



ATTENTION

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

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

Thank you for your patience.

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

DOD: 1/18/06	<p>BETTY MARIE GLOVER, daughter, was appointed as Executor with Full IAEA with bond of \$276,000.00 on 8/28/07. Bond was filed and Letters issued on 11/1/07.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Minute Order 1/20/16: Counsel represents that the property is now listed for sale and there has been a lot of interest.</p> <p>Note: Attorney Fanucchi filed a "Notice of Lien for Attorney's Fees" alleging fees totaling \$1,630.00; however, there does not appear to be any Court order authorizing this sum to this attorney.</p> <p>1. Need First Account or Petition for Final Distribution.</p>
	<p>The appointment was appealed; however, pursuant to the Opinion entered 5/22/08 by the Fifth Appellate District, the order of the probate court was affirmed and costs were awarded to the Executor. Remittur was filed 7/23/08.</p>	
<p>Cont. from 062014, 081714, 093014, 013015, 073015, 012016</p>		
Aff.Sub.Wit.	<p>On 2/14/14, the Court set this status hearing for failure to file a petition for final distribution on 2/14/14.</p>	
Verified		
Inventory	<p>Status Report was filed 4/7/16. See report for details.</p>	
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Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
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Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		<p>Reviewed by: skc</p> <p>Reviewed on: 4/22/16</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 4 – Hunt</p>

First Account & Report of Successor Trustee of the Brooke Bertoldi Pooled Special Needs Trust; Petition to Settle Account; to Decrease Bond; and to Fix & Allow Trustee Fees and Attorney Fees & Costs

	HERB THOMAS , Successor Trustee, is petitioner.		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 3/23/16. Minute order states the Court needs clarification as stated in the examiner notes with regard to the fees. Counsel is to file a declaration at least two court days prior to 4/27/16. As of 4/22/16 the following issues remain:</p> <ol style="list-style-type: none"> 1. Trust agreement allows a \$1,500.00 annual fee for trust administration. In addition the disbursement schedule includes monthly Trust Department fees totaling \$412.68 without additional explanation and Trust Account prep fee of \$143.75. It is unclear what the annual fee covers if the trust is also paying monthly fees for the administration of the trust. Court may require clarification.
	Account period: 11/18/14 – 11/30/15		
	Accounting	- \$114,708.16	
	Beginning POH	- \$ 51,005.26	
	Ending POH	- \$ 43,833.34	
	Current Bond is \$129,000.00. Petition requests the bond be reduced to \$49,000.00 (o.k.)		
	Trustee	- \$212.50 (1.7 hours @ \$125.00 per hour)	
	Trust Administration fees	- \$2,056.43 (already paid)	
	Attorney	- \$3,702.50 (per itemization and declaration. 11.70 hrs of paralegal time at \$150/hr and 6.7 hrs of attorney time at \$295/hr)	
	Costs	- \$416.11 (filing fees, FedEx)	
	Petitioner requests the authority to receive interim compensation going forward based on his current hourly rate, subject to Court confirmation, in an amount not to exceed \$1,000.00 annually.		
	Please see additional page		
	Cont. from 021716, 032316		
	Aff.Sub.Wit.		
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	Objections		
	Video Receipt		
	CI Report		
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	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: KT
			Reviewed on: 4/22/16
			Updates:
			Recommendation:
			File 9A- Bertoldi

Petitioner prays for an Order:

1. Approving, allowing and settling the First Account and Report of Successor Trustee;
2. Make and order decreasing the bond to \$49,000.00;
3. Authorizing and directing payment to Herb Thomas trustees fees totaling \$212.50;
4. Authorizing Trustee to receive interim compensation going forward based on his hourly rate, and subject to Court confirmation, in an amount not to exceed \$1,000.00 annually;
5. Authorizing attorney fees of \$3,702.50 and costs of \$416.11.

Note: If the petition is granted, status hearings will be set as follows:

- **Wednesday, May 25, 2016** at 9:00 a.m. in Department 303, for the filing of the reduced bond.
- **Wednesday, February 28, 2018** at 9:00 a.m. in Department 303, for the filing of the second account of successor trustee.

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.

Probate Status Hearing re: Proof of Notice to DMV

	FREMONT BANK , former Trustee, petitioned the court for approval of their first and final account.	NEEDS/PROBLEMS/COMMENTS:
	HERB THOMAS is the current successor trustee.	
	The first and final account showed that Fremont Bank as Trustee for the Trust purchased a handicap equipped van for the beneficiary and distributed the van directly to the beneficiary.	<p>Continued from 3/23/16. Minute order states Counsel represents that the Trustee is waiting for the DMV to process the lien paperwork. Counsel is to bring paper proof of the lien for the 4/27/16 hearing.</p> <p>1. Need proof that the Trust is a lienholder on the vehicle or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.</p>
Cont. from 080315, 083115, 113015, 031416, 032316	Minute Order dated 6/29/15 states the court orders that the DMV is to be noticed that the Trust shall be the lienholder for the vehicle. Counsel is to submit a declaration verified by Herb Thomas.	
Aff.Sub.Wit.	Former Status Report filed on 11/25/15 states Charities Pooled Trust (CPT) has been attempting to secure a lien on the vehicle, however it may not do so until the DMV issues and Electronic Lien Title (ELT). The DMV has informed CPT that the ELT will not be available until January 2016. Once the ELT is received they will be able to place CPT as a lienholder on the vehicle.	
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Letters		Reviewed on: 4/22/16
Duties/Supp		Updates:
Objections		Recommendation:
Video Receipt		File 9B – Bertoldi
CI Report		
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Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		

DOD: 9/26/13	<p>LIANA M. WAITE, Daughter, was appointed Administrator with Will Annexed with Full IAEA without bond on 7/15/14. Letters issued 7/17/14.</p> <p>At the hearing on 7/15/14, the Court set this status hearing re filing the first account or petition for final distribution.</p> <p>Status Report filed 4/20/16 incorporates the information set forth in the status report of 3/8/16 and further states: Attoreny Barbara A. Sena had several Workers' Compensation client cases which were pending at the time of her death. The Administrator notified the active clients of her passing and the cases have been transferred to the respective legal representatives accordingly. The Administrator has not acted as the legal representative for any of the decedent's clients.</p> <p>The Administrator has recently been advised that some of the workers' compensation client cases are nearing settlement, and therefore will pursue attorney liens on behalf of the estate once these cases have settled. These client cases, along with the federal and state tax liens and/or liabilities, must be resolved prior to preparation of a petition for final distribution.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Minute Order 3/16/16; Ms. Waite represents that there are tax liabilities to resolve, and requests additional time.</p> <p>1. Need first account or petition for final distribution.</p>
Cont. from 091615, 031616		
Aff.Sub.Wit.		
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Citation		
FTB Notice		
		Reviewed by: skc
		Reviewed on: 4/22/16
		Updates:
		Recommendation:
		File 10 - Sena

Petitioner Penny Sabanovich's Notice of Motion and Motion to Enforce July 24, 2015 Order and Clarification of Visitation Stipulation and Order

		PENNY SABANOVICH , Maternal Grandmother, and former temporary guardian, is Movant.	NEEDS/PROBLEMS/COMMENTS: Minute Order 3/9/16: This matter is continued for written objections to be filed. Said objections are to be filed and served by 3/30/16 and any replies are due by 4/13/16. The Court reserves the issue of Mr. Clark paying the attorney's fees. The following issue remains noted: 1. Probate Code §1602 states while a parent has custody, proceedings for modification of visitation orders made upon termination of a guardianship shall be determined in a proceeding under the Family Code. If no custody case exists in any county, the visitation order may be used as the basis for opening a case in the county in which the custodial parent resides. Carl Clark, the custodial parent, and the minor reside in Salinas, which is Monterey County. Need clarification re whether any family law case is currently existing in any other jurisdiction, and further authority re jurisdiction to make further orders re enforcement or clarification of this order in the Fresno Superior Court Probate Court. Ms. Sabanovich may be required to either seek joinder to an existing Family Law case, or open a new case in Monterey County, as applicable. Note: Petitioner continues to cite Probate Code §2630; however, this section pertains to jurisdiction re settling accounts on termination guardianship of the <u>estate</u> and does not apply in this situation.
Cont. from 030916		See pleadings for details.	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
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		Reviewed by: skc	
		Reviewed on: 4/22/16	
		Updates:	
		Recommendation:	
		File 12- Clark	

Probate Status Hearing Re: Proof of Funds deposited into blocked account

DOD: 6/18/15		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p style="text-align: center;"><u>OFF CALENDAR</u></p> <p>Receipt for blocked account was filed 4/4/16</p>
Cont. from 033016		
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Citation		
FTB Notice		
		Reviewed by: skc
		Reviewed on: 4/21/16
		Updates:
		Recommendation:
		File 14- Clark

Petition for Appointment of Temporary Guardian of the Person

		See petition for details.	NEEDS/PROBLEMS/COMMENTS: Continued from 3/22/16. All notice issues for the temporary hearing have now been cured (mother served 3/30/16).	
Cont. from 032216				
	Aff.Sub.Wit.			
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	FTB Notice			
			Reviewed by: skc	
			Reviewed on: 4/21/16	
			Updates:	
			Recommendation:	
			File 22- Secoy	