuesday, July 12, 2016 for the filing of the first account or petition for final distribution. <p>If the proper items are on file prior to the status hearing dates pursuant to Local Rule 7.5.C., then the status hearings may be taken off calendar. Otherwise, written status report and appearance is required.</p>
Cont from 031015			
<input type="checkbox"/>	Aff.Sub.Wit. S/P		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail w		
<input checked="" type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input checked="" 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		
		<p>Reviewed by: skc</p> <p>Reviewed on: 4-8-15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 22 - Brewer</p>	

Page 2

Objector states the decedent died without a will or trust. The will attached is their father's will. Objector objects to Petitioner Debora A. Cavanaugh and his brother Donnie Brewer being appointed administrator and states he wishes to be appointed administrator. Objector states his brother Donnie stole at least \$65,000 from their mother and later moved into her house, where he still resides. Objector states Petitioner and Donnie are not trustworthy and would not fulfill their administrative and fiduciary duty to fairly administer and distribute the assets of the estate. Please see objection for additional allegations including fraud and elder abuse, and proposed estate management and distribution.

Petitioner includes a response to the objection in this amended petition. Petitioner states she located her mother's will after contacting the lawyer that completed her father's will. Both have been deposited, and the will of Emma JoAnn Brewer is attached to this amended petition. The will nominates Petitioner as executrix. Petitioner would like to know if Terry is contesting the will now that it has been found.

Petitioner states her mother was aware of the loan on the house; that she did take a loan on her house and loaned it to Donnie to buy a house. He was hoping to pay it off before they found out about it, but then lost his job. Petitioner states this was a loan, and he did not steal it. Their mother had the right to do whatever she wanted with her money when she was alive. She could have spent all her equity vacationing in Hawaii. She was not in bad shape with dementia until July 2011. In 2010, Petitioner, Donnie, and their mother went to a lawyer for power of attorney and health care directive. Petitioner was primary, Donnie was secondary. Donnie and his wife Sharon cared for their mother. See description of situation in petition and further description of estimated assets.

Objector filed Supplemental Declaration on 3-9-15. Objector states in light of the alleged "new" will, and in response to statements previously made by Petitioner, Objector submits additional information and respectfully requests a full accounting of bank records which will show the theft of estate property and funds by Donnie Brewer with the acquiescence of Debora Cavanaugh.

Examiner's Note re Objector's supplemental declaration: *The matter presently before the Court is Debora A. Cavanaugh's petition for appointment as personal representative, and admission of the decedent's will to probate. It is unclear if Objector intends this to be a will contest pursuant to Probate Code §8250; however, if so, no summons has been issued. Note that issues that occurred prior to the decedent's death or causes of action of fraud, financial elder abuse, etc., do not fall under the Probate Code and may need to be addressed in the civil court.*

Amended Petition to Determine Succession to Real Property

DOD: 10-16-14	JOE DEE KILGORE and RHETT STEVEN KILGORE are Petitioners.	NEEDS/PROBLEMS/COMMENTS:
	40 days since DOD	
	No other proceedings	
Cont from 031015	I&A: \$144,953.07 (real property located at 3704 W. Persimmon Lane)	
<input type="checkbox"/> Aff.Sub.Wit.	Decedent died intestate	
<input checked="" type="checkbox"/> Verified	Petitioners request Court determination that the decedent's 100% separate property interest in the real property passes to them one-half each.	
<input checked="" type="checkbox"/> 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		
<input checked="" type="checkbox"/> Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: skc
		Reviewed on: 4-8-15
		Updates:
		Recommendation: SUBMITTED
		File 25 - Kilgore