



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) First and Final Account and Report of Guardian of the Estate and (2) Petition to Deliver Assets

		RHONDA SLATER , Mother and Guardian of the Estate, is Petitioner.	<p>Account period: 4-4-06 through 12-31-12 Accounting: \$57,115.00 Beginning POH: \$51,989.00 Ending POH: \$51,989.00 (An 8.887% interest in real property)</p> <p>Guardian: No compensation requested</p> <p>Attorney: Not requested from guardianship estate</p> <p>Petitioner states the minor turned 18 in 2008. The estate consists solely of an 8.887% interest in certain residential real property that was the family home at the time the minor's father passed away (2004). At that time, Petitioner and the father were involved in a dissolution proceeding in the Family Court. On 6-6-08, each of the three children were awarded an 8.887% interest in the house, and 73.33% was awarded to Petitioner via a judgment entered by the Family Court in the dissolution action.</p> <p>Petitioner states the Public Administrator neglected to present its final account until just recently. No deadlines were set for Petitioner to file Inventory and Appraisal, nor was she informed of the requirement of same; hence the delay of more than six years in submitting this report.</p> <p>Petitioner states the house has been rented since 2010, and during that time, rental expenses exceeded the income. Petitioner paid all expenses from her separate income. The Court granted leave to refinance the property on 12-11-12, which process is still underway.</p> <p>Petitioner requests that:</p> <ol style="list-style-type: none"> The Court make an Order approving, allowing and settling the attached account and report of the Guardian as filed; The Court authorize and direct Petitioner to deliver the property remaining in her possession to Lars Michael Mommer; On compliance with this Order and filing receipts accordingly, Petitioner be discharged as guardian of the estate; and Other relief be granted that the Court deems proper.
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	w/o	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order	X	
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

NEEDS/PROBLEMS/COMMENTS:

Note: Minor turned 18 in 2008.

- Petitioner states she was not informed of the requirement for filing I&A or accountings for the three guardianship estates. However, Petitioner signed the Duties of Guardian and Acknowledgment of Receipt (Form GC-248) on 2-2-06, filed 2-23-06, which outlines the duties of guardians of the estate, including inventory and accounts, and further, was represented by counsel (attorney Janet Wright) when she was appointed. Examiner notes that although the Court at that time did not set status hearings for every required step in every case, it is the fiduciary's duty to be aware of the requirements of the office, and the attorney's duty as counsel, and the requirement of signing and filing of Form GC-248 ensures that awareness.
- Petitioner states the only asset of the guardianship estate is Lars' interest in the residence; however, the Stipulated Judgment in the family law action 02CEFL04083 appears to award additional assets to each of the minor children, including the interest in two retirement accounts, proceeds from the sale of two vehicles and a life insurance policy. The Court may require clarification as to the disposition of the other assets awarded pursuant to the Family Law judgment.
- Need order.

Reviewed by: skc

Reviewed on: 4-15-13

Updates:

Recommendation:

File 1A - Mommer

(1) First and Final Account and Report of Guardian of the Estate and (2) Petition to Deliver Assets

		RHONDA SLATER , Mother and Guardian of the Estate, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Note:</u> Minor turned 18 in 2011.</p> <p>4. Petitioner states she was not informed of the requirement for filing I&A or accountings for the three guardianship estates. However, Petitioner signed the Duties of Guardian and Acknowledgment of Receipt (Form GC-248) on 2-2-06, filed 2-23-06, which outlines the duties of guardians of the estate, including inventory and accounts, and further, was represented by counsel (attorney Janet Wright) when she was appointed. Examiner notes that although the Court at that time did not set status hearings for every required step in every case, it is the <u>fiduciary's</u> duty to be aware of the requirements of the office, and the attorney's duty as counsel, and the requirement of signing and filing of Form GC-248 ensures that awareness.</p> <p>5. Petitioner states the only asset of the guardianship estate is Briana's interest in the residence; however, the Stipulated Judgment in the family law action 02CEFL04083 appears to award additional assets to each of the minor children, including the interest in two retirement accounts, proceeds from the sale of two vehicles and a life insurance policy. The Court may require clarification as to the disposition of the other assets awarded pursuant to the Family Law judgment.</p> <p>6. Need order.</p> <p>Reviewed by: skc</p> <p>Reviewed on: 4-15-13</p> <p>Updates:</p> <p>Recommendation: File 2A - Mommer</p>
		Account period: 4-4-06 through 12-31-12	
		Accounting: \$57,115.00	
		Beginning POH: \$51,989.00	
		Ending POH: \$51,989.00	
		(An 8.887% interest in real property)	
Aff.Sub.Wit.		Guardian: No compensation requested	
✓ Verified		Attorney: Not requested from guardianship estate	
Inventory		Petitioner states the minor turned 18 in 2008. The estate consists solely of an 8.887% interest in certain residential real property that was the family home at the time the minor's father passed away (2004). At that time, Petitioner and the father were involved in a dissolution proceeding in the Family Court. On 6-6-08, each of the three children were awarded an 8.887% interest in the house, and 73.33% was awarded to Petitioner via a judgment entered by the Family Court in the dissolution action.	
PTC		Petitioner states the Public Administrator neglected to present its final account until just recently. No deadlines were set for Petitioner to file Inventory and Appraisal, nor was she informed of the requirement of same; hence the delay of more than six years in submitting this report.	
Not.Cred.		Petitioner states the house has been rented since 2010, and during that time, rental expenses exceeded the income. Petitioner paid all expenses from her separate income. The Court granted leave to refinance the property on 12-11-12, which process is still underway.	
✓ Notice of Hrg		Petitioner requests that:	
✓ Aff.Mail	w/o	5. The Court make an Order approving, allowing and settling the attached account and report of the Guardian as filed;	
Aff.Pub.		6. The Court authorize and direct Petitioner to deliver the property remaining in her possession to Briana Leigh Mommer;	
Sp.Ntc.		7. On compliance with this Order and filing receipts accordingly, Petitioner be discharged as guardian of the estate; and	
Pers.Serv.		8. Other relief be granted that the Court deems proper.	
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order	X		
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			

3A John R. Panzak (Estate)

Case No. 10CEPR00505

Atty Shekoyan, James E., of Baker Manock & Jensen (for John R. Panzak, Jr., Deceased Executor; and for Petitioner Sharon Panzak, spouse)

Atty Risner, Randy J., sole practitioner (for Competing Petitioner Gordon Panzak, son)

Probate Status Hearing Re: the Estate; and Failure to File a First Account or Petition for Final Distribution [Prob. C. 12200, et seq.]

DOD: 3/12/2010	<p>JOHN R. PANZAK, JR., son, was appointed Executor of the estate and <i>Letters</i> issued on 8/11/2010.</p> <p>John Panzak, Jr., served as Trustee of the JOHN ROBERT PANZAK TRUST dated 2007 since Decedent's death in March 2010; beneficiaries of the Will are John R. Panzak, Jr., Gordon Panzak, and the Trust; beneficiaries of the Trust are John R. Panzak, Jr., and Gordon Panzak.</p> <p>Petitions by Claimants GORDON PANZAK, son, and CHARLES PANZAK, son, were filed on 3/9/2011 seeking the Court's determination of ownership of specific items of property including a pick-up truck and real property located in Santa Cruz. Following the filing of demurrers, amended petitions, and amended demurrers, an <i>Order on Demurrer to Second Amended Petition to Determine Ownership of Real Property</i> signed on 1/31/2012 sustains the general demurrer to the second amended petition without leave to amend.</p> <p style="text-align: center;">~Please see additional page~</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Page 3B is the <i>Petition for Letters of Administration with Will Annexed</i> (for successor administration) filed by SHARON PANZAK, which has been continued to 4/29/2013.</p> <p>Page 3C is the <i>Petition for Letters of Administration with Will Annexed</i> (for successor administration) filed by GORDON PANZAK, which has been continued to 4/29/2013.</p> <p>Continued from 1/11/2013. Minute Order states the Court informs counsel that an accounting will be needed. Matter continued to 4/19/2013.</p> <p>Note: <i>Petition for Letters of Administration with Will Annexed</i> filed by SHARON PANZAK states the Executor, JOHN R. PANZAK, JR., died on 2/15/2013.</p> <p>1. Need First Account for the period of 8/11/2010 to 2/15/2013, representing the administration of the deceased personal representative, JOHN R. PANZAK, JR., pursuant to Probate Code § 10953(c), which provides, in pertinent part, if a personal representative dies and no legal representative is appointed for the deceased personal representative, the Court may compel the attorney of record in the estate proceeding to file an account of the administration of the deceased personal representative.</p>
Cont. from 090712, 011113		
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		
Stat. Report		
9202 Order		
Aff. Post		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
Reviewed by: LEG		
Reviewed on: 4/12/13		
Updates:		
Recommendation:		
File 3A - Panzak		

Additional Page 3A, John R. Panzak (Estate), Case No. 10CEPR00505

Status Report of Personal Representative filed 1/8/2013 by John R. Panzak, Jr., states:

- The probate estate has a single asset which is a brokerage account with Merrill Lynch; most of Decedent's assets were in his living trust which are not part of the probate estate;
- Gordon Panzak filed two litigation matters between himself and Petitioner, as the Executor of the estate; one of the litigation matters involves the probate estate;
- The second matter is a civil litigation action filed by Mr. Panzak (Case #11CECG00789) regarding the Decedent's trust and trust assets; the issues in the civil litigation matter are entwined with the issues in the probate estate;
- The Petitioner was prepared to commence trial in the civil litigation action, which was scheduled to begin on 12/12/2012;
- On 12/6/2012, just six days prior to the scheduled civil litigation action trial date, Gordon Panzak dismissed this case without prejudice, and on the same day [emphasis in original], he filed a new civil litigation action (Case #12CECG03842) citing the same causes of action and the same grievances as alleged in the action he just dismissed – the new complaint is basically a copy of the complaint that was dismissed the same day (please refer to copy of new complaint filed 12/6/2012 attached as Exhibit A);
- As previously stated, the issues in the civil litigation matter are entwined with the issues in the probate estate; as soon as the civil litigation is resolved, Petitioner intends to close the probate estate.
- **Petitioner requests the Court order that the administration of the estate be allowed to continue.**

Notes for background:

- **The filing of demurrers to the petition and to amended petitions resulted as follows:** Court issued an Order on Demurrer to First Amended Petition to Determine Ownership of Real Property on 11/1/2011, which sustained the demurrer filed by John Panzak, Jr. to the first amended petition filed by Gordon Panzak. Second amended petition to determine ownership was filed by Gordon Panzak on 11/21/2011, and demurrer was filed on 12/30/2011.
- **Notice of Status Hearing filed on 7/26/2012** set a status hearing on 9/7/2012 for failure to file a first account or petition for final distribution in the estate. Clerk's Certificate of Mailing shows the notice of status hearing was mailed to Attorney James Shekoyan and John R. Panzak, Jr. on 7/26/2012.
- **Status Report of Personal Representative filed by John R. Panzak, Jr. on 8/23/2012 states:**
 - The probate estate has a single asset which is a brokerage account with Merrill Lynch; most of Decedent's assets were in his living trust which are not part of the probate estate;
 - There are currently two pending litigation matters between Petitioner and his brother, Gordon Panzak; one of the litigation matters involves the probate estate, and the second matter involves a civil litigation action filed by Gordon Panzak in Case #11CECG00789 regarding Decedent's Trust and Trust assets; the issues in the civil litigation matter are entwined in the probate estate matter, therefore as soon as the civil litigation is resolved, Petitioner intends to close the probate estate; a Mandatory Settlement Conference in the civil litigation has been scheduled for **11/13/2012**, and a trial date is set of **12/12/2012**;
 - Several creditor's claims were filed with the Court or presented against the estate and have been rejected by Petitioner, in sum as follows: Gordon Panzak filed on 12/8/2010 several claims including ½ interest in Santa Cruz property, rent waste and damage, pick-up truck and furniture, for a claimed value totaling in excess of **\$1 million**; all rejected on 2/1/2011;
 - An Inventory and Appraisal was filed on 4/25/2011 showing an estate value of **\$520,693.06** (please refer to Schedule A attached for summary of the inventory);
 - The devisee of the estate pursuant to Decedent's Will admitted to probate on 8/22/2010 is John R. Panzak, Jr., Trustee of the John R. Panzak Living Trust.

Atty Shekoyan, James E., of Baker Manock & Jensen (for John R. Panzak, Jr., Deceased Executor; and for Petitioner Sharon Panzak, spouse)

Atty Risner, Randy J., sole practitioner (for Competing Petitioner Gordon Panzak, son)

Petition for Probate of Will and for Letters of Administration with Will Annexed [filed by Sharon Panzak], Authorization to Administer Under the Independent Administration of Estates Act

DOD: 3/12/2010	SHARON PANZAK, spouse, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:	
		CONTINUED TO 4/29/2013 Per Attorney Request	
Cont. from			
<input type="checkbox"/> Aff.Sub.Wit.			
<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			
<input type="checkbox"/> Order			
<input type="checkbox"/> Aff. Posting			
<input type="checkbox"/> Status Rpt			
<input type="checkbox"/> UCCJEA			
<input type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice			
		Reviewed by: LEG	
		Reviewed on: 4/12/13	
		Updates:	
		Recommendation:	
		File 3B - Panzak	

Atty Shekoyan, James E., of Baker Manock & Jensen (for John R. Panzak, Jr., Deceased Executor; and for Petitioner Sharon Panzak, spouse)
 Atty Risner, Randy J., sole practitioner (for Competing Petitioner Gordon Panzak, son)

Petition for Probate of Will and for Letters of Administration with Will Annexed [filed by Gordon Panzak], Authorization to Administer Under the Independent Administration of Estates Act

DOD: 3/12/2010	GORDON PANZAK , son, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		CONTINUED TO 4/29/2013
		Per Attorney Request
Cont. from		
<input type="checkbox"/> Aff.Sub.Wit.		
<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		
<input type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: LEG
		Reviewed on: 4/12/13
		Updates:
		Recommendation:
		File 3C - Panzak

Probate Status Hearing Re: Filing of the Third Account

Age: 12 years	<p>THE CYNTHIA WELCH SPECIAL NEEDS TRUST was established pursuant to an ORDER ESTABLISHING TERMS OF CYNTHIA WELCH SPECIAL NEEDS TRUST AND FOR CONTINUING COURT JURISDICTION UPON CREATION OF TRUST IN UNDERLYING ACTION on 05/02/05.</p> <p>ORDER APPROVING PETITION TO EXCLUDE FUNDS FROM THE ESTATE AND TO DIRECT PAYMENT TO SPECIAL NEEDS TRUST was entered in the underlying civil action on 05/12/05.</p> <p>Trustee, CAROLYN BATES-WELCH, filed a bond in the amount of \$125,000.00 on 07/22/05.</p> <p>The First Account and Report of Trustee for the period of 06/01/05 – 12/31/06 was approved on 09/10/07.</p> <p>The Second Account and Report of Trustee for the period of 01/01/07 – 12/31/10 was approved on 09/21/12.</p> <p>Notice of Status Hearing filed 03/13/13 set this matter for status regarding filing of the 3rd Account. Clerk’s Certificate of Mailing states that a copy of the Notice of Status Hearing was mailed to Attorney Lanier Thomas on 03/13/13.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need 3rd Account and report of Trustee.
DOB: 7/9/2000		
Cont. from		
<input type="checkbox"/> Aff.Sub.Wit.		
<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		
<input type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: JF
		Reviewed on: 04/12/13
		Updates:
		Recommendation:
		File 4 – Welch

Age:		NEEDS/PROBLEMS/COMMENTS: <p style="text-align: center;">OFF CALENDAR</p> <p style="text-align: center;">Corrected First Account and Report of Guardian filed 03/22/13 and set for hearing on 04/30/13</p>
DOD:		
Cont. from		
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: JF
		Reviewed on: 04/12/13
		Updates:
		Recommendation:
		File 5 - Mommer

DOD: 3/8/2006	<p>ARACELI SOTO GOMEZ was appointed Administrator without bond with full IAEA authority on 7/27/2009.</p> <p>Letters issued on 7/27/2009. Inventory and appraisal was due 12/27/2009.</p> <p>First Account or Petition for Final Distribution was due 7/27/2010. Notice of Status Hearing was mailed to attorney Robert W.M. Cross and administrator Araceli Soto Gomez on 9/6/12.</p> <p>Status Report filed 11/8/12 states they are not yet able to furnish the court with an inventory and appraisal. They are requesting a continuance for at least a month to allow sufficient time to complete both the inventory and appraisal and to filing accounting report.</p> <p>I&A filed 12-4-12 reflects a total estate value of \$68,035.00 consisting of a 1/3 interest in real property, various personal property items, and three vehicles.</p> <p>Status Report (unverified) filed 3-14-13 requests continuance to at least 4-19-13 because clearance of title has not yet been completed.</p>	NEEDS/PROBLEMS/COMMENTS:	
		<u>Continued from 11-9-12, 12-14-12, 2-1-13, 3-15-13</u>	
Cont. from 110912, 121412, 020113, 031513		Letters issued on 7/27/2009. Inventory and appraisal was due 12/27/2009.	<u>Status Report filed 12-12-12</u> states Attorney Cross has only a few days ago learned of a title problem which he is in the process of addressing. Apparently after the decedent's divorce in 1983, the decedent was awarded the property; however, because the judgment does not contain a full property description or even the APN, there is no record of transfer to the decedent alone. It appears application will need to be made in the dissolution action to either modify the judgment or have the clerk sign a deed conveying title in accordance with the judgment. Attorney Cross is unable to attend the hearing on time, and requests the matter be trailed, or preferably, continued to any date between Jan 15-Feb 15, 2013.
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	X		
UCCJEA			
Citation			
FTB Notice			
		<p><u>Minute Order 2-1-13:</u> Counsel informs the Court that he is working on getting the title cleared. Counsel is directed to submit a status report.</p> <p><u>Minute Order 3-15-13:</u> Counsel informs the Court that title to the property has not been cleared. Counsel requests a continuance.</p> <p><u>As of 4-15-13, nothing further has been filed.</u></p> <p>1. Need first account or petition for final distribution <u>or</u> current written status report pursuant to Local Rule 7.5.</p>	
		Reviewed by: KT / skc	
		Reviewed on: 4-15-13	
		Updates:	
		Recommendation:	
		File 7 - Soto	

Atty Keeler, Jr., William J.; Marshall, Jared; Burnside, Leigh (of Dowling Aaron Inc., for Bertha Law, Special Administrator)

Probate Status Hearing Re: Filing of the Petition for Final Distribution

DOD: 3/172007	BERTHA LAW , mother, was appointed Special Administrator on 5/13/2010 with special powers and bond of \$1,000.00 . <i>Letters of Special Administration</i> expired 11/18/2010; extended to 4/19/2013 .	NEEDS/PROBLEMS/COMMENTS:
		Continued from 10/18/2012. Minute Order states Counsel informs the Court that the class action lawsuit is nearly resolved and everything should be completed within six months. He further advises that the letters of special administration have expired. The Court advises counsel that it will consider this a hearing for extension of special administration powers and grant the request with an expiration date of 4/19/2013.
Cont. from 111810, 030311, 060211, 011912, 101812	Order for Probate dated 5/13/2010 grants the following special powers to the Special Administrator: To request and obtain any and all medical and pharmaceutical records and files relating to or pertaining to the Decedent from Community Regional Medical Center in Fresno; Rite-Aid on Fresno Street; Westside Pharmacy on Fresno Street; and any other health care provider or pharmaceutical provider.	1. Need first account, petition for final distribution, or current status report pursuant to Local Rule 7.5(B).
Aff.Sub.Wit.	<p>Notes for Background:</p> <ul style="list-style-type: none"> Decedent died while receiving care at Community Regional Medical Center. Prior to the Special Administrator's appointment, she and her attorneys had made several requests to obtain Decedent's complete medical file and/or pharmaceutical records from the medical center, and the requests had been refused based upon the position that California law requires some type of Court document to release the information. <i>Letters of Special Administration</i> were required to obtain records for pursuit of a claim or lawsuit against Glaxo Smith & Kline. Declaration of William J. Keeler filed on 5/12/2010 states the U.S. District Court of the Eastern District of Pennsylvania has tolled the civil action against Glaxo Smith & Kline filed by the Estate of Lorraine Wright, being case no. MDL No. 1871 to 4-23-10, in order to permit time for Plaintiffs to provide medical records of the Decedent. Mr. Keeler believes it will take the medical providers of the decedent approximately 30 days to gather and produce all of the medical records. <p style="text-align: center;">~Please see additional page~</p>	
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: LEG
		Reviewed on: 4/12/13
		Updates:
		Recommendation:
		File 9 - Wright

Notes for Background, continued:

Minute Order dated 5/13/2010 set a status hearing regarding the special administration for 11/18/2010; that date was also set as the expiration date for *Letters of Special Administration*.

Minute Order dated 11/18/2010 from the status hearing states Attorney Heather Mardel-Jones [of DAK] provided an oral status report and requested an additional 90 days; the matter was continued to 3/3/2011; Attorney Mardel-Jones appeared on that date, and the matter was continued to 6/2/2011.

Minute Order dated 6/2/2011 from the continued status hearing states Counsel advises the Court that all the files have been obtained and there should be a ruling in six months. Matter continued to 1/19/2012.

Status Report filed 1/18/2012 states:

- Petitioner Bertha Law retained The Whitehead Law Firm in Lafayette, Louisiana to pursue claims against Glaxo Smith Kline (GSK) in connection with the Pennsylvania lawsuit, and Petitioner's attorneys have tendered claims to GSK for consideration;
- Petitioner's counsel informed Attorney Burnside that consideration of such claims will remain open through 2012 and any settlement or judgment will not be final until late 2012 or early 2013;
- At this time, there are no assets in Decedent's estate, though there may be assets coming depending upon any settlement with GSK, and any such assets will need administration;
- Petitioner requests the Court set a further status [hearing] in this matter for October or November 2012.

Status Hearing Re: Filing of the Accounting and Petition for Final Distribution

DOD:6-30-05	PATRICIO ALCORTA, son, was appointed Administrator with Full IAEA without bond on 1-6-11. Letters issued on 1-6-11.		NEEDS/PROBLEMS/COMMENTS: Note: Pursuant to Minute Order 2-1-13, Letters of Administration were issued to Public Administrator on 3-1-13. 1. Need first account or petition for final distribution.
Cont. from 020113	Final Inventory and Appraisal filed 7-26-11 reflects a total estate value of \$245,000.00 (residential real property only).		
Aff.Sub.Wit.		On 11-7-12, Attorney Gary L. Motsenbocker filed a motion to be relieved as counsel due to communication issues.	
Verified		On 1-2-13, the Court granted the motion and set this status hearing for the filing of the accounting and petition for final distribution. A copy of the minute order was mailed to the Administrator on 1-8-13.	
Inventory		Minute Order 2-1-13: Mr. Alcorta informs the Court that the house has been paid and the taxes are being paid by his sister. At the request of Mr. Alcorta, the Court removes him as administrator and appoints the Public Administrator. Mr. Alcorta provides contact information. Continued to 4/19/13 @ 9:00 a.m.	
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	X		
UCCJEA			
Citation			
FTB Notice			
Reviewed by: skc			
Reviewed on: 4-15-13			
Updates:			
Recommendation:			
File 10 - Alcorta			

NEEDS/PROBLEMS/COMMENTS:

1. The proposed "Order On Settlement" and "Order Determining Validity of 1993 Declaration of Trust of Thelma Day and Confirmation of Montie S. Day as Successor Trustee" submitted by Montie S. Day make various recitals, findings and orders.

Examiner notes that these documents appear to be petitions for relief (relief being approval of a partially signed agreement and determining validity of trust) that to properly come before this Court would require Petition and Notice of Hearing on the relief requested to all parties pursuant to Probate Code §17200 et seq., with proper filing fee.

This hearing was set by the Court for status only. If the Court is requested to consider signing orders on a partially executed agreement, proper petition and notice must be given to all parties. The "Notice of Filing" is not sufficient for this purpose, as it does not contain hearing information, and does not include a copy of proposed order, which contains the apparent requested relief.

Need status of settlement reached on 3-12-13 from parties that did not sign the agreement.

2. **Need status re Public Guardian's petition for approval of the accounting and objections thereto.** (Examiner notes that the partially signed settlement agreement, which includes approval of the Public Guardian's accounting that was heard 1-28-13 and continued to the settlement conference date, is signed by Montie S. Day and Nicole Anne Day, who were the objectors to the Public Guardian's accounting petition.)

DOD: 02/07/12	<p>SHARON FISHER, Administrator, filed her First and Final Report of Administrator on 09/10/12. In her First and Final Report, the Administrator requested that a reserve of \$100,000.00 be established due to an anticipated tax liability.</p> <p>The Order Setting the First and Final Report of Administrator was signed by the court on 10/23/12. Minute order from hearing on 10/23/12 set this matter for status regarding the \$100,000.00 reserve.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need Status Report regarding \$100,000.00 reserve.</p>	
Cont. from			
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: JF			
Reviewed on: 04/15/13			
Updates:			
Recommendation:			
File 13 – Mason			

Probate Status Hearing Re: Failure to File Inventory and Appraisal; Failure to File a First Account or Petition for Final Distribution [Prob. C. 12200, et seq.]

DOD: 06/27/01	<p>KATHLEEN KAY FRANCIS, niece, was appointed Executor on 10/09/01 and Letters were issued on 10/09/01.</p> <p>Inventory & Appraisal has not been filed and was due in March 2002.</p> <p>Petition for Distribution has not been filed and was due in 2003.</p> <p>Notice of Status Hearing was filed 12/11/12. Clerk's certificate of mailing indicates that the Notice was mailed to Kathleen Kay Francis on 12/11/12.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>CONTINUED FROM 02/01/13 Minute order from 02/01/13 states: Ms. Francis is directed to meet with Court Examiner Jennifer Forrest forthwith.</p> <p>As of 04/12/13, nothing further has been filed and the following items remain due:</p> <ol style="list-style-type: none"> 1. Need Inventory & Appraisal. 2. Need Accounting and Petition for Final Distribution.
Cont. from 020113		
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: JF
		Reviewed on: 04/12/13
		Updates:
		Recommendation:
		File 15 - Steele