



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 Elyas Perez and Marissa Ramos (GUARD/P) Case No. 04CEPR00404

ProPer Rangel, Socorro (maternal grandmother/Guardian)

ProPer Ramos, Aracely (mother/Petitioner)

Petition for Termination of Guardianship

		ARACELY RAMOS , mother, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need proof of service by mail of <i>Notice of Hearing</i> with a copy of the <i>Petition for Termination of Guardianship</i> <u>or</u> <i>Consent & Waiver of Notice</i> <u>or</u> <i>Declaration of Due Diligence</i> for:</p> <p>a. Father(s) b. Paternal grandparents c. Maternal grandfather</p> <p>Note: <i>Proof of service filed 03/16/15 indicates that Jose B. Perez was served by mail on 03/02/15, however, it is unclear what his relationship is to the minors.</i></p>
		SOCORRO RANGEL , maternal grandmother, was appointed Guardian of the minors on 01/10/05. – <i>Guardian personally served on 03/15/15.</i>	
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified	Father: NOT LISTED	
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC	Paternal grandparents: NOT LISTED	
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg	Maternal grandfather: NOT LISTED	
<input checked="" type="checkbox"/>	Aff.Mail	<input type="checkbox"/> w/	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen	Petitioner states that she is now living with the guardian and the children and will now be the person responsible for them.	
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input checked="" type="checkbox"/>	CI Report	Court Investigator Jo Ann Morris filed a report on 04/13/15.	
<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		
			Reviewed by: JF
			Reviewed on: 04/21/15
			Updates:
			Recommendation:
			File 1 – Perez & Ramos

Attorney Teixeira, J. Stanley (for Conservator Good Shepard Fund)

Petition for Termination of Conservatorship

DOD: 9/21/2013	<p>PAMELA D. BENITEZ, representative of the GOOD SHEPARD FUND as Conservator of the Person and Estate, is Petitioner.</p> <p>Petitioner states:</p> <ul style="list-style-type: none"> The conservatorship was originally established by order of Tulare County Superior Court on 6/13/1983; Sometime thereafter the matter was transferred to Fresno County and this Court granted an ex parte order for issuance of amended Letters of Conservatorship on 8/26/2005, with amended letters issued that same date; Throughout the conservatorship, the Good Shepherd Fund has been the conservator; The Conservatee died on 9/21/2013, thus the conservatorship is no longer require. <p>Petitioner prays for termination of the conservatorship of the person and estate of James Alan Kulikov.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: Conservator has not been required to present accountings based upon the conservatorship estate satisfying the requirements of Probate Code § 2628, pursuant to <i>Order for Issuance of Amended Letters of Conservatorship</i> filed 2/6/2012 and the <i>Amended Letters</i> issued on 5/7/2012.</p>		
Cont. from				
<input type="checkbox"/> Aff.Sub.Wit.				
<input checked="" type="checkbox"/> Verified				
<input type="checkbox"/> Inventory				
<input type="checkbox"/> PTC				
<input type="checkbox"/> Not.Cred.				
<input checked="" type="checkbox"/> Notice of Hrg				
<input checked="" type="checkbox"/> Aff.Mail W/				
<input type="checkbox"/> Aff.Pub.				
<input type="checkbox"/> Sp.Ntc.				
<input type="checkbox"/> Pers.Serv.				
<input type="checkbox"/> Conf. Screen				
<input type="checkbox"/> Letters				
<input type="checkbox"/> Duties/Supp				
<input type="checkbox"/> Objections				
<input type="checkbox"/> Video Receipt				
<input type="checkbox"/> CI Report				
<input type="checkbox"/> 9202				
<input checked="" type="checkbox"/> Order				
<input type="checkbox"/> Aff. Posting				
<input type="checkbox"/> Status Rpt				
<input type="checkbox"/> UCCJEA				
<input type="checkbox"/> Citation				
<input type="checkbox"/> FTB Notice				
			Reviewed by: LEG	
			Reviewed on: 4/21/15	
			Updates:	
		Recommendation:		
		File 2 – Kulikov		

4 Theresa Rojas Sanchez (Estate)

Case No. 13CEPR00028

Atty Durost, Linda K. (for Pat (Mary) Hernandez – successor Administrator)

Atty McCloskey, Daniel T. (Petitioner attorney for Loretta Ramos – heir)

Petition for Attorney's Fees and Costs

DOD: 12/19/12		<p>DANIEL T. MCCLOSKEY, attorney for Loretta Ramos, heir, is Petitioner.</p> <p>PAT HERNANDEZ, sister, was appointed as successor Administrator with bond set at \$400,000.00 on 03/19/14 due to the death of the previous administrator, Manuel Rojas.</p> <p>Petitioner requests fees in connection with his representation of Loretta Ramos who is decedent's niece and intestate heir. Petitioner states that his client was not initially listed as an heir in the Petition for Probate of Manuel Rojas. His representation resulted in the former administrator recognizing Ms. Ramos as an heir as well as several other heirs that were initially left off the Petition for Probate. Further, his representation led to the Administrator's (both former and successor) being required to secure bond and also locating additional assets of the estate valued at approximately \$10,000.00, which benefitted all heirs of the estate.</p> <p>Petitioner asks that he be paid from the estate \$2,807.46 in attorney's fees, representing 11.55 hours @ \$250.00/hr., and costs in the amount of \$435.00 for a total request of \$3,042.56.</p> <p>Services are itemized by date and include review of correspondence, meetings with client, and court appearance.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>CONTINUED TO 05/27/15</u> Per request of Counsel</p> <p>1. The Petition does not comply with Local Rule 7.1.1C which states - When a petition or other request for relief is presented to the court, the Probate Code section that allows the requested relief must appear below the title of the pleading. Need authority that allows the relief requested in this petition.</p>
Cont. from 032415			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail w/		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		<p>Reviewed by: JF</p> <p>Reviewed on: 04/21/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 4 – Sanchez</p>	

(1) First and Final Report of Administrator on Waiver of Account and Petition for its Settlement; (2) for Allowance of Statutory and Extraordinary Fees to Attorney for Services; and (3) for Order for Final Distribution Pursuant to Probate Code 3600 et. seq.

DOD: 3/31/10	JOSEPH WILLIAM MARTIN , Administrator, is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>OFF CALENDAR. Amended Petition filed and set for hearing on 5/28/15.</p>
	Accounting is waived.	
Cont. from 082514 090814, 102014, 040215	I & A - \$125,873.74 POH - \$127,424.94	
<input type="checkbox"/> Aff.Sub.Wit.	Administrator - waives	
<input checked="" type="checkbox"/> Verified	Attorney - \$4,776.22 (statutory)	
<input checked="" type="checkbox"/> Inventory		
<input checked="" type="checkbox"/> PTC	Attorney x/o - \$9,100.00 (40.75 hours @ \$100 – 250/hr for services in connection with the civil litigation and creation of the special needs trust)	
<input checked="" type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg W/		
<input checked="" type="checkbox"/> Aff.Mail	Costs - \$1,304.32 (probate Referee, publication, certified copies)	
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.	Petitioner states he established the JOSEPH W. MARTIN IRREVOCABLE SPECIAL NEEDS TRUST , ("SNT") dated 1/16/14, Donald Fischer, trustee. The SNT currently contains proceeds from the settlement of the civil litigation by order of the Honorable Kristi Culver-Kapetan in the matter entitled <i>Joseph W. Martin v. Mary Quin, et. al</i> , case no. 12CECG03130 filed on 4/2/14.	
Conf. Screen	Petitioner requests the court take judicial notice of the order.	
<input checked="" type="checkbox"/> Letters 4/2/13		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
<input checked="" type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
<input checked="" type="checkbox"/> FTB Notice		
	Reviewed by: KT	
	Reviewed on: 4/21/15	
	Updates:	
	Recommendation:	
	File 5 - Martin	

<p>DOD: 07/04/12</p>	<p>WILLIAM MARTIN (MARTY) SHIBA, son, was appointed Executor with full IAEA and without bond on 03/28/13. Letters Testamentary were issued on 03/29/13.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>
<p>Cont. from 053014, 063014, 073014, 091714, 011515, 022615</p>	<p>Inventory & Appraisal, final filed 07/15/13 - \$68,775.68</p>	<p>CONTINUED FROM 02/26/15 As of 04/21/15, nothing further has been filed.</p>
<p>Aff.Sub.Wit.</p>	<p>Status Report filed 07/28/14 states: The office is currently in the process of preparing the petition and first account current in this matter. There is a Medi-Cal claim filed against the estate as well as a trust for this estate that is also considered in the estate plan. The executor and his attorney are currently in the process of completing negotiations and settlement of a dispute regarding the Medi-Cal claim. It is requested that this status hearing be continued for 45 days to allow time for the executor and his attorney to complete negotiations on the claim and to file the first account and report reflecting said negotiation and settlement.</p>	<p>1. Need First Account/Report of Executor and Petition for Final Distribution <u>and/or</u> current written status report.</p>
<p>Verified</p>		
<p>Inventory</p>		
<p>PTC</p>		
<p>Not.Cred.</p>		
<p>Notice of Hrg</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>Status Report filed 09/16/14 states: the attorney is currently preparing the petition and first account current in this matter. There is a medi-cal claim filed against the estate as well as a trust for this estate that is also considered in the estate plan. The executor and attorney are currently working with the DHS regarding the claim filed by them in this matter. They are experiencing difficulties getting a timely response from the DHS regarding negotiations. An additional 90 day continuance is requested.</p>	
<p>CI Report</p>		
<p>9202</p>		
<p>Order</p>		
<p>Aff. Posting</p>		<p>Reviewed by: JF</p>
<p>Status Rpt</p>		<p>Reviewed on: 04/21/15</p>
<p>UCCJEA</p>		<p>Updates:</p>
<p>Citation</p>		<p>Recommendation:</p>
<p>FTB Notice</p>		<p>File 6 - Shiba</p>

Accounting First Report of Personal Representative and Petition for its Settlement;
(2) for Allowance of Attorneys' Fees for Ordinary and Extraordinary Services

DOD: 10/27/12		<p>KAREN HANSEN, Administrator, is petitioner.</p> <p>Petitioner states among the assets of the estate is the Decedent's real property located in Coalinga. The Administrator listed the property with a real estate agent approximately a year ago. The property is listed in the multiple listing service, and the real estate agent is also marketing the property in the Southern California area as possible hunting property. There is some concern in the Coalinga area with perceived unavailability of water, which is apparently making the sale of the property more difficult even though the Decedent's property has two wells and has not run out of water in the past.</p> <p>Petitioner states decedent's real property continues to be listed in the multiple listing services and continues to be marketed in the Los Angeles area. Petitioner requests that she be allowed to continue to market the property.</p> <p>Petitioner states an inventory and appraisal was filed on 1/8/14 showing the estate valued at \$342,167.33. When the Administrator submitted the original inventory to the probate referee, she believed that the decedent owned 3,820 shares of Pacific Capital Bancorp stock. However, a 1-100 stock split occurred in 2010, so the Decedent actually owned only 38.10 shares. The personal representative anticipates filing a corrected inventory and appraisal showing the value of the estate to be \$168,712.43.</p> <p style="text-align: center;">Please see additional page.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: If the petition is granted, a status hearing will be set as follows:</p> <ul style="list-style-type: none"> Wednesday, October 14, 2015 at 9:00 a.m. in Department 303, for the filing of the petition for final distribution. <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.</p>	
Cont. from				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input checked="" type="checkbox"/>	Inventory			
<input checked="" type="checkbox"/>	PTC			
<input checked="" type="checkbox"/>	Not.Cred.			
<input checked="" type="checkbox"/>	Notice of Hrg			
<input checked="" type="checkbox"/>	Aff.Mail			W/
<input type="checkbox"/>	Aff.Pub.			
<input checked="" type="checkbox"/>	Sp.Ntc.			W/
<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input checked="" type="checkbox"/>	Letters			7/16/13
<input type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input checked="" type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input checked="" type="checkbox"/>	FTB Notice			
		<p>Reviewed by: KT</p> <p>Reviewed on: 4/21/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 7 - Hansen</p>		

Creditor's Claims filed and approved total \$3,470.54 remain unpaid.

Petitioner reserves her right to request her personal representative's commissions at the close of this estate.

Baker Manock requests that they be paid **\$3,030.68** which is one-half of their statutory fee (calculated on the \$168,712.43 appraised value of the estate) and costs in the amount of **\$167.50** for filing fees, copies and recording fees.

Baker Manock and Jensen further requests that they be allowed fees for extraordinary services in the amount of **\$2,757.00**.

Wherefore, Petitioner prays for an Order that:

1. The administration of this estate be allowed to continue to liquidate the real property and personal effects;
2. The first report of Petitioner as personal representative be settled, allowed, and approved as filed;
3. All the acts and proceedings of the Petitioner as personal representative be confirmed and approved;
4. Petitioner be authorized and directed to pay Baker Manock and Jensen, PC the sum of \$5,955.18 (\$3,030.68 as ½ of the statutory fees, \$167.50 for costs advanced and \$2,757.00 as attorney fees for extraordinary services to the estate).

Atty Joy, Maurice E. (for Administrator Staci Ann Ragan)

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

DOD: 7/27/2013	STACI ANN RAGAN , daughter, was appointed Administrator with Full IAEA authority without bond on 11/20/2013.	NEEDS/PROBLEMS/COMMENTS:
Cont. from	Amended Letters issued on 1/16/2014.	Continued from 1/23/2015. Minute Order states Mr. Yengoyan represents that escrow should close any day now, and then the petition for final distribution can be filed; requests 90 days. If the petition is filed at least two court days prior, then no appearance is necessary on 4/23/2015.
Aff.Sub.Wit.	Pursuant to Probate Code § 8800(b) , Final Inventory and Appraisal was filed 6/2/2014 showing an estate value of \$764,265.07 .	
Verified		
Inventory		
PTC	Pursuant to Probate Code § 12200 , first account and/or petition for final distribution was due 1/16/2015.	
Not.Cred.		
Notice of Hrg	Minute Order dated 11/20/2013 set this status hearing for filing of the first account and/or petition for final distribution.	
Aff.Mail	W/	
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.	Status Report of Stacie Ann Ragan filed 1/12/2015 for previous status hearing states:	
Conf. Screen	<ul style="list-style-type: none"> Declarant has not completed all duties required of her with respect to administration of the estate in that the escrow was opened for the sale of real property owned by the estate; Notice of Proposed Action was served on all persons affected by the sale but the escrow is contingent upon the obtainment of a lot line adjustment, and this has caused a delay in the close of escrow; A deed adjusting the lot line has been signed very recently and it is anticipated that upon the recording of the deed, the escrow will close shortly thereafter; Declarant will then be in a position to file a Petition for Final Distribution of the estate with the Court. 	<ol style="list-style-type: none"> Need first and final account, or verified status report and proof of service of notice of the status hearing pursuant to Local Rule 7.5(B).
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		Reviewed by: LEG
Status Rpt		Reviewed on: 4/21/15
UCCJEA		Updates:
Citation		Recommendation:
FTB Notice		File 8 - Hamlin

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

DOD: 7/1/13	<p>RICHARD ESQUEDA was appointed Administrator with full IAEA authority and without bond on 1/8/14.</p> <p>Letters issued on 1/16/14.</p> <p>I & A filed on 3/14/14 showing the estate valued at \$254,600.00.</p> <p>Corrected I & A filed on 3/18/15 showing the corrected value of the estate at \$235,300.00</p> <p>Minute order dated 1/8/14 set this status hearing for the filing of the first account or petition for final distribution.</p> <p>Former Status Report filed on 2/26/15 states in attempting to dispose of various motor vehicles listed on the inventory and appraisal, it was determined that some of these assets were not assets of the decedent's estate and should not have been reported on the inventory. Declarant is in the process of attempting to determine which vehicles should be deleted in order to file a corrected inventory and appraisal. Therefore the estate is not in a condition to be closed.</p>	NEEDS/PROBLEMS/COMMENTS:	
		OFF CALENDAR. First and Final Account filed and set for hearing on 5/21/15.	
Cont. from 031315			
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: KT
			Reviewed on: 4/21/15
		Updates:	
		Recommendation:	
		File 9 – Esqueda	

Petition for Termination of Guardianship

	EVONISHA SMITH , mother, is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 3/12/15. As of 4/21/15 the following issues remain.</p> <ol style="list-style-type: none"> 1. Proof of service on guardian, Adriana Brewer does not state the date and time of the service. – However, Guardian Adriana Brewer was present in court at the last hearing on 3/12/15. 2. Need proof of service of the Notice of Hearing on: <ol style="list-style-type: none"> a. Derick King (father) b. Renee King (paternal grandmother) c. Triania Smith (maternal grandmother) – personally served on 3/16/15, however the Notice of Hearing served does not include the date, time and department for the hearing.
	ADRIANA BREWER , non-relative, was appointed guardian on 9/11/14.	
	Please see petition for details.	
	Court Investigator Report filed on 3/5/15.	
	Declaration of Evonisha Smith filed on 4/8/15.	
Cont. from 031215		
	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: KT
		Reviewed on: 4/21/15
		Updates:
		Recommendation:
		File 12 - Smith

		<p>Temporary Granted as to Cosme Barraza & Maria Aguirre, Expires 04/23/2015</p> <p><u>Please see petition for details</u></p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> Declaration filed 04/20/2015 which includes Page #5 of the Guardianship Petition – Child Information Attachment (GC 210(CA)) indicates the child is or may be a member of the Sioux Creek Tribe, therefore, a <i>Notice of Child Custody Proceeding for Indian Child</i> (Form ICWA-030), must be served together with copies of petition and all attachments, including this form, on the child's parent; any Indian custodian; any Indian tribe that may have a connection to the child; the Bureau of Indian Affairs (BIA), and possibly the U.S. Secretary of the Interior, by certified or registered U.S. Mail, return receipt requested. (Please see Probate Code 1460.2, and CA Rules of Court 7.1015) Per item 1 above, Petitioners will need to return the completed copy of the <i>Notice of Child Custody Proceeding for Indian Child</i> to the probate clerk. The probate clerk will then mail the notice to the required agencies as required. After mailing, per item 2 above, need proof of service of notice, including copies of the notices sent and all return receipts and responses received, pursuant to Probate Code 1460.2(d). Note: A blank copy of the <i>Notice of Child Custody Proceeding for Indian Child</i> (Form ICWA-030) is in the file to hand to petitioners at the hearing. Petitioners should complete the form and return it to the probate clerk for mailing. 	
Cont. from 121114, 012915, 031915				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
	Aff.Mail			n/a
	Aff.Pub.			
	Sp.Ntc.			
✓	Pers.Serv.			w/
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
✓	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			
		Reviewed by: LV		
		Reviewed on: 04/21/2015		
		Updates:		
		Recommendation:		
		File 13 – Barraza		

14A Ronald M. Martinson (Estate)

Case No. 14CEPR00847

Atty Anderson, Gregory J (of Foothill Ranch, CA for Petitioner Debra Ann Winters)

Atty Hall, Christopher (for Contestant Christy Lynn Pedron)

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

DOD: 1/15/14		<p>DEBRA ANN WINTERS, named alternate executor without bond, is petitioner.</p> <p>Limited IAEA – o.k.</p> <p>Will dated: 1/31/2006</p> <p>Residence: Clovis Publication: Fresno Business Journal</p> <p>Petitioner states there are currently no assets in the estate. Filed concurrently with this petition is a Petition to Quiet Title and Transfer Personal Property to Estate. Petitioner believes that all her father's real property and financial accounts should be included in his estate. However, all of their father's assets are currently held in the name of Christy L. Pedron because her father added her as a joint tenant to the title of the real property and financial accounts.</p> <p>Probate Referee: Rick Smith</p> <p>Please see additional page for Contest to Petition for Probate of Will.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: Petitioner is a resident of Colorado.</p>
Cont. from 102314			
<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 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 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: KT</p> <p>Reviewed on: 4/21/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 14A – Martinson</p>	

14A

Contest of Petition for Probate of Will filed on 10/17/14 by Christy Lynn Pedron. Contestant states the decedent was not married at the time of his death. He was survived by three children, the Contestant, Petitioner and a son named Ronald Paul Martinson. Contestant states that as indicated by the Petitioner's own petition, there is no property requiring administration. Contestant alleges that all the property of the decedent at the time of his death was held in a manner that passed to his successor in interest by operation of law, or was of a value that does not require administration under the provisions of the Probate Code. Petitioner also filed with the Court in conjunction with her brother, Ronald, a Quiet Title Action. Petitioner alleges that there is property that belongs to the decedent's estate in possession of Contestant. The Petitioner has raised a trier of fact issue that can be adjudicated without a personal representative being appointed. Further, if it is determined that Contestant is in possession of property requiring administration, a Petition for Probate of Will would only then be appropriate.

Contestant objects to the appointment of Petitioner as Executor of the Will because the Contestant was named in the Will as the first alternate and therefore has higher priority to be appointed Executor. Contestant has not and has never intended to renounce her right to appointment as executor. There exists good cause for Contestant's failure to file a petition for Probate of Will. Simply put, there are no assets to probate. If and when it is discovered there are assets to probate, the Contestant intends to file a Petition for Probate of Will and for Letters Testamentary. In the meantime, it is not in the best interest of the decedent's estate or the persons interested therein for the Contestant to incur the expense of another filing fee and another publication fee only to oppose a Petition of the Petitioner with an unnecessary Petition of her own.

Wherefore, Contestant prays for an Order of this Court as follows:

1. The Petition of Debra Ann Winters for Probate of Will and for Letters Testamentary be denied;
2. Petitioner not be appointed as personal representative of the decedent's estate;
3. Contestant's right to seek appointment as Executor of the Will be preserved if assets are hereinafter discovered requiring administration.

Mr. Martinson continued to reside in his residence. Christy lived nearby and due to her close proximity, she and her husband Paul were able to assist Mr. Martinson with his personal and financial needs, as his ability to take care of himself declined.

Petitioners allege Christy and Paul developed a confidential relationship with Mr. Martinson such that he reposed trust and confidence in them up until the time of his death. Though Ronnie and his family lived across country, they maintained regular communication with Mr. Martinson, via telephone, email, chat room and periodic, in person visits.

On 12/9/2009 Mr. Martinson, executed a quitclaim deed on the residence to himself and his daughter Christy as joint tenants with right of survivorship. Petitioners believe around that time Mr. Martinson also added Christy on title to his accounts.

Later that month Debra learned of the deed and the re-titled accounts. On 12/28/2006, Debra called and spoke with her father. During that conversation, the subject of the deed and re-titled accounts came up. Mr. Martinson explained to Debra that he signed the deed in order to make the transfer of his home easier upon his death, and that he had not changed his distribution goals as reflected in his 2006 Will. Further, he explained to Debra that Christy was added to his accounts so that she could help him pay his bills, that it was not intended to alter the distribution plan set forth in his Will, and that it was not intended to be a current or future gift to Christy.

In 2011, the fact that Mr. Martinson's accounts had been changed for convenience purposes was confirmed by Ronnie as well. Mr. Martinson underwent another surgery in 2011. Christy called Ronnie and asked him to come help. Ronnie flew out to help Mr. Martinson. However, Mr. Martinson's mental condition had so declined that he was unable to recognize or recall Ronnie as his son. Notwithstanding that fact, Mr. Martinson shared with Ronnie his concern that Christy was not going to allow Mr. Martinson to return to his home after the surgery. Ronnie asked Mr. Martinson about his accounts as he believed there should be more than enough to pay for in home nursing so Mr. Martinson could remain in his home. At that time, Christy's husband Paul explained to Ronnie and Debra (who was also present) that Christy had already been added to Mr. Martinson's accounts, that they had already cancelled multiple automatic monthly charitable transfers from his accounts, and that his accounts where in "good hand."

Mr. Martinson died on 1/15/14. On 2/24/14, Christy (through her attorney) issued a "memorandum" to Debra and Ronnie in which she summarized the administration of Mr. Martinson's estate.

In the memorandum issued by Christy's attorney, he states that since Mr. Martinson's residence and bank accounts were co-titled with Christy, those passed solely to Christy, contrary to the terms of the Will. The only assets affected by the distribution provisions of the Will are the 1998 Honda Odyssey and the personal property items. Additionally the 2/24/14 memorandum stated that when Christy learned she was inheriting essentially the entire estate and that Ronnie and Debra would receive almost nothing, she "elected to increase the distributions to both Ron and Debra. . . to \$10,000 each."

Please see additional page

Based on the forgoing Petitioners allege:

1. Mr. Martinson was an elder adult, and was in a confidential relationship with Christy at the time she caused him to jointly title the residence with her and add her name to the accounts.
2. Mr. Martinson did not understand the at-death ramifications of jointly titling his residence with Christy or of adding Christy's name to his accounts.
3. Mr. Martinson did not intend for the residence or accounts to become the property of Christy as the surviving joint tenant or the other named holder of the accounts.
4. Mr. Martinson was induced to jointly title the residence with Christy and add her name to his accounts by fraud, undue influence and duress, in that Christy took advantage of the trust and confidence Mr. Martinson reposed in her, and through this advantage she substituted her own will for and supplanted that of Mr. Martinson.
5. Christy actively procured the changed titles on the residence and accounts and that Christy unduly profited from the re-titling of Mr. Martinson's residence and accounts.

Petitioners request that pursuant to Probate Code §850 and §9654 this Court determine that the title to the Residence and to the Accounts or the proceeds therefrom be vested in Petitioner, Debra as executor of Mr. Martinson's estate. Petitioners further request that the Court exercise its equitable powers to hold that Christy is a constructive trustee and holds the proceeds of such accounts in trust for the estate of Mr. Martinson.

Petitioner's pray for an Order:

1. Determining that the residence and the accounts belong to the estate of Ronald M. Martinson.
2. That title to the residence and the accounts are rightfully in Petitioner, Debra Ann Winters, as Executor of the Estate of Mr. Martinson;
3. That Christy L. Pedron is directed to convey title on the residence and the accounts to Debra Ann Winters, as executor;
4. That Christy L. Pedron is directed to render an accounting for the accounts from the time she was added to the title of the accounts;
5. For costs of suit herein.

Please see additional page

Response to Petition filed on 10/21/14 states she denies that Mr. Martinson "physical and mental health began to rapidly decline" after LaVerne's death. To the contrary, Mr. Martinson's physical and mental health remained relatively stable for his age and he lived in his own home without supervision until his death. Mr. Martinson did undergo certain medical procedures and surgeries related to his heart and femur in 2011. After the procedures, Mr. Martinson was moved into a residential rehabilitation facility and as a result was later discharged back to his home. The residential rehabilitation facility employees and social workers met with and evaluated Mr. Martinson's physical and mental health prior to his discharge from the facility in 2011. Christy believes that the facility and social workers would not have permitted Mr. Martinson to return home without supervision unless he was able to successfully demonstrate his physical and mental ability to live independently.

Christy admits that on one occasion following surgery, Mr. Martinson did not recognize Ronnie. However, Christy believed that Mr. Martinson failed to initially recognize Ronnie due to the length of time it had been since Mr. Martinson had last saw Ronnie. Mr. Martinson quickly thereafter did recognize Ronnie and even commented that to Ronnie and Debra that they only came to visit him because they thought he was going to die, or as Mr. Martinson put it, "bite the weenie." Debra and Ronnie rarely visited Mr. Martinson and typically only visited when there was a death in the family.

Christy denies that she managed or assisted in any of Mr. Martinson's personal or financial needs. To the contrary, Mr. Martinson managed his own finances until his death, including his online banking and payment of his bills. The only exception, Christy paid Mr. Martinson's bills for the period of time that he was living in the residential rehabilitation facility. Once Mr. Martinson was released from the rehabilitation facility he resumed the management of his finances.

Christy alleges that Mr. Martinson was displeased with Debra and Ronnie and did not have a good relationship with either of them leading up to his death. After executing the quitclaim deed, Mr. Martinson told Christy and her husband what he had done and told Christy that he wanted to give her the residence. Furthermore, after Mr. Martinson added Christy to as co-owner on his financial accounts, he again told her he wanted her to have all of the remaining funds contained in those accounts upon his death.

Petitioners cannot present any evidence that Mr. Martinson was lacking in capacity in 2009 when the transfer(s) occurred. Regardless of any alleged conversations Petitioner claims to have had with Mr. Martinson in 2009, Decedent's act of transferring the residence and accounts into joint tenancy with rights of survivorship dictates the ownership of those items upon his death.

Please see additional page

Response of Christy Pedron continued:

Respondent Christy Pedron makes the following Affirmative Defenses:

1. Each and every claim alleged in the Petition fails to state facts sufficient to constitute a cause of action against Respondent.
2. All claims set forth in the Petition are barred by the applicable statute of limitations, including, but not limited to, CCP §318, 319 and 338.
3. Petitioners are barred from maintaining the alleged claims by the doctrine of laches.
4. Petitioners have waived the purported claims and relief requested in the Petition.
5. By reason of knowledge, statements, and conduct of the Petitioners and that of their agents, Petitioners are barred by the doctrine of estoppel from any recovery.
6. Any alleged acts or omissions of Respondent, if any, which alleged acts or omissions are generally and specifically denied herein, were not the legal and/or proximate cause of any loss alleged or sustained by Petitioners, which loss is also generally denied by Respondent.
7. Petitioners have acted with unclean hands, which conduct has prejudiced Respondent and bars any recovery.
8. Respondent has acted reasonably, properly and in good faith in all transactions relevant hereto, and did not directly or indirectly perform any acts whatsoever which would constitute a breach of duty, if any, owed to either Mr. Martinson or to Petitioners, the existence of any such duty is expressly denied by Respondent.
9. Petitioners lack standing to assert the claims alleged in the Petition.

Respondent prays for an Order of this Court:

- A. That Petitioners take nothing by way of their Petition;
- B. For an award of attorney's fees and costs of suit herein to Respondent.

14C Ronald M. Martinson (Estate)

Case No. 14CEPR00847

Atty Anderson, Gregory J (of Foothill Ranch, CA for Petitioners Ronald Paul Martinson & Debra Ann Winters)

Atty Hall, Christopher (for Christy Lynn Pedron)

Status Hearing Re: Petition to Quiet Title

DOD: 1/15/14	<p>DEBRA ANN WINTERS filed a petition to probate the decedent's Will (see page 14A).</p> <p>CHRISTY LYNN PEDRON filed a contest to the petition for probate filed by Debra Ann Winters.</p> <p>RONALD PAUL MARTINSON and DEBRA ANN WINTERS then filed a Petition to Quiet Title and Require Conveyance of Real Property and to Determine Title and Transfer Personal Property to the Estate (see page 14B).</p> <p>On 2/26/15 Ronald Paul Martinson and Debra Ann Winter filed a Notice of Pendency of Action (Lis Pendens).</p>	NEEDS/PROBLEMS/COMMENTS:
		1. Need current written status report pursuant to Local Rule 7.5.
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: KT
		Reviewed on: 4/21/15
		Updates:
		Recommendation:
		File 14C - Martinson

14C

Status Hearing Re: the Filing of the Inventory and Appraisal

DOD: 09/23/14	HEATHER AGUIRRE , daughter, was appointed as Administrator with bond set at \$352,000.00 on 12/18/14. Letters were issued on 03/23/15.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need Inventory & Appraisal.</p>
Cont. from	Minute Order from hearing on 12/18/14 set this matter for a Status Hearing re Filing of the Inventory & Appraisal on 04/23/14.	
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: 04/21/15
		Updates:
		Recommendation:
		File 15 - MacMurray

16A Gallardo Family Trust 2011

Case No. 15CEPR00080

Atty Larson, Timothy J.; Johnson, Summer; of Dowling Aaron (for Petitioner Angela J. Gallardo, Successor Co-Trustee)

Atty Thirkell, Edward D., of San Mateo (for Respondent/Objector Kenneth R. Gallardo, Co-Trustee)
Atty Thompson, Timothy L., of McCormick Barstow (by Notice of Association filed 3/25/2015, also for Respondent/Objector Kenneth R. Gallardo, Co-Trustee)

Petition to Remove Co-Trustee; Accept Co-Trustee Resignation; and Appoint Neutral Third Party Trustee

Judith DOD: 10/2/2012	ANGELA J. GALLARDO , daughter and Successor Trustee, is Petitioner.		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Page 16B is Kenneth Gallardo's <i>Petition for Change of Venue, etc.</i></p> <p>1. Need proposed order pursuant to Local Rule 7.1 which provides a proposed order shall be submitted with all pleadings that request relief.</p>
Ray DOD: 9/10/2014			
Cont. from 031615, 040815	Petitioner requests the Court order the removal of the Co-Trustee, KENNETH R. GALLARDO, son, and only thereafter accept Petitioner's resignation as Co-Trustee, and appoint a neutral third party trustee to administer the Trust, based upon the following:		
<input type="checkbox"/> Aff.Sub.Wit.			
<input checked="" type="checkbox"/> Verified			
<input type="checkbox"/> Inventory			
<input type="checkbox"/> PTC			
<input type="checkbox"/> Not.Cred.			
<input checked="" type="checkbox"/> Notice of Hrg	<ul style="list-style-type: none"> On 9/12/2011, Ray and Judith Gallardo executed the GALLARDO FAMILY TRUST (copy attached as Exhibit A), and they also executed pour-over Wills (copies of wills attached as Exhibits B and C); 		
<input checked="" type="checkbox"/> Aff.Mail	W/	<ul style="list-style-type: none"> The pour-over Wills are substantively identical and provide that upon the death of Ray and Judith, the assets of his or her respective estate were to pour over into the Trust; 	
<input type="checkbox"/> Aff.Pub.			
<input checked="" type="checkbox"/> Sp.Ntc.	<ul style="list-style-type: none"> The Trust designated Ray and Judith as initial Co-Trustees; after Judith's death on 10/2/2012, Ray became sole Trustee; Trust provides that in the event the office of Trustee becomes vacant, Ken and Angela are to serve as Successor Co-Trustees; 		
<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	<ul style="list-style-type: none"> The main assets of the Trust consist of real property in Bass Lake; Gallardo Investment Corp. which owns among other items, commercial real property in Oakhurst; insurance proceeds; Schwab Account; Ameritrade Account; credit union accounts; bank accounts; and miscellaneous items of tangible personal property; 		
<input type="checkbox"/> CI Report			
<input type="checkbox"/> 9202			
<input type="checkbox"/> Order	X	<ul style="list-style-type: none"> Venue is proper in Fresno Superior Court because Fresno County is the residence of the Petitioner, one of the Co-Trustees of the Trust; 	
<input type="checkbox"/> Aff. Posting			
<input type="checkbox"/> Status Rpt			
<input type="checkbox"/> UCCJEA			
<input type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice			
~Please see additional page~			<p>Reviewed by: LEG</p> <p>Reviewed on: 4/21/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 16A - Gallardo</p>

Petitioner requests the Court remove Co-Trustee KENNETH R. GALLARDO for the following reasons:

- **Ken is unfit to Administer the Trust:** Ken possesses qualities inapposite to the essential qualities of a trustee, and accordingly is unfit to administer the Trust; on 2/4/2014, Ken was convicted by a San Mateo County jury of two counts of offering false evidence and one count of forgery for offering to the Court forged copies of checks made to his wife in opposition to San Mateo County Department of Child Support Service's (DCSS) request that his wages be garnished for failure to pay child support; following DCSS request to subpoena his bank records, Ken promptly paid his child support arrearages; bank records confirmed the checks Ken offered had never been cashed and endorsements were forgeries by Ken of his wife's signature; (*copy of People's Sentencing Memorandum attached as Exhibit D; Probations Officer's Report dated 4/16/2014 attached as Exhibit E shows Ken continued to be delinquent on child support at the time of sentencing*); as a consequence of Ken's perjury to the San Mateo Court and his financial issues stemming from his child support obligations, Ken is unfit to administer the Trust, lacks the appropriate fiduciary temperament and Petitioner requests his removal;
- **Hostility Amongst the Co-Trustees Impairs Administration:** Hostility has arisen between the Co-Trustees such that the administration of the Trust and management of its assets has come to a virtual standstill; Ken has taken and continues to take unilateral action with respect to many aspects of the trust administration without prior consultation with Petitioner or her attorneys; following Ray's death, Petitioner and Ken began discussions concerning collection and distribution of Trust assets; Petitioner forwarded an informal property to Ken in late September 2014 for collection and distribution; on 10/1/2014, counsel for Petitioner sent Ken a proposed "Asset Allocation Schedule" setting forth a proposed distribution of Trust assets, over which Petitioner and Ken engaged in intensive discussions for 3 months; each time Co-Trustees appeared to be in agreement, Ken would change his mind causing negotiations to begin anew (though Angela also changed her mind on certain issues but was more cooperative); Co-Trustees have been unable to work together; Attorney Johnson sent a letter dated 1/8/2015 to Ken requesting his assistance with joint collection of liquid trust assets (copy attached as Exhibit F), but Ken never returned the documents as requested.
- **Ken Continues to take Unilateral Action without Knowledge or Consent of Angela:** Ken has taken the following actions without informing Angela or seeking her consent: [*please refer to Pages 5 to 6, items (a) through (j) for description of unilateral actions involving Trust assets*]; Ken exhibits none of the qualities of a Co-Trustee as fiduciary charged with exhibiting scrupulous good faith and unwavering candor; Ken's demonstrated pattern of unilaterally taking action on behalf of the Trust exhibits his inability to fairly administer the Trust through to distribution, and taken in their totality they demonstrate there is good caught grant relief to Petitioner.
- **Petition to Accept Co-Trustee Resignation:** Petitioner brings this action to ensure the intent of her parents is realized free from deadlock, deceitful conduct and waste of trust assets, and has serious concerns that Ken will abscond with Trust assets, justifiable concerns in light of Ken's felony conviction and unilateral acts; Petitioner would like to resign as Co-Trustee if the Court orders Ken's removal as Co-Trustee, and if he is removed, Petitioner would like to resign as Co-Trustee and requests the Court accept her resignation after his removal.
- **Petition to Appoint Neutral Third Party Trustee:** Should the Court order Ken's removal and subsequently accept Petitioner's resignation, Petitioner requests the Court appoint **BRUCE D. BICKEL**, professional fiduciary, as neutral third-party successor trustee [*Consent to Act filed 2/26/2015*];
- **BRUCE D. BICKEL'S Consent to Act filed 2/26/2015**; Petitioner believes a neutral third party would be trusted by the beneficiaries and be able to obtain acceptable appraisals, and appropriately marshal and distribute assets.

~Please see additional page~

Second Additional Page 16A, Gallardo Family Trust 2011 Case No. 15CEPR00080

Petitioner requests the Court issue an Order:

1. Removing Ken as Co-Trustee of the Trust;
2. Accepting Petitioner's resignation as Co-Trustee of the Trust;
3. Appointing **BRUCE D. BICKEL** as sole successor trustee of the Trust; and
4. For costs incurred herein.

Special Appearance; Petition for Change of Venue; and Objection to Petition to Remove Co-Trustee, Accept Co-Trustee Resignation, and Appoint Neutral Third Party Trustee; and Request for Stay of Proceedings filed by KENNETH R. GALLARDO, Co-Trustee, on 3/2/2015 states *[only in relation to the Objection to Petition to Remove Co-Trustee, Accept Co-Trustee Resignation, and Appoint Neutral Third Party Trustee, which should have been a separately filed pleading distinct from the Petition for Change of Venue and Request for Stay of Proceedings]:*

- Kenneth R. Gallardo (Respondent), as Successor Co-Trustee, **specialy appears** *[emphasis in original]* before this Court in order to object to Angela Gallardo's *Petition to Remove Co-Trustee, Accept Co-Trustee Resignation, and Appoint Neutral Third Party Trustee* on the basis that Petitioner improperly filed her petition in Fresno County since venue is proper in San Mateo County where the Trust is actually being administered;
- Respondent was contacted by Petitioner's attorney, Timothy Larson, on 9/18/2014 informing him that he know of Respondent's felony convictions and that he could have Respondent removed as Co-Trustee, and attempted to persuade Respondent to reach a settlement agreement on the distribution of assets; Respondent stated he was willing to work on negotiating a settlement;
- Attached as Exhibit D is a set of copies of emails sent between Respondent and Petitioner's attorneys, which show Petitioner's attorneys communicated with Respondent in his role a co-trustee during the period before he retained counsel; after Respondent retained counsel, the cooperation of Petitioner's attorneys ceased and they filed their petition for removal;
- Respondent's attorney sent a letter to Petitioner's attorney on 1/21/2015 *(copy attached as Exhibit E)* describing the events since the passing of the settlors including the trust administration done by Kenneth, and stating his preference for mediation as possible resolution; without responding to the letter, Petitioner's attorneys filed their petition for removal;
- Mr. Larson claims to represent Petitioner in her role as co-trustee, though all of his efforts on Petitioner's behalf concern her share of the estate and thus he has represented her in her role as beneficiary;
- Petitioner and Mr. Larson have thus far not participated in any Trust administration, which to date has been accomplished by Respondent.

Declaration of Kenneth Gallardo in Support of Special Appearance attached as Exhibit C reiterates points in the objection, and states that at no time did Petitioner's attorney Timothy Larson tell him that the co-trustees had certain obligations in administering his parents' Trust; Mr. Larson never mentioned the need to open a trust bank account for the co-trustee to use in paying bills and depositing funds received; the only subject matter of all communications with Mr. Larson was the distribution of trust assets between his sister and him; Mr. Larson's tone in all of their conversations has been hostile; he has provided Mr. Larson with various records concerning trust assets; since his father's death on 9/10/2014, he has performed *[trust administration acts set forth on Page 3 and 4 of Declaration]*; he has been wholly responsible for the basic trust administration; Petitioner and her attorneys have been working on the case for nearly 6 months, but it was not until he retained counsel in January 2015 that a 120-day notice, a certificate of trust, and an affidavit of death of trustee were prepared.

Respondent states, continued:

- Probate Code § 17002(b) states that if the principal place of administration of the trust cannot be determined under 17002(a), the principal place of administration of the trust is the residence or usual place of business of any of the co-trustees;
- Here, the principal place of administration of the Trust is San Mateo County because the day-to-day activities of the Trust have been carried out there by Kenneth Gallardo, the trustee who has solely been responsible for the administration of the Trust;
- Fresno County is wholly unrelated to the day-to-day administration of the Trust; neither Ray nor Judith Gallardo, the Settlers, lived in Fresno County at the time of their deaths, or ever, nor is there any real property of the Trust located in Fresno County;
- The only connection that the Trust has to Fresno County is that one beneficiary and co-trustee has residence there;
- However, Petitioner has not engaged in any trust administration and no trust administration has taken place in Fresno County;
- Instead, Petitioner's actions in relation to the Trust have all been as a beneficiary, forcing Respondent to administer the Trust by himself;
- Therefore, the correct venue for this action is San Mateo County (*attached as Exhibit F are copies of bank records and documents showing trust administration occurring in San Mateo County by Respondent*);
- **Trust Administration to Date:** Respondent, Kenneth Gallardo, has since his father's death on 9/10/2014, performed [see pages 5 to 7 listing 19 administration acts completed; see also trust administration acts set forth on Page 3 and 4 of Declaration of Kenneth Gallardo]; he has been wholly responsible for the basic trust administration to date;
- Petitioner and her attorneys have been working on the case for nearly 6 months, but it was not until Respondent retained counsel in January 2015, nearly 5 months after the death of Ray, that a 16061.7, 120-day notice, certificate of trust, and affidavit of death of trustee were prepared;
- Petitioner, Angela Gallardo, has consistently thwarted and delayed any efforts to administer the Trust; instead, Petitioner and her attorneys' entire focus has been on negotiating a favorable settlement agreement for Petitioner;
- Even after settlement negotiations broke down, Petitioner's focus is still not on the administration of the Trust, but is to make good on the threats made to Respondent regarding his removal as Co-Trustee;
- Respondent has been serving as Trustee for nearly 6 months and while Petitioner made clear that they knew of Respondent's legal troubles and their ability to seek removal as trustee, they have not acted on it until now;
- In the interim, they have depended on Respondent for the entirety of the Trust administration to date; for Petitioner to initiate settlement talks while hanging the threat of removal over Respondent's head, then petition for removal when Respondent retains counsel, after allowing Respondent to administer the Trust entirely by himself for months, indicates a disregard for the estate's assets, which cannot afford this costly litigation;
- **Stay of Proceedings:** Generally, the filing of a motion for change of venue operates as a *supersedeas* or stay of proceedings, and the Court cannot rule on other substantive issues while the motion for change of venue is pending; Respondent asks that the Court stay the proceedings in this case and refuse to rule on any substantive issues while this motion for change of venue is pending.

~Please see additional page~

Respondent prays for an Order:

1. Finding Fresno County an improper venue for these proceedings;
2. Transferring the proceedings to the Superior Court of San Mateo County;
3. Staying proceedings in the matter while this change of venue petition is pending.

Status re: **Filing of the Petition for Probate.**

DOD: 12/13/13	<p>TOSHI SAKAI, surviving spouse, filed an Ex Parte Petition for Special Administration on 02/23/15.</p> <p>On 02/24/15, the Court set the Ex Parte Petition for a hearing on 03/12/15. 03/12/15 matter was continued to 03/19/15.</p> <p>At the hearing on 03/19/15, the Court granted the Petition for Special Administration and set this matter for a hearing regarding filing a Petition for Probate.</p> <p>Minute Order from 03/19/15 states: If the Petition is filed at least two court days prior, then no appearance is necessary on 04/23/15.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>As of 04/21/15, no Petition for Probate has been filed.</p> <p>1. Need Petition for Probate.</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: 04/21/15
		Updates:
		Recommendation:
		File 17 - Sakai

Attorney Denning, Stephen M. (for Petitioner Randy L. Ghan)

Petition for Order Confirming Trust Assets (Probate Code § 850)

DOD: 12/2/2014	RANDY L. GHAN , Successor Trustee, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
Cont. from		
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail	W/	
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
	<p>Petitioner states:</p> <ul style="list-style-type: none"> Petitioner is the [Successor] Trustee of the SHARON L. HODSON TRUST OF 2013 dated 1/18/2013, executed by the Settlor Sharon L. Hodson as both settlor and Trustee (copy of trust attached as Exhibit A); Trust terms provide that the property described in Exhibit A marked "Initial Trust Property" is held in the trust (copy attached to the Trust); In addition, the Settlor executed a document titled <i>General Assignment</i> which specifically states that the Settlor assigns to the trustee or co-trustee of the Trust assets including cash, stocks, mutual funds, stock in corporation, all tangible personal property, and investment trust accounts (copy of assignment attached as Exhibit B); However, the Settlor failed to formally transfer title to or possession of the property to the Trust prior to her death; Petitioner requests that this Court confirm that the items of property listed in the Assignment are assets subject to the Trust pursuant to the express terms of the Trust and the Assignment; Probate Code § 850 authorizes Petitioner as successor trustee to seek an order that the items listed on a trust schedule, title to which was not formally transferred, are nevertheless trust assets (see also <i>Heggstad [citations omitted].</i>) <p>Petitioner prays for an Order finding that the property described in the General Assignment are (a) assets of the Trust and (b) subject to the management and control of Petitioner as successor trustee of the Trust, pursuant to the Trust and the Assignment.</p>	<p>Note Re related matter: <i>Estate of Sharon L. Hodson</i> (15CEPR00306), <i>Petition for Probate</i>, is set for hearing on 5/7/2015.</p>
		Reviewed by: LEG
		Reviewed on: 4/21/15
		Updates:
		Recommendation:
		File 18 - Hodson

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

		<u>NO TEMPORARY REQUESTED</u>	NEEDS/PROBLEMS/COMMENTS:
		DILILA AGANZA , mother, is Petitioner.	<p>1. Petitioner is requesting the court grant powers under Probate Code § 2590, which powers are outlined in § 2591; however, pursuant to Local Rule 7.15.2 - it is the policy of the court to grant a guardian or conservator only those independent powers necessary in each case to administer the estate. A request for all powers described in Probate Code § 2591 will not be granted by the court. Each independent power requested must be justified by, and narrowly tailored to the specific circumstances of that case. Petitioner does not specify which powers she is requesting.</p> <p>2. Petitioner is requesting appointment without bond; however pursuant to CRC 7.207, every conservator or guardian of the estate appointed after 12/31/07, must furnish a bond including a reasonable amount for the cost of recovery to collect the bond under Probate Code 2320(c)(4)). Based on the estimated assets of the estate as stated in the Petition, bond should be set at \$100,980.00. Note: It has been the policy of this Court that funds belonging to a minor are placed in a blocked account. If funds are in a blocked account, bond is typically not required.</p> <p>3. Need Order and Letters. If funds are ordered to be placed in a blocked account need Order to Deposit Money Into Blocked Account.</p> <p>Note: If the petition is granted status hearings will be set as follows:</p> <ul style="list-style-type: none"> • Thursday, 06/04/15 at 9:00a.m. in Dept. 303 for Receipt of Funds Deposited into Blocked Account; • Thursday, 08/27/15 at 9:00a.m. in Dept. 303 the filing of the inventory and appraisal and • Thursday, 06/23/16 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution. <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter, the status hearing will come off calendar and no appearance will be required.</p>
Cont. from		Father: FRANCISCO GONZALEZ – deceased	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory	Paternal grandfather: FRANCISCO GONZALEZ – served by mail on 03/17/15	
<input type="checkbox"/>	PTC	Paternal grandmother: VIRGINIA FLORES aka VIRGINIA DE CARDENAS GONZALEZ – served by mail on 03/17/15	
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail	w/	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.	Maternal grandfather: MANUEL AGANZA – served by mail on 03/17/15	
<input type="checkbox"/>	Pers.Serv.	Maternal grandmother: DORENA ANDERSON – deceased	
<input checked="" type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters	x	
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections	Sibling: JOCELYN HILL	
<input type="checkbox"/>	Video Receipt	Petitioner states that the minor is the beneficiary on various accounts of his deceased father. Guardianship of the Estate is necessary so that Petitioner can communicate with the companies holding the accounts and access the funds for the minor's benefit. Petitioner requests appointment with Probate Code § 2590 powers to independently administer the estate and without bond.	
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order	x	
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt	Estimated Value of the Estate:	
<input type="checkbox"/>	UCCJEA	Personal property- \$90,000.00	
<input type="checkbox"/>	Citation	Annual income - 1,800.00	
<input type="checkbox"/>	FTB Notice	Total - \$91,800.00	
		Reviewed by: JF	
		Reviewed on: 04/21/15	
		Updates:	
		Recommendation:	
		File 21 - Gonzalez	

25 Morgan Elizabeth Pasley (CONS/PE) Case No. 12CEPR00938

Attorney

Erlach, Mara M.

Accounting Second Amended Account Current and Report of Conservator;
 Petition of Conservator Petition for its Settlement, for Allowance of Attorneys Compensation and for its
 Termination

Age:		NEEDS/PROBLEMS/COMMENTS: <p style="text-align: center;"><u>OFF CALENDAR</u> Continued to 06/02/15 per request of Counsel</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: 04/21/15
		Updates:
		Recommendation:
		File 25 – Pasley

Petition for Temporary Conservator of Estate

		<p><u>Please see petition for details</u></p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: This matter to be heard at 8:30am in Dept. 72.</p> <p>Court Investigator Advised Rights on 04/15/2015.</p> <ol style="list-style-type: none"> #1c (1) – (4) was not completed regarding bond or blocked account. Probate Code §2320 states except as otherwise provided by statute, every person appointed as conservator shall, before letters are issued, give a bond approved by the court. Probate Code §2321 states Notwithstanding any other provision of the law, the court in a conservatorship proceeding may not waive the filing of a bond or reduce the amount of bond required without a good cause determination by the court that the conservatee will not suffer harm as a result of the waiver or reduction of the bond. If the court requires bond it should be set at \$70,241.60. Need Notice of Hearing. Need proof of service five (5) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Temporary Conservator on the following: <ul style="list-style-type: none"> Madeline Chooljian Patrick Kelly Wolfe Jennifer Leigh Wolfe Sandra Barr Michael Chooljian <p>Note: An Ex Parte Application for Good Cause Exception to Notice of Hearing on Petition for Appointment of Temporary Conservator of the Estate was filed and denied by Judge Alan Simpson on 04/14/2015.</p> <ol style="list-style-type: none"> Need Letters. 	
Cont. from				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg			x
	Aff.Mail			x
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			n/a
✓	Conf. Screen			
	Letters			x
✓	Duties/Supp			
	Objections			
	Video Receipt			x
✓	CI Report			
	9202			
	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation	n/a		
	FTB Notice			
		<p>Reviewed by: LV</p> <p>Reviewed on: 04/21/2015</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 1B - Wolfe</p>		