



## 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.

**Petition to Authorize and Instruct the Administrator to Purchase Residential Property**

DOD: 8-3-09	<b>ERICA LYNN DORFMEIER</b> , Daughter and Administrator with Limited IAEA with bond of \$1,746,300.00, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
	<b>Petitioner states:</b> This Petitioner makes the admittedly unique request that she be authorized to purchase a small home in order to enable one of the beneficiaries to have access to a place to live. Due to unique circumstances, Petitioner believes this action is beneficial to the estate and its beneficiaries, and should be authorized.	
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	<p>The decedent and his spouse were involved in a murder-suicide. At the time of their deaths, their oldest son David was 17 and attending a treatment center for teenagers in Utah. Upon turning 18 and completing his stay there, David moved into one of the residential properties owned by his parents' estates. It was originally David's desire that the home in which he resided would eventually be distributed to him as part of his share of the estate; however, due to gang activity in the area, he decided to move out of the state and after the move, requested the house be sold. The sale was confirmed by the Court on 1-8-13.</p> <p>David eventually returned to the Fresno area; however, there was no residence owned by the estates into which he could move. He resorted to living with friends, at hotels, and occasionally, his car. He has not been fully employed for some time and does not have means or credit to acquire a residence (buy or rent).</p> <p>In order to provide a long-term housing solution, David has requested the estate purchase a small residence into which he can move. It is anticipated that he will live there until final distribution and closing of the estate, at which time it will be distributed to David as part of his inheritance. This would also benefit David in that he will no longer be forced to congregate and associate with friends and acquaintances of his past that contribute to a destructive lifestyle. The requested transaction will benefit the estate and its beneficiaries by providing a long term solution for David.</p>	

**Reviewed by:** skc  
**Reviewed on:** 4-22-13  
**Updates:**  
**Recommendation:**  
 File 1 – O'Neal

Petitioner states there are more than sufficient funds to purchase a residence as requested and the purchase will not create a liquidity problem for the estate. Further, all creditors have been fully paid.

Petitioner requests authority to purchase with cash or cash equivalent a single family residence for a price not to exceed \$170,000.00 with commission not to exceed 6% subject to standard terms and conditions in residential real property purchase agreements.

Petitioner believes there is no other applicable Probate Code under which to request authorization to purchase real property in this type of unique situation. Therefore, Petitioner seeks authorization and instruction from the Court under Probate Code §9611.

Petitioner states a particular home has not yet been identified and this is a blanket authorization request. Petitioner believes that seeking this authorization before searching or making an offer is the only practical way to enable the estate to purchase a residence, because it is unlikely for a residential seller to be willing to sale their home contingent upon court approval.

**Therefore, Petitioner requests authorization to purchase real property as described herein and for all other proper orders.**

**Note: David O'Neal consents to the purchase of property as requested herein.**







First Amended Report of Executor Waiver of Account Petition for Statutory Fees and For Final Distribution

<b>DOD: 02/19/12</b>		<b>YOSHIKO UMAMIZUKA</b> , Executor, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. It appears that the cash remaining to be distributed to the beneficiary after the payment of the statutory attorney fee should be \$30,117.00 rather than \$30,017.00. Need clarification.
		<b>Accounting is waived.</b>	
<b>Cont. from</b>		I & A - <b>\$197,027.00</b>	
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>	POH - <b>\$197,027.00</b> (\$37,027.00 is cash)	
<input checked="" type="checkbox"/>	<b>Verified</b>	Executor - <b>waived</b>	
<input checked="" type="checkbox"/>	<b>Inventory</b>	Attorney - <b>\$6,910.00</b> (statutory)	
<input checked="" type="checkbox"/>	<b>PTC</b>	<b>Distribution, pursuant to Decedent's Will, is to:</b>	
<input checked="" type="checkbox"/>	<b>Not.Cred.</b>	Yoshiko Umamizuka - \$30,017.00 cash, plus real property valued at \$160,000.00	
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<input type="checkbox"/>	<b>Letters</b>	06/19/12	
<input type="checkbox"/>	<b>Duties/Supp</b>		
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<input checked="" type="checkbox"/>	<b>FTB Notice</b>		
<b>Reviewed by:</b> JF			
<b>Reviewed on:</b> 04/23/13			
<b>Updates:</b>			
<b>Recommendation:</b>			
<b>File 5 – Yamaguchi</b>			

**Petition for Appointment of Successor Trustee (Prob. C. 17200)**

<b>John R. Panzak, Sr.</b> <b>DOD: 03/12/10</b>	<b>SHARON PANZAK</b> , spouse of John R. Panzak, Jr., is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
<b>John R. Panzak, Jr.</b> <b>DOD: 02/15/13</b>	<b>Petitioner alleges:</b>	1. Need Order.
	1. John R. Panzak, Jr. ("John") became the successor trustee of the John R. Panzak [Sr.] Living Trust upon the death of John R. Panzak, Sr. ("Decedent") on 03/12/10.	See Pages 17A, 17B, and 17C for related matters.
<b>Cont. from</b>	2. John died on 02/15/13. In the Decedent's Trust, Decedent named John as the first successor trustee and Gordon Panzak ("Gordon") as the alternate successor trustee if John ceased to act.	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	3. After the Decedent's death, assets of the Decedent were discovered that were not titled in the name of the Trust. Consequently, John was appointed personal representative of Decedent's Will.	
<input checked="" type="checkbox"/> <b>Verified</b>	4. After John was appointed personal representative of Decedent's Will, Gordon, an attorney representing himself, filed six creditor's claims against Decedent's estate, each of which was denied on 02/01/11.	
<input type="checkbox"/> <b>Inventory</b>	5. Gordon thereafter filed a lawsuit against the Decedent's estate and a separate civil lawsuit against John, both individually and as executor of Decedent's estate and trustee of the Trust. Both lawsuits contain similar allegations and are still pending.	
<input type="checkbox"/> <b>PTC</b>	6. On 10/23/12, John's attorney took Gordon's deposition in the civil litigation matter, but he failed to properly produce any documents in support of his claims in response to a request to produce that had previously been served on him, claiming the documents had been either list, stolen or shredded.	
<input type="checkbox"/> <b>Not.Cred.</b>	7. On 12/12/12 trial was to commence in the civil litigation, but on 12/06/12, Gordon requested that the Court dismiss the civil lawsuit without prejudice. On 12/06/12 Gordon notified John's attorneys of his request for the dismissal. However, without any notice to John's attorneys, on 12/07/12, Gordon filed a new lawsuit identical to the just dismissed lawsuit.	
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<input type="checkbox"/> <b>FTB Notice</b>		<b>Reviewed by:</b> JF <b>Reviewed on:</b> 04/23/13 <b>Updates:</b> <b>Recommendation:</b> <b>File 7 – Panzak</b>

**Continued on Page 2**

8. On 02/13/13, Judge Donald S. Black issued a judgment against Gordon ordering him to pay John, the estate and the trust costs of suit in the dismissed lawsuit in the amount of \$1,223.00. The Notice of Entry of Judgment was mailed to Gordon on 02/21/13 and filed on 02/22/13. Additionally, an online search of Fresno County Government public records discloses that since February 2005, at least seven (7) judgments in Fresno County have been entered against Gordon for non-payment of bills to various creditors, and at least four (4) "Certificates of Sale" have been recorded by Consolidated Irrigation District against Gordon for non-payment of irrigation taxes.
9. John R. Panzak, Sr. created THE JOHN R. PANZAK LIVING TRUST on 11/27/2000 (the "Trust"). The Trust was amended on 05/02/03 and again on 03/13/07. The second amendment revoked the first amendment in its entirety and revoked in its entirety Article 3 of the original Trust.
10. The new Article 3 of the Trust as set forth in the second amendment, provided that Gordon was to receive, free of trust, the Decedent's home at 405 E. Adams Avenue in Fowler, CA and the sum of \$200,000.00, and that all other assets of the trust estate were to be distributed to John free of trust.
11. Both John and Gordon survived the Decedent by more than 60 days and on 05/12/10, each of them became entitled to his respective beneficiary interest in the Trust.
12. Gordon has received distribution of all assets to which he is entitled as beneficiary of the Trust.
13. All remaining assets held in Trust were distributed to John as provided by the second amendment to the Trust.
14. As provided in Section 3.3 of the second amendment, the remaining trust estate (which includes all of the assets to be received from the probate estate on the close of the probate proceeding) is to be distributed to John.
15. Since John was entitled to the distribution at his death, the distribution from the trust estate will be to John's estate.
16. In 2012, John and his wife Sharon Panzak (Petitioner) established their own revocable trust. Among the assets transferred to their revocable trust was John's vested right to distribution of the remaining trust estate of the Trust. Since John's death, Sharon is now the sole trustee of their revocable trust, and as trustee, will be the recipient of the distribution of the remaining trust estate of the Trust on the close of the pending probate proceeding.
17. Gordon has no entitlement to any further distribution of any assets from the Trust, including but not limited to all of the assets that are the subject of the probate proceeding. He is only a litigant against the probate estate and the Trust, and a number of his claims have already been denied by the Court sustaining without leave to amend. [Emphasis in original].
18. The Court should also be aware that even after Gordon received the distributions from the Trust, when filing his lawsuits, he petitioned the Court to waive his obligation to pay court filing fees, claiming he was financially unable to pay the fees. In one instance, the Court waived his need pay court filing fees. It is believed that he may have misrepresented to the Court that he was financially unable to pay the fees.
19. Petitioner believes that (1) since Gordon has no interest in the remainder assets of the Trust, (2) that all of Decedent's assets that are subject to the probate proceeding will be distributed to her husband John's estate and to her as trustee of she and John's revocable trust, and (3) that since Gordon is suing the Decedent's estate and the Decedent's Trust creating a conflict of interest, that he should not act as the successor trustee of the Trust.
20. **Petitioner therefore requests that she be appointed as the successor trustee of the Trust and to serve without the requirement of a bond.**

<b>DOD: 08/31/2012</b>		<p><b>DIANNA RODRIGUEZ-MIRZAI</b>, sister/named executor without bond, is petitioner.</p> <p>Full IAEA – o.k.</p> <p>Will Dated: 08/20/2012</p> <p>Residence: Fresno Publication: The Business Journal</p> <p><b>Estimated value of the Estate:</b> Personal property - \$9,738.00</p> <p>Probate Referee: Steven Diebert</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <ol style="list-style-type: none"> <li>#5a(3) or #5a(4) of the Petition was not answered regarding registered domestic partner.</li> <li>Need name and date of death of decedent's parents per Local Rule 7.1.1D.</li> <li>Need Confidential Supplement to Duties &amp; Liabilities of Personal Representative.</li> </ol> <p><b>Note: If the petition is granted status hearings will be set as follows:</b></p> <ul style="list-style-type: none"> <li><b>Friday, 10/04/2013 at 9:00a.m. in Dept. 303</b> for the filing of the inventory and appraisal <u>and</u></li> <li><b>Friday, 06/27/2014 at 9:00a.m. in Dept. 303</b> for the filing of the first account and final distribution.</li> </ul> <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>
<b>Cont. from</b>			
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b> s/p		
<input checked="" type="checkbox"/>	<b>Verified</b>		
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<b>Reviewed by:</b> LV			
<b>Reviewed on:</b> 04/23/2013			
<b>Updates:</b>			
<b>Recommendation:</b>			
<b>File 9 – Rodriguez</b>			