

1 Michael Goering (Special Needs Trust)

Case No. 0575302

Atty Knudson, David N. (for Petitioners/Trustees Michael Pappocoda and Ann Pappocoda Account and Report of Trustees, and Petition for Its Settlement, for **Seventeenth**

Approval and Allowance of Trustees' Compensation and Attorney's Fees, for Appointment of Successor Co-Trustee and for Instructions to Make Payments to Related Party on Behalf of Beneficiary

	MICHAEL PAPPACODA Trustee, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
	Co-Trustee ANN PAPPACODA died on 2/10/14.	<p>Note: A status hearing will be set as follows:</p> <ul style="list-style-type: none"> Wednesday, February 25, 2015 at 9:00a.m. in Dept. 303 for the filing of the Seventeenth Account and Report of Trustees <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	Account period: 01/01/13 – 12/31/13	
<input type="checkbox"/> Aff.Sub.Wit.	Accounting - \$207,875.02	
<input checked="" type="checkbox"/> Verified	Beginning POH - \$166,869.11	
Inventory	Ending POH - \$184,000.85	
PTC		
Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg	Bond has been waived.	
<input checked="" type="checkbox"/> Aff.Mail W/	Trustees - \$3,318.69 (1% of the value of the assets for general services totaling \$1,668.69 plus 33 hours @ \$50/hr. (\$25/hr. for each trustee) for specific services such as taking the beneficiary to appointments that require the presence of both trustees.)	
Aff.Pub.	Attorney - \$2,292.75 (per itemization and declaration, 7.13 hrs. at \$275/hr. attorney time and 5.9 hrs. @ \$60/hr. paralegal time)	
Sp.Ntc.	Costs - \$260.00 (filing fees)	
Pers.Serv.		
Conf. Screen	Petitioner states with the death of Ann Pappacoda it is appropriate that a co-trustee be appointed. Petitioner request that Joyce Thomas, beneficiary's mother be appointed as Co-Trustee without bond. On 2/14/11, the court ordered that Michael Pappacoda and Ann Pappacoda were not required to post a bond due to the fact that substantially all of the cash is held in a blocked account. Likewise Petitioner requests that bond be waived for Joyce Thomas.	
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
<input checked="" type="checkbox"/> 2620(c)		
<input checked="" type="checkbox"/> Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
Please see additional page		<p>Reviewed by: KT</p> <p>Reviewed on: 4/29/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 1 - Goering</p>

Petitioner states as set forth in this accounting and as affirmed in the accountings filed over more than 15 years, the trustees have made payments to Joyce Thomas, mother of the beneficiary, and the person in whose home he resides for his special needs. Payments made monthly include:

PG&E	\$200.00
Care for the beneficiary	\$200.00
Housekeeping services	\$200.00
Cable TV	\$200.00

In addition telephone and internet services are provided to the residence with a portion paid by the trust and the balance paid by Joyce Thomas. During the accounting payments to AT&T were approximately \$95.00 per month.

Upon the appointment of Joyce Thomas as successor trustee, petitioner requests the authority to continue making payments to Joyce for the benefit of the beneficiary.

Petitioners pray as follows:

1. That the Seventeenth Account and Report of Trustee is approved, allowed and settled;
2. That all acts and transactions of the Trustee and shown in the account be approved;
3. That the Trustees be allowed the sum of \$3,318.69 for their services as Trustees;
4. That the Attorney for the Trustee be allowed the sum of \$2,292.75 for his legal services rendered to said Trustees plus costs of \$260.00 during the account period.
5. That Joyce Thomas be appointed a successor co-trustee, to act with Michael Pappacoda.
6. That bond be waived
7. That Trustee be instructed an directed to continue making payments to Joyce Thomas for housekeeping services, care services, cable television and to pay an equitable share of the AT&T charges.

(1) First and Final Accounting and Report of Status of Administration; (2) for Allowance of Statutory Attorney and Administrator's Compensation; (3) for Reimbursement of Costs Advanced; and (4) Petition to Close Estate

DOD: 08/15/04		<p>CAROLYN LEWIS, Executor, is Petitioner.</p> <p>Account period: 08/15/04 – 06/08/06</p> <p>Accounting - \$200,000.00 Beginning POH- \$200,000.00 Ending POH - \$100,000.00</p> <p>Executor - \$4,000.00 (statutory)</p> <p>Attorney - \$4,000.00 (statutory)</p> <p>Costs - \$1,273.00 (filing fees, publication, probate referee)</p> <p>Distribution, pursuant to decedent's will, is to:</p> <p>Carolyn Lewis- all funds remaining to be distributed</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> The Petition states that the Executor, Carolyn Lewis, is the Petitioner, however, the Petition is not verified by Ms. Lewis and the Verification states that Ms. Lewis' whereabouts are unknown to the attorney. Therefore, it appears that the attorney should be the Petitioner pursuant to Probate Code § 10953. The Petition indicates that there were three creditor's claims filed against the estate totaling \$627.00, however, a review of the docket and the file did not reveal any creditor's claims having been filed nor any Allowance/Rejection of Creditor's Claims. Need clarification. The Petition further indicates that it is unknown whether these claims have been paid. The Court may require further information. The Petition is requesting authorization of payment of the Statutory Fee to the Executor and the Attorney. The Petition states that Petitioner (Carolyn Lewis) acknowledges and understands that she is responsible for payment of the attorney statutory fee. It is unclear how this statement can be made when the attorney states in the verification that he has lost contact with Ms. Lewis. The Petition requests that the full statutory fee be paid to the Executor and the Attorney, however, Probate Code § 12205 states that the Court may reduce compensation to the personal representative and/or attorney when the time taken to close the estate exceeds the time prescribed in the code, etc. The decedent died in 2004 and Letters were issued on 12/08/05. No explanation is provided in the Petition indicating that there was a reason for the delay in closing the estate. The Court may consider reducing the requested compensation. The costs requested included a \$60.00 filing fee for the attorney's Motion to Withdraw as Counsel. It is unclear why should be an expense of the Estate. The Court may reduce the costs reimbursement by \$60.00.
Cont. from			
<input type="checkbox"/> Aff.Sub.Wit.			
<input type="checkbox"/> Verified	X		
<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/o		
<input type="checkbox"/> Aff.Pub.			
<input type="checkbox"/> Sp.Ntc.			
<input type="checkbox"/> Pers.Serv.			
<input type="checkbox"/> Conf. Screen			
<input type="checkbox"/> Letters	12/08/05		
<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			
NEEDS/PROBLEMS/COMMENTS (Cont):			
<p>6. Neither the Petition, nor the Order indicates the dollar amount to be distributed. Local Rule 7.6.1A. states that monetary distributions must be stated in dollars in the Order.</p>			
<input type="checkbox"/> Aff. Posting			
<input type="checkbox"/> Status Rpt			
<input type="checkbox"/> UCCJEA			
<input type="checkbox"/> Citation			
<input checked="" type="checkbox"/> FTB Notice			
Reviewed by: JF			
Reviewed on: 04/29/14			
Updates:			
Recommendation:			
File 2A - Geise			

Notice of Motion and Motion to be Relieved as Counsel - Civil

DOD: 08/15/04		<p>PHILIP M. FLANIGAN, attorney for Executor CAROLYN LEWIS, is Petitioner.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>CONTINUED FROM 03/24/14</p> <p>Note: It is unclear whether Mr. Flanigan wishes to pursue this Motion based on his filing a First & Final Account (page 2A).</p>
Cont. from 032414		<p>CAROLYN LEWIS, daughter, was appointed Executor with full IAEA and without bond on 12/06/05. Letters Testamentary were issued on 12/08/05.</p>	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified	<p>Petitioner states that he has been unable to contact his client and has an outdated address and telephone number. Ms. Lewis sold the property where she was previously living and several attempts to locate her or obtain a new address and phone number have been unsuccessful. Petitioner states that the inability to contact the client renders it unreasonably difficult to close probate and carry out the representation effectively.</p>	
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
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<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		
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<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: JF
			Reviewed on: 04/29/14
			Updates:
			Recommendation:
			File 2B – Geise

Petition to Instruct Trustee as to Distribution of Assets

Peter Tym DOD: 2-23-13	CENTRAL CALIFORNIA CONFERENCE OF SEVENTH-DAY ADVENTISTS , Trustee, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: <u>Continued from 2-25-14, 4-1-14</u>
Doris Tym DOD: 4-2-09	Petitioner states the Peter & Doris Tym 2000 Family Charitable Remainder Unitrust was created between Petitioner as trustee and Peter and Doris Tym as settlors or donors. The trust agreement provides as follows:	
Cont. from 022514, 040114	<ul style="list-style-type: none"> • Confirms donors' transfer of certain parcels of real property to the trustee 	
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified	<ul style="list-style-type: none"> • Defines "unitrust percentage" to be the amount used to determine the "unitrust amount" and states the "unitrust percentage" shall be 6.18% 	
<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"> • States the "unitrust recipients" shall be Peter and Doris Tym and their children, Ardyth B. Price, Sharon M. Foley, and Bonnie Lea J. Corson 	
<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	<ul style="list-style-type: none"> • States that at the end of the period described in Paragraph 6, the then-remaining principal and income of the trust shall be distributed free of trust to Petitioner 	
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt	<ul style="list-style-type: none"> • States that commencing January 1 of the year after the parcels referred to in above are sold by the trustee, the "unitrust amount" shall be an amount equal to the "unitrust percentage" (6.18%) multiplied by the net fair market value of the trust assets value as of the first day of each calendar year, adjusted as otherwise provided for in the trust agreement (not applicable to this petition) 	
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting	<ul style="list-style-type: none"> • States the trustee shall pay the "unitrust amount" each taxable year of the trust in monthly installments at the end of each month, and also states that the installments are to be paid to or applied for the benefit of the donors, or the survivor of them, during their lifetimes, and upon both of their deaths, these installments are to be paid in equal shares to or for the benefit of the unitrust recipients (the donors' daughters) living at the time of such distribution. 	
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice	<p style="text-align: center;"><u>SEE ADDITIONAL PAGES</u></p>	Reviewed by: skc Reviewed on: 4-29-14 Updates: Recommendation: File 3 – Tym

Page 2

Petitioner states that by 10-3-2000, the trustee had completed the sales of real property and on 1-31-01 began paying the unitrust amount on a monthly basis to the donors until 3-31-09. Doris Tym died on 4-2-09. Thereafter, commencing 4-30-09, Petitioner paid the monthly installments to Peter Tym until 1-31-13. Peter Tym died on 2-23-13.

Petitioner states that in the meantime, in the first few months of 2010, after Doris' death, Les Palinka, Peter Tym's independent legal counsel (also nephew) contacted Petitioner's legal counsel Grant N. Mitchell by phone and informed him that Mr. Tym wished to have the entire corpus of the trust be distributed free of trust to Petitioner as the charitable beneficiary of the trust immediately upon his death, without any portion of the unitrust amount being paid to or for the benefit of his daughters. Mr. Palinka asked Mr. Mitchell if there was something Mr. Tym could do to carry out his wishes. Mr. Mitchell informed Mr. Palinka that he would review the document.

On or about 4-20-10, Mr. Mitchell contacted Mr. Palinka and informed him that pursuant to his review, it appeared that each donor reserved the right to revoke and terminate the interests of any other unitrust recipient in his or her one-half interest. If either donor exercised this testamentary power of revocation, then at that donor's death, that donor's one half interest in the unitrust amount was to be distributed to the remaining unitrust recipient, if any, whose interests were not revoked, and if none, to Petitioner, free of trust, as the charitable beneficiary. The trust also states that a donor who is a current income recipient retains the right to direct the trustee to distribute an undivided percentage of trust assets on the last day of any taxable year to qualified exempt organizations. Petitioner is and at all times has been a qualified exempt organization as defined in the trust.

Mr. Mitchell expressed his opinion that the term "an undivided percentage" included 100% and stated that he was not advising either Mr. Palinka or Mr. Tym to take either or both of these actions; he was only responding to the inquiry of options under the agreement.

About one year later, Mr. Tym executed a Last Will and Testament which revokes and terminates the interests of any and all other unitrust recipients set forth in the trust agreement, and states that Mr. Tym was specifically, intentionally, and knowingly directing that the trustee immediately distribute Mr. Tym's one half interest in the trust corpus to Petitioner.

Petitioner states the effect of the will was to require Petitioner as trustee to distribute Mr. Tym's one half interest in the trust corpus to Petitioner as the charitable beneficiary and to use the remaining trust corpus (Doris Tym's one half interest) to or for the benefit of Sharon M. Foley and Bonnie Lea J. Corson (Ardyth M. Price having previously died), and upon their deaths, to distribute the remaining trust principal to Petitioner as the charitable beneficiary.

SEE ADDITIONAL PAGES

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On 5-9-11, Mr. Palinka asked Mr. Mitchell to prepare and send Mr. Palinka a form of instruction letter whereby Mr. Tym could direct Petitioner as trustee to distribute 100% of the remaining trust assets to Petitioner as the charitable beneficiary on the last day of any trust taxable year in which Mr. Tym's death occurred. On 6-23-11, Mr. Mitchell sent Mr. Palinka a form of instruction letter and expressly informed him that it was Petitioner's understanding that Mr. Palinka was acting as Mr. Tym's attorney and that Mr. Mitchell was not acting as Mr. Tym's attorney in that matter; that Mr. Mitchell made no representations whatsoever as to what tax or other effect Mr. Tym's execution of the instruction letter may or may not have, etc.

Mr. Palinka did prepare such an instruction letter and reviewed same with Mr. Tym on 8-8-11 regard to the potential consequences of executing it. Mr. Tym expressed his desire to execute the instruction letter and did so. Mr. Palinka advise Mr. Mitchell of these facts and that he was sending the instruction letter to Mr. Mitchell via US Mail, which Mr. Mitchell received 8-10-11.

The effect of the instruction letter was to require Petitioner as trustee on the December 31 following Peter Tym's death to distribute to Petitioner as charitable beneficiary of the trust and free of trust the remaining one half interest in the trust income and principal not covered by Peter Tym's exercise of his testamentary power of revocation in his will.

On 1-1-13, and continuing through the present time, the trust corpus has consisted entirely of cash, and on 1-1-13 the cash totaled \$246,888.55. On or about that date, pursuant to the trust agreement, the trustee multiplied that amount by 6.18% (the unitrust percentage) to arrive at a figure of \$15,257.71 (the unitrust amount), which divided by 12 determines the monthly installment of \$1,271.48 paid to Peter Tym on 1-31-13.

Shortly after Mr. Tym's death on 2-23-13, and pursuant to the instructions in his will, Petitioner subtracted Mr. Tym's one half interest in the unitrust amount leaving a remaining unitrust amount monthly installment balance of \$635.74 to be divided equally between the two surviving daughters for the remaining 11 months.

Although Mr. Tym's will directed Petitioner to distribute to itself Peter Tym's one half interest upon his death, Petitioner has not distributed any portion or income thereon pending instructions from this Court. Also, although Mr. Tym's instruction letter directed Petitioner to distribute to itself, as the charitable beneficiary of the trust and free of trust on 12-31-13 the remaining one half interest in the trust principal and income not affected by Mr. Tym's will, Petitioner has not made any distributions of that principal or income thereon pending instructions from this Court.

SEE ADDITIONAL PAGES

Page 4

Petitioner requests instructions directing Petitioner as trustee on how to distribute the principal and income in the trust. It is Petitioner's belief that the Court should:

- A. Make a finding that in calculating the monthly installment, as of 2-28-13, on the basis of one half of the trust corpus as valued on 1-1-13, and thereafter paying the sum of \$3,496.57 to the two living daughters, that Petitioner acted properly as trustee and fulfilled its obligations to make distributions to the two living daughters; and
- B. Instruct Petitioner that Petitioner as trustee should forthwith distribute free of trust the entire remaining trust estate to itself as the charitable beneficiary.

Petitioner prays for an order instructing the trustee with regard to the proper administration of the trust with respect to the matters alleged herein, for costs herein, and for such other orders as the Court may deem proper.

Memorandum of Points and Authorities also provided.

Minute Order 4-1-14: Counsel is directed to provide a copy of the letter previously submitted to the Court for all the parties.

Note: On 4-14-14, a document entitled "Correspondence to All Interested Parties" was filed. Attached to the cover page is a letter to Sharon M. Foley dated 4-11-14. The letter appears to offer to arrange Ms. Foley's telephone appearance at the next hearing if payment is received.

Amended Petition to Determine Succession to Real Property

DOD: 02/28/12	CYNTHIA REY MCKENZIE , daughter, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. The Amended Petition is not signed (verified) by Petitioner.</p>
	40 days since DOD.	
	No other proceedings.	
Cont. from		
Aff.Sub.Wit.		
Verified	x I & A - \$43,000.00	
Inventory		
PTC	Will dated 03/05/11 devises real property located at 124 Harrison Street in Coalinga to Petitioner.	
Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg	Petitioner requests Court determination that decedent's 100% interest in real property located at 124 Harrison Street, Coalinga, CA pass to her pursuant to decedent's will.	
<input checked="" type="checkbox"/> Aff.Mail	w/	
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
<input checked="" type="checkbox"/> Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: JF
		Reviewed on: 04/29/14
		Updates:
		Recommendation:
		File 4 – Rey

Petition to Modify Irrevocable Trust

		<p>BARBARA A. BERBERIAN, Co-Settlor, is Petitioner. (Co-Settlor Richard Berberian is deceased.)</p> <p>Petitioner states:</p> <ul style="list-style-type: none"> • JOSEPH M. BERBERIAN is the current Trustee of the JOSEPH M. BERARIAN 2012 IRREVOCABLE TRUST and has been since its creation on 12/31/2012 (copy of Trust attached as Exhibit A); he is the current lifetime beneficiary of the Trust; his issue are contingent remainder beneficiaries of the Trust; • Petitioner seeks to modify the Trust, and the Petitioner, the lifetime Trust beneficiary, and the Trustee all consent to the proposed modification; (signed written consents attached as Exhibits B and C); • The proposed modification will not impair the interest of any settlor or beneficiary of the Trust; (copy of proposed modification attached as Exhibit D; copy of the proposed Modified Trust attached as Exhibit E); • The proposed modification is necessary to terminate the grantor trust status of the Trust, which currently treats the trust estate as being owned by Petitioner for federal and state income tax purposes; • Further, upon terminating the grantor trust status of the Trust, it is necessary to modify the Trust in order to ensure and clarify that the Trust satisfies the requirements of a Qualified Subchapter S Trust; • By its terms, the Trust may be modified by the Trustee to satisfy the Qualified Subchapter S Trust requirements; however, to avoid any uncertainty or issues, Petitioner seeks to formally modify the income distribution requirements concurrently with the modification of the grantor trust status; • Pursuant to Probate Code § 15404(b), if the Settlor and certain, but not all, of the beneficiaries consent, they may <u>compel</u> [emphasis in petition] the modification of the Trust provided that "the interests of the beneficiaries who do not consent are not substantially impaired;" <p align="center">~Please see additional page~</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Pages 5 through 9 are related trust matters.</p> <p>1. Pursuant to Probate Code § 17201, <i>Petition</i> does not but should state the names and addresses of each person entitled to notice of the <i>Petition</i>. Need proof of service by mail of 30 days' notice prior to hearing for all Trust beneficiaries pursuant to Probate Code §§ 15804(a), 17203(a)(2), 1460.1, and CA Rule of Court 7.51(d), as follows:</p> <ul style="list-style-type: none"> • JOHN MITCHELL BERBERIAN, contingent remainder beneficiary (a minor); • REBECCA ROSE BERBERIAN, contingent remainder beneficiary (a minor); • ROBIN BERBERIAN, contingent remainder beneficiary, spouse of Beneficiary; • MICHAEL BERBERIAN contingent remainder beneficiary, brother of Settlor (Richard.)
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/ O		
<input type="checkbox"/>	Aff.Pub.		
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<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		
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<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		<p>Reviewed by: LEG</p> <p>Reviewed on: 4/30/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 5 - Berberian</p>	

Petitioner states, continued:

- In the instant matter, the Settlor and the current lifetime beneficiary of the Trust have consented to the proposed modification; *(signed written consents attached as Exhibits B and C);*
- The contingent remainder beneficiaries have not consented because the contingent remainder beneficiaries are comprised of minors and persons not yet in being; *[Note: currently ascertainable contingent remainder beneficiaries are **JOHN MITCHELL BERBERIAN** and **REBECCA ROSE BERBERIAN**, the two minor children of **JOSEPH M. BERBERIAN**];*
- Petitioner believes it is not necessary or required to appoint a guardian ad litem pursuant to Probate Code § 1003 to represent the interests of the contingent remainder beneficiaries in regard to the proposed modification for the following reasons:
 - The interests of the current beneficiary, **JOSEPH M. BERBERIAN**, and that of the contingent remainder beneficiaries are aligned in regard to the proposed modification such that **JOSEPH M. BERBERIAN** can adequately represent the interests of the contingent remainder beneficiaries;
 - The interests of the contingent remainder beneficiaries will not be impaired by the proposed modification because it is reasonably likely, based on the relative young age of the current lifetime beneficiary compared to the Settlor, that by the time any present interest vests in the contingent remainder beneficiaries the Trust will already be, or will immediately become, a non-grantor trust as a result of both settlors predeceasing the current lifetime beneficiary; *[Note: Co-Settlor Barbara A. Berberian is petitioning the Court; Co-Settlor Richard Berberian is deceased, DOD 6/12/2013.]*

Petitioner prays for an order modifying the Trust as set forth in *Exhibit E* attached to the *Petition*.

Notes Re Consent and Guardian ad Litem:

- Probate Code § 15404(b) provides that if any beneficiary does not consent to the modification of the trust, upon petition to the Court, the other beneficiaries, with consent of the Settlor, may compel a modification of the trust if the interests of the beneficiaries who do not consent are not substantially impaired. Further, Probate Code § 15404(c) provides that if the trust provides for disposition of principal to a class of persons such as "heirs" of the Settlor, the Court may limit the class of beneficiaries whose consent is needed to compel the modification of the trust to the beneficiaries who are reasonably likely to take under the circumstances.
- Probate Code § 1003(a) provides, in pertinent part, that the Court may, on its own motion, appoint a Guardian ad Litem to represent the interests of a minor if the Court determines that representation of the interest otherwise would be inadequate. Probate Code § 15405 provides that for the purposes of § 15404, the consent of a beneficiary who lacks legal capacity, including a minor, may be given in proceedings before the Court by a Guardian ad Litem, if it would be appropriate to do so. In determining whether to give consent, the Guardian ad Litem may rely on general family benefit accruing to living members of the beneficiary's family as a basis for approving a modification of the trust. Commentary to these provisions states that under § 1003, it is not necessary to appoint a guardian ad litem if the affected interests are otherwise represented, e.g., by competent adults with identical interests.

Note Re Proposed Order: Given that the case caption and case number may not clearly constitute some portion of the contents of the order, the proposed order has been interlineated to provide the signature line for the Judicial Officer at the bottom of *Schedule A*, below the statement of trust assets consisting of 995 shares of common stock of Berberian Ranches, Inc. and the Trustee's signature line, such that the order now complies with Local Rule 7.6.1 (F), providing that some portion of the contents of the order must appear on the page upon which the Judge's signature is affixed.

Atty Chielpegian, Michael S., of Chielpegian Law Offices (for Petitioners Michael Berberian and Barbara J. Berberian)

Petition to Modify Irrevocable Trust

		<p>MICHAEL BERBERIAN and BARBARA J. BERBERIAN, Co-Settlers, are Petitioners.</p> <p>Petitioners state:</p> <ul style="list-style-type: none"> • MARY D. GUIRAGOSSIAN is the current Trustee of the MARY D. GUIRAGOSSIAN 2012 IRREVOCABLE RANCH TRUST and has been since its creation on 12/31/2012 (<i>copy of Trust attached as Exhibit A</i>); she is the current lifetime beneficiary of the Trust; her issue are contingent remainder beneficiaries of the Trust; • Petitioners seek to modify the Trust, and the Petitioners, the lifetime Trust beneficiary, and the Trustee all consent to the proposed modification; (<i>signed written consents attached as Exhibits B and C</i>); • The proposed modification will not impair the interest of any settlor or beneficiary of the Trust; (<i>copy of proposed modification attached as Exhibit D; copy of the proposed Modified Trust attached as Exhibit E</i>); • The proposed modification is necessary to terminate the grantor trust status of the Trust, which currently treats the trust estate as being owned by Petitioners for federal and state income tax purposes; • Further, upon terminating the grantor trust status of the Trust, it is necessary to modify the Trust in order to ensure and clarify that the Trust satisfies the requirements of a Qualified Subchapter S Trust; • By its terms, the Trust may be modified by the Trustee to satisfy the Qualified Subchapter S Trust requirements; however, to avoid any uncertainty or issues, Petitioners seek to formally modify the income distribution requirements concurrently with the modification of the grantor trust status; <p style="text-align: center;">~Please see additional page~</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Pages 5 through 9 are related trust matters.</p> <p>2. Pursuant to Probate Code § 17201, <i>Petition</i> does not but should state the names and addresses of each person entitled to notice of the <i>Petition</i>. Need proof of service by mail of 30 days' notice prior to hearing for all Trust beneficiaries pursuant to Probate Code §§ 15804(a), 17203(a)(2), 1460.1, and CA Rule of Court 7.51(d), as follows:</p> <ul style="list-style-type: none"> • JOHN V. GUIRAGOSSIAN, contingent remainder beneficiary (a minor); • ANNA M. GUIRAGOSSIAN, contingent remainder beneficiary (a minor); • RICHARD BERBERIAN, contingent remainder beneficiary, brother of Settlor (Michael.)
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		<p>Reviewed by: LEG</p> <hr/> <p>Reviewed on: 4/30/14</p> <hr/> <p>Updates:</p> <hr/> <p>Recommendation:</p> <hr/> <p>File 6 - Guiragossian</p>	

Petitioners state, continued:

- Pursuant to Probate Code § 15404(b), if the Settlers and certain, but not all, of the beneficiaries consent, they may compel [*emphasis in petition*] the modification of the Trust provided that “the interests of the beneficiaries who do not consent are not substantially impaired;”
- In the instant matter, the Settlor and the current lifetime beneficiary of the Trust have consented to the proposed modification; (*signed written consents attached as Exhibits B and C*);
- The contingent remainder beneficiaries have not consented because the contingent remainder beneficiaries are comprised of minors and persons not yet in being; [*Note: currently ascertainable contingent remainder beneficiaries are **JOHN V. GUIRAGOSSIAN** and **ANNA M. GUIRAGOSSIAN**, the two minor children of **MARY D. GUIRAGOSSIAN***];
- Petitioner believes it is not necessary or required to appoint a guardian ad litem pursuant to Probate Code § 1003 to represent the interests of the contingent remainder beneficiaries in regard to the proposed modification for the following reasons:
 - The interests of the current beneficiary, **MARY D. GUIRAGOSSIAN**, and that of the contingent remainder beneficiaries are aligned in regard to the proposed modification such that **MARY D. GUIRAGOSSIAN** can adequately represent the interests of the contingent remainder beneficiaries;
 - The interests of the contingent remainder beneficiaries will not be impaired by the proposed modification because it is reasonably likely, based on the relative young age of the current lifetime beneficiary compared to the Settlers, that by the time any present interest vests in the contingent remainder beneficiaries the Trust will already be, or will immediately become, a non-grantor trust as a result of both settlers predeceasing the current lifetime beneficiary.

Petitioners pray for an order modifying the Trust as set forth in Exhibit E attached to the Petition.

Notes Re Consent and Guardian ad Litem:

- Probate Code § 15404(b) provides that if any beneficiary does not consent to the modification of the trust, upon petition to the Court, the other beneficiaries, with consent of the Settlor, may compel a modification of the trust if the interests of the beneficiaries who do not consent are not substantially impaired. Further, Probate Code § 15404(c) provides that if the trust provides for disposition of principal to a class of persons such as “heirs” of the Settlor, the Court may limit the class of beneficiaries whose consent is needed to compel the modification of the trust to the beneficiaries who are reasonably likely to take under the circumstances.
- Probate Code § 1003(a) provides, in pertinent part, that the Court may, on its own motion, appoint a Guardian ad Litem to represent the interests of a minor if the Court determines that representation of the interest otherwise would be inadequate. Probate Code § 15405 provides that for the purposes of § 15404, the consent of a beneficiary who lacks legal capacity, including a minor, may be given in proceedings before the Court by a Guardian ad Litem, if it would be appropriate to do so. In determining whether to give consent, the Guardian ad Litem may rely on general family benefit accruing to living members of the beneficiary's family as a basis for approving a modification of the trust. Commentary to these provisions states that under § 1003, it is not necessary to appoint a guardian ad litem if the affected interests are otherwise represented, e.g., by competent adults with identical interests.

Note Re Proposed Order: Given that the case caption and case number may not clearly constitute some portion of the contents of the order, the proposed order has been interlined to provide the signature line for the Judicial Officer at the bottom of *Schedule A*, below the statement of trust assets consisting of 120 shares of common stock of Berberian Ranches, Inc. and the Trustee's signature line, such that the order now complies with Local Rule 7.6.1(F), providing that some portion of the contents of the order must appear on the page upon which the Judge's signature is affixed.

Atty Chielpegian, Michael S., of Chielpegian Law Offices (for Petitioners Michael Berberian and Barbara J. Berberian)

Petition to Modify Irrevocable Trust

		<p>MICHAEL BERBERIAN and BARBARA J. BERBERIAN, Co-Settlers, are Petitioners.</p> <p>Petitioners state:</p> <ul style="list-style-type: none"> • SUSAN M. BROWN is the current Trustee of the SUSAN M. BROWN 2012 IRREVOCABLE RANCH TRUST and has been since its creation on 12/31/2012 (<i>copy of Trust attached as Exhibit A</i>); she is the current lifetime beneficiary of the Trust; her issue are contingent remainder beneficiaries of the Trust; • Petitioners seek to modify the Trust, and the Petitioners, the lifetime Trust beneficiary, the ascertainable contingent beneficiaries of the Trust, and the Trustee all consent to the proposed modification; (<i>signed written consents attached as Exhibits B, C, D, E and F</i>); • The proposed modification will not impair the interest of any settlor or beneficiary of the Trust; (<i>copy of proposed modification attached as Exhibit G; copy of the proposed Modified Trust attached as Exhibit H</i>); • The proposed modification is necessary to terminate the grantor trust status of the Trust, which currently treats the trust estate as being owned by Petitioners for federal and state income tax purposes; • Further, upon terminating the grantor trust status of the Trust, it is necessary to modify the Trust in order to ensure and clarify that the Trust satisfies the requirements of a Qualified Subchapter S Trust; • By its terms, the Trust may be modified by the Trustee to satisfy the Qualified Subchapter S Trust requirements; however, to avoid any uncertainty or issues, Petitioners seek to formally modify the income distribution requirements concurrently with the modification of the grantor trust status; <p align="center">~Please see additional page~</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Pages 5 through 9 are related trust matters.</p> <p>Note: Pursuant to Probate Code § 17201, <i>Petition</i> does not but should state the names and addresses of each person entitled to notice of the <i>Petition</i>. However, <i>Proof of Service by Mail</i> filed 3/17/2014 shows all persons entitled to notice (including ascertainable contingent remainder beneficiaries) pursuant to Probate Code §§ 15804(a) and 17203(a)(2) were mailed notice on 3/14/2014.</p>
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<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
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		<p>Reviewed by: LEG</p>	
		<p>Reviewed on: 4/30/14</p>	
		<p>Updates:</p>	
		<p>Recommendation:</p>	
		<p>File 7 - Brown</p>	

Petitioners state, continued:

- Pursuant to Probate Code § 15404(b), if the Settlers and certain, but not all, of the beneficiaries consent, they may compel [*emphasis in petition*] the modification of the Trust provided that “the interests of the beneficiaries who do not consent are not substantially impaired;”
- In the instant matter, the Settlor, the current lifetime beneficiary of the Trust, and the adult contingent remainder beneficiaries of the Trust have consented to the proposed modification;
- The remaining contingent remainder beneficiaries have not consented because the remaining contingent remainder beneficiaries are comprised of persons not yet in being (i.e., the issue of Susan M. Brown and/or the issue of any of the adult contingent remainder beneficiaries); [*Note: currently ascertainable contingent remainder beneficiaries are **MICHAEL P. BROWN, ADAM K. BROWN, and DAVID J. BROWN, the three adult children of SUSAN M. BROWN***];
- Petitioner believes it is not necessary or required to appoint a guardian ad litem pursuant to Probate Code § 1003 to represent the interests of the contingent remainder beneficiaries in regard to the proposed modification for the following reasons:
 - The interests of the current beneficiary, **SUSAN M. BROWN**, and that of the contingent remainder beneficiaries are aligned in regard to the proposed modification such that **SUSAN M. BROWN** can adequately represent the interests of the contingent remainder beneficiaries;
 - The interests of the contingent remainder beneficiaries will not be impaired by the proposed modification because it is reasonably likely, based on the relative young age of the current lifetime beneficiary compared to the Settlers, that by the time any present interest vests in the contingent remainder beneficiaries the Trust will already be, or will immediately become, a non-grantor trust as a result of both settlors predeceasing the current lifetime beneficiary.

Petitioners pray for an order modifying the Trust as set forth in *Exhibit H* attached to the *Petition*.

Notes Re Consent and Guardian ad Litem:

- Probate Code § 15404(b) provides that if any beneficiary does not consent to the modification of the trust, upon petition to the Court, the other beneficiaries, with consent of the Settlor, may compel a modification of the trust if the interests of the beneficiaries who do not consent are not substantially impaired. Further, Probate Code § 15404(c) provides that if the trust provides for disposition of principal to a class of persons such as “heirs” of the Settlor, the Court may limit the class of beneficiaries whose consent is needed to compel the modification of the trust to the beneficiaries who are reasonably likely to take under the circumstances.
- Probate Code § 1003(a) provides, in pertinent part, that the Court may, on its own motion, appoint a Guardian ad Litem to represent the interests of a minor if the Court determines that representation of the interest otherwise would be inadequate. Probate Code § 15405 provides that for the purposes of § 15404, the consent of a beneficiary who lacks legal capacity, including a minor, may be given in proceedings before the Court by a Guardian ad Litem, if it would be appropriate to do so. In determining whether to give consent, the Guardian ad Litem may rely on general family benefit accruing to living members of the beneficiary’s family as a basis for approving a modification of the trust. Commentary to these provisions states that under § 1003, it is not necessary to appoint a guardian ad litem if the affected interests are otherwise represented, e.g., by competent adults with identical interests.

Note Re Proposed Order: Given that the case caption and case number may not clearly constitute some portion of the contents of the order, the proposed order has been interlineated to provide the signature line for the Judicial Officer at the bottom of *Schedule A*, below the statement of trust assets consisting of 120 shares of common stock of Berberian Ranches, Inc. and the Trustee’s signature line, such that the order now complies with Local Rule 7.6.1(F), providing that some portion of the contents of the order must appear on the page upon which the Judge’s signature is affixed.

Atty Chielpegian, Michael S., of Chielpegian Law Offices (for Petitioner Barbara A. Berberian)

Petition to Modify Irrevocable Trust

	BARBARA A. BERBERIAN , Co-Settlor, is Petitioner. (Co-Settlor Richard Berberian is deceased.)		NEEDS/PROBLEMS/COMMENTS: Pages 5 through 9 are related trust matters.
	Petitioner states:		
	<ul style="list-style-type: none"> ERIN BERBERIAN GLEASON is the current Trustee of the ERIN BERBERIAN GLEASON 2012 IRREVOCABLE TRUST and has been since its creation on 12/31/2012 (copy of Trust attached as Exhibit A); she is the current lifetime beneficiary of the Trust; her issue are contingent remainder beneficiaries of the Trust; Petitioner seeks to modify the Trust, and the Petitioner, the lifetime Trust beneficiary, the adult contingent remainder beneficiary, and the Trustee all consent to the proposed modification; (signed written consents attached as Exhibits B, C, and D); The proposed modification will not impair the interest of any settlor or beneficiary of the Trust; (copy of proposed modification attached as Exhibit E; copy of the proposed Modified Trust attached as Exhibit F); The proposed modification is necessary to terminate the grantor trust status of the Trust, which currently treats the trust estate as being owned by Petitioner for federal and state income tax purposes; Further, upon terminating the grantor trust status of the Trust, it is necessary to modify the Trust in order to ensure and clarify that the Trust satisfies the requirements of a Qualified Subchapter S Trust; By its terms, the Trust may be modified by the Trustee to satisfy the Qualified Subchapter S Trust requirements; however, to avoid any uncertainty or issues, Petitioner seeks to formally modify the income distribution requirements concurrently with the modification of the grantor trust status; 		3. Pursuant to Probate Code § 17201, <i>Petition</i> does not but should state the names and addresses of each person entitled to notice of the <i>Petition</i> . Need proof of service by mail of 30 days' notice prior to hearing for all Trust beneficiaries pursuant to Probate Code §§ 15804(a), 17203(a)(2), 1460.1, and CA Rule of Court 7.51(d), as follows: <ul style="list-style-type: none"> JOHN MITCHELL BERBERIAN, contingent remainder beneficiary (a minor); REBECCA ROSE BERBERIAN, contingent remainder beneficiary (a minor); MICHAEL BERBERIAN contingent remainder beneficiary, brother of Settlor (Richard.)
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	~Please see additional page~		
			Reviewed by: LEG
			Reviewed on: 4/30/14
			Updates:
			Recommendation:
			File 8 - Gleason

Petitioner states, continued:

- Pursuant to Probate Code § 15404(b), if the Settlor and certain, but not all, of the beneficiaries consent, they may compel [*emphasis in petition*] the modification of the Trust provided that “the interests of the beneficiaries who do not consent are not substantially impaired;”
- In the instant matter, the Settlor, the current lifetime beneficiary of the Trust, and the adult remainder beneficiary of the Trust, have consented to the proposed modification; (*signed written consents attached as Exhibits B, C, and D*);
- The remaining contingent remainder beneficiaries have not consented because the contingent remainder beneficiaries are comprised of minors and persons not yet in being (i.e., the issue of **ERIN BERBERIAN GLEASON**, and/or the issue of Settlor’s son, **JOSEPH M. BERBERIAN**). [*Note: current adult contingent remainder beneficiary is **JOSEPH M. BERBERIAN**, and the currently ascertainable contingent remainder beneficiaries are his two minor children, **JOHN MITCHELL BERBERIAN** and **REBECCA ROSE BERBERIAN***];
- Petitioner believes it is not necessary or required to appoint a guardian ad litem pursuant to Probate Code § 1003 to represent the interests of the contingent remainder beneficiaries in regard to the proposed modification for the following reasons:
 - The interests of the current beneficiary, **ERIN BERBERIAN GLEASON**, and that of the contingent remainder beneficiaries are aligned in regard to the proposed modification such that **ERIN BERBERIAN GLEASON** and the adult remainder beneficiary, **JOSEPH M. BERBERIAN**, can adequately represent the interests of the contingent remainder beneficiaries;
 - The interests of the contingent remainder beneficiaries will not be impaired by the proposed modification because it is reasonably likely, based on the relative young age of the current lifetime beneficiary compared to the Settlor, that by the time any present interest vests in the contingent remainder beneficiaries the Trust will already be, or will immediately become, a non-grantor trust as a result of both settlors predeceasing the current lifetime beneficiary; [*Note: Co-Settlor Barbara A. Berberian is petitioning the Court; Co-Settlor Richard Berberian is deceased, DOD 6/12/2013.*]

Petitioner prays for an order modifying the Trust as set forth in Exhibit F attached to the Petition.

Notes Re Consent and Guardian ad Litem:

- Probate Code § 15404(b) provides that if any beneficiary does not consent to the modification of the trust, upon petition to the Court, the other beneficiaries, with consent of the Settlor, may compel a modification of the trust if the interests of the beneficiaries who do not consent are not substantially impaired. Further, Probate Code § 15404(c) provides that if the trust provides for disposition of principal to a class of persons such as “heirs” of the Settlor, the Court may limit the class of beneficiaries whose consent is needed to compel the modification of the trust to the beneficiaries who are reasonably likely to take under the circumstances.
- Probate Code § 1003(a) provides, in pertinent part, that the Court may, on its own motion, appoint a Guardian ad Litem to represent the interests of a minor if the Court determines that representation of the interest otherwise would be inadequate. Probate Code § 15405 provides that for the purposes of § 15404, the consent of a beneficiary who lacks legal capacity, including a minor, may be given in proceedings before the Court by a Guardian ad Litem, if it would be appropriate to do so. In determining whether to give consent, the Guardian ad Litem may rely on general family benefit accruing to living members of the beneficiary’s family as a basis for approving a modification of the trust. Commentary to these provisions states that under § 1003, it is not necessary to appoint a guardian ad litem if the affected interests are otherwise represented, e.g., by competent adults with identical interests.

Note Re Proposed Order: Given that the case caption and case number may not clearly constitute some portion of the contents of the order, the proposed order has been interlined to provide the signature line for the Judicial Officer at the bottom of *Schedule A*, below the statement of trust assets consisting of 995 shares of common stock of Berberian Ranches, Inc. and the Trustee’s signature line, such that the order now complies with Local Rule 7.6.1(F), providing that some portion of the contents of the order must appear on the page upon which the Judge’s signature is affixed.

Atty Chielpegian, Michael S., of Chielpegian Law Offices (for Petitioners Michael Berberian and Barbara J. Berberian)

Petition to Modify Irrevocable Trust

		<p>MICHAEL BERBERIAN and BARBARA J. BERBERIAN, Co-Settlers, are Petitioners.</p> <p>Petitioners state:</p> <ul style="list-style-type: none"> PATRICIA A. BERBERIAN is the current Trustee of the PATRICIA A. BERBERIAN 2012 IRREVOCABLE RANCH TRUST and has been since its creation on 12/31/2012 (<i>copy of Trust attached as Exhibit A</i>); she is the current lifetime beneficiary of the Trust; her issue are contingent remainder beneficiaries of the Trust; Petitioners seek to modify the Trust, and the Petitioners, the lifetime Trust beneficiary, and the Trustee all consent to the proposed modification; (<i>signed written consents attached as Exhibits B and C</i>); The proposed modification will not impair the interest of any settlor or beneficiary of the Trust; (<i>copy of proposed modification attached as Exhibit D; copy of the proposed Modified Trust attached as Exhibit E</i>); The proposed modification is necessary to terminate the grantor trust status of the Trust, which currently treats the trust estate as being owned by Petitioners for federal and state income tax purposes; Further, upon terminating the grantor trust status of the Trust, it is necessary to modify the Trust in order to ensure and clarify that the Trust satisfies the requirements of a Qualified Subchapter S Trust; By its terms, the Trust may be modified by the Trustee to satisfy the Qualified Subchapter S Trust requirements; however, to avoid any uncertainty or issues, Petitioners seek to formally modify the income distribution requirements concurrently with the modification of the grantor trust status; <p align="center">~Please see additional page~</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Pages 5 through 9 are related trust matters.</p> <p>4. Pursuant to Probate Code § 17201, <i>Petition</i> does not but should state the names and addresses of each person entitled to notice of the <i>Petition</i>. Need proof of service by mail of 30 days' notice prior to hearing for all Trust beneficiaries pursuant to Probate Code §§ 15804(a), 17203(a)(2), 1460.1, and CA Rule of Court 7.51(d) as follows:</p> <ul style="list-style-type: none"> ELIZABETH M. MILLER, contingent remainder beneficiary, (a minor); ALEXANDRA N. MILLER, contingent remainder beneficiary, (a minor); RICHARD BERBERIAN contingent remainder beneficiary, brother of Settlor (Michael.)
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		<p>Reviewed by: LEG</p> <p>Reviewed on: 4/30/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 9 – P. Berberian</p>	

Petitioners state, continued:

- Pursuant to Probate Code § 15404(b), if the Settlers and certain, but not all, of the beneficiaries consent, they may compel [*emphasis in petition*] the modification of the Trust provided that "the interests of the beneficiaries who do not consent are not substantially impaired;"
- In the instant matter, the Settlor and the current lifetime beneficiary of the Trust have consented to the proposed modification;
- The contingent remainder beneficiaries have not consented because the remaining contingent remainder beneficiaries are comprised of minors and persons not yet in being; [*Note: currently ascertainable contingent remainder beneficiaries are **ELIZABETH M. MILLER**, and **ALEXANDRA N. MILLER**, the two minor children of **PATRICIA A. BERBERIAN**;*];
- Petitioner believes it is not necessary or required to appoint a guardian ad litem pursuant to Probate Code § 1003 to represent the interests of the contingent remainder beneficiaries in regard to the proposed modification for the following reasons:
 - The interests of the current beneficiary, **PATRICIA A. BERBERIAN**, and that of the contingent remainder beneficiaries are aligned in regard to the proposed modification such that **PATRICIA A. BERBERIAN** can adequately represent the interests of the contingent remainder beneficiaries;
 - The interests of the contingent remainder beneficiaries will not be impaired by the proposed modification because it is reasonably likely, based on the relative young age of the current lifetime beneficiary compared to the Settlers, that by the time any present interest vests in the contingent remainder beneficiaries the Trust will already be, or will immediately become, a non-grantor trust as a result of both settlors predeceasing the current lifetime beneficiary.

Petitioners pray for an order modifying the Trust as set forth in *Exhibit E* attached to the *Petition*.

Notes Re Consent and Guardian ad Litem:

- Probate Code § 15404(b) provides that if any beneficiary does not consent to the modification of the trust, upon petition to the Court, the other beneficiaries, with consent of the Settlor, may compel a modification of the trust if the interests of the beneficiaries who do not consent are not substantially impaired. Further, Probate Code § 15404(c) provides that if the trust provides for disposition of principal to a class of persons such as "heirs" of the Settlor, the Court may limit the class of beneficiaries whose consent is needed to compel the modification of the trust to the beneficiaries who are reasonably likely to take under the circumstances.
- Probate Code § 1003(a) provides, in pertinent part, that the Court may, on its own motion, appoint a Guardian ad Litem to represent the interests of a minor if the Court determines that representation of the interest otherwise would be inadequate. Probate Code § 15405 provides that for the purposes of § 15404, the consent of a beneficiary who lacks legal capacity, including a minor, may be given in proceedings before the Court by a Guardian ad Litem, if it would be appropriate to do so. In determining whether to give consent, the Guardian ad Litem may rely on general family benefit accruing to living members of the beneficiary's family as a basis for approving a modification of the trust. Commentary to these provisions states that under § 1003, it is not necessary to appoint a guardian ad litem if the affected interests are otherwise represented, e.g., by competent adults with identical interests.

Note Re Proposed Order: Given that the case caption and case number may not clearly constitute some portion of the contents of the order, the proposed order has been interlineated to provide the signature line for the Judicial Officer at the bottom of *Schedule A*, below the statement of trust assets consisting of 120 shares of common stock of Berberian Ranches, Inc. and the Trustee's signature line, such that the order now complies with Local Rule 7.6.1 (F), providing that some portion of the contents of the order must appear on the page upon which the Judge's signature is affixed.

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

DOD: 01/24/2013		<p>MICHAEL N. SPLIVALO, son/named executor without bond, is petitioner.</p> <p>Full IAEA – o.k.</p> <p>Will dated: 10/30/2000</p> <p>Residence: Fresno Publication: The Business Journal</p> <p>Estimated value of the Estate:</p> <table> <tr> <td>Personal property</td> <td>-</td> <td>\$5,000.00</td> </tr> <tr> <td>Real property</td> <td>-</td> <td>\$100,000.00</td> </tr> <tr> <td>Total:</td> <td>-</td> <td>\$105,000.00</td> </tr> </table> <p>Probate Referee: Rick Smith</p>	Personal property	-	\$5,000.00	Real property	-	\$100,000.00	Total:	-	\$105,000.00	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: If the petition is granted status hearings will be set as follows:</p> <ul style="list-style-type: none"> • Thursday, 10/02/2014 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal and • Wednesday, 07/02/2015 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>
Personal property	-		\$5,000.00									
Real property	-		\$100,000.00									
Total:	-		\$105,000.00									
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<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 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: LV										
		Reviewed on: 04/26/2014										
		Updates:										
		Recommendation: Submitted										
		File 10 - Splivalo										

Petition for Appointment of Probate Conservator of the Estate (Prob. C. 1820, 1821, 2680-2682)

Age: 100 years	PUBLIC GUARDIAN is petitioner and requests appointment as conservator of the estate.	NEEDS/PROBLEMS/COMMENTS: Court Investigator Advised Rights on 4/10/14. Voting Rights affected need Minute Order.
	Estimated value of the estate:	
	Personal property - \$524,862.95	
	Income - \$ 44,660.00	
	Real property - \$ 97,010.00	
Cont. from		
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified	Voting Rights Affected.	
<input type="checkbox"/> Inventory	Petitioner states the Public Guardian has concluded that a conservatorship of Ms. Woof's estate is necessary. A conservatorship of her estate will allow the Public Guardian to marshal and protect Ms. Woof's assets to use for her care and to settle outstanding liens.	
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg	Ms. Woof's niece has a Power of Attorney. However, it appears she has not taken care of Ms. Woof's assets and financial responsibilities other than paying for her direct care. No taxes have been filed, no property taxes paid and no abatement issues have been handled.	
<input checked="" type="checkbox"/> Aff.Mail	W/	
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input checked="" type="checkbox"/> Pers.Serv.	W/	
<input type="checkbox"/> Conf. Screen	The Public Guardian is also requesting the authority to sell her real property and vehicle and is requesting that all existing financial Powers of Attorney be revoked.	
<input checked="" type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections	Court Investigator Dina Calvillo's Report filed on 4/18/14 .	
<input type="checkbox"/> Video Receipt		
<input checked="" 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: KT
		Reviewed on: 4/29/14
		Updates:
		Recommendation:
		File 11 - Woof

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

DOD: 9/7/2001	<p>JACK SINOR was appointed as Administrator with full IAEA and without bond on 12/18/2001.</p> <p>Letters issued on 12/18/2001.</p> <p>Inventory and Appraisal was filed on 5/13/2002 showing an estate valued at \$142,111.42.</p> <p>Creditor's Claims filed:</p> <p>Household Retail Services - \$509.77</p> <p>Discover Card - \$5,747.00</p> <p>Sears - \$2,056.92</p> <p>Wells Fargo - \$9,100.19 (Note: an Abstract of Judgment was filed whereby Wells Fargo was awarded \$12,131.50 in a Civil case for the rejected creditor's claim).</p> <p>Status Report of the Public Administrator filed on 1/8/14 states Deputy Public Administrator Noe Jimenez conducted research in order to ascertain the whereabouts of the four heir of the estate and has learned that Jack Sinor died on 10/30/08, Rita Somer died on 3/13/07, and Renee Perez died on 1/22/08. He found the last known address for Rhonda N. Perry. He sent her a letter requesting she contact him but received no response. According to the I & A filed by Jack Sinor the estate consisted of \$60, real property, a 1987 Oldsmobile Ciera and furniture and furnishings. Deputy Jimenez learned that the real property sold on 3/12/02. The disposition of the other assets and the proceeds from the sale of the real property are not known.</p> <p>The Public Administrator requests that the next status hearing be set no sooner than 90 days from the date of this hearing to allow time to complete his investigation and any other outstanding tasks regarding the administration of the estate.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>OFF CALENDAR. Final Report filed and set for hearing on 6/9/14.</p>	
Cont. from 092013, 102413, 013014			
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			
			<p>Reviewed by: KT</p> <p>Reviewed on: 4/29/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 12 – Sinor</p>

<p>DOD: 2-7-07</p>	<p>LORENA GARCIA, Daughter is Administrator with limited IAEA without bond. Letters issued 7-21-08.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>
<p>Cont. from 042613, 083013, 013014</p>	<p>On 7-14-09, the Court approved a settlement agreement between Administrator (daughter) and Omega Ochoa Garcia (surviving spouse) and allowed continuation of estate administration pending certain issues:</p>	<p>Note: This Probate Court has held at least 15 status conferences since January 2010 regarding status of this litigation. Need current status.</p>
<p>Aff.Sub.Wit.</p>	<p>1) Retrial of the damages portion of Civil Case # 04CECG03607 Garcia v. Roberts; and</p>	
<p>Verified</p>	<p>2) Receipt of proceeds due from an eminent domain matter</p>	<p>Reviewed by: skc</p>
<p>Inventory</p>	<p>On 10-4-11 (the 7th status hearing regarding retrial of the damages issue), Attorney Emerzian advised the Court that a motion for a new trial was denied and an appeal has been filed, and that deposits need to be made. The Court set this hearing for further status.</p>	<p>Reviewed on: 4-29-14</p>
<p>PTC</p>	<p>Status Report filed 12-1-11 by Attorney LeVan states that Attorney Ty Kharazi filed a Notice of Appeal on behalf of his clients, the Roberts'. The Fifth District Court of Appeal has set a mediation for the parties on 12-12-11. Attorney LeVan requests to set a status hearing in March 2012 to follow the progress of the appeal.</p>	<p>Updates:</p>
<p>Not.Cred.</p>	<p>Minute Order 12-6-12: No appearances. Matter continued to 3-13-12.</p>	<p>Recommendation:</p>
<p>Notice of Hrg</p>	<p>Minute Order 3-13-12: Counsel informs the Court that the case has been appealed. Matter continued to 9-13-12, then 3-14-13.</p>	<p>File 13 - Garcia</p>
<p>Aff.Mail</p>	<p>Status Report filed 3-13-13 states there are no entries in the civil docket regarding appeal since 1-8-13. Until that matter is decided, we do not know what the final I&A will be. Attorney LeVan requests a six-month continuance for resolution of the appeal.</p>	
<p>Aff.Pub.</p>	<p>Minute Order 3-14-13: The Court orders all attorneys involved in case 04CECG03607 appear for status conference on 4-26-13. Order to Show Cause for attorneys regarding the status of litigation and status of mediation.</p>	
<p>Sp.Ntc.</p>	<p>Minute Order 4-26-13: Counsel informs the Court that the appeal matter has been fully briefed. The Court directs Mr. Hannah and Mr. Littlewood to submit a joint status letter to Ms. LeVan so she can update the Court at the next hearing.</p>	
<p>Pers.Serv.</p>	<p>A Status Report (not verified by Administrator) was filed 8-27-13: See Page 2</p>	
<p>Conf. Screen</p>		
<p>Letters</p>		
<p>Duties/Supp</p>		
<p>Objections</p>		
<p>Video Receipt</p>		
<p>CI Report</p>		
<p>9202</p>		
<p>Order</p>		
<p>Aff. Posting</p>		
<p>Status Rpt</p>		
<p>UCCJEA</p>		
<p>Citation</p>		
<p>FTB Notice</p>		

Page 2

Unverified Status Report states the estate of Johnny Garcia is currently in a holding pattern pending the outcome of the appeal of the civil matter which holds the bulk of the estate property. There have been no funds received into the estate from the \$184,798 awarded in 7/2011 due to the appeal filed by Atty. Kharazi in 9/2011 on behalf of the Roberts. The estate is not in a condition to be closed at this time.

The personal property listed on the inventory is currently in the possession of Omega Garcia (spouse) pursuant to the agreement that she was going to get one-half of the estate. This property was going to be part of her distribution.

Per docket, as of 7/30/13, oral argument notice was sent to both attorneys. On 8/6/13, Atty Kharazi requested oral argument, personal appearance. On 8/8/13, Atty Littlewood filed a conditional oral argument waiver or personal appearance. On 8/21/13, oral arguments were set for 9/18/13. See attached.

Until the civil matter is decided, we do not know what the final I&A amount will be. A six month continuance is requested.

Minute Order 8-30-13: Ms. Johnson is appearing specially for Ty Kharazi. The Court is advised that oral argument in the appellate court is set for 9-18-13.

Minute Order 1-30-14: Ms. LeVan is also appearing specially for William Littlewood. Mr. Kharazi is present in court with his client. The Court is informed that the appeal is done. The Court excuses Mr. Kharazi from further appearances in this matter. Mr. Kharazi indicates to the Court that he will remain as counsel of record for his client. Continued to: 5/1/14 at 09:00a.m. in Dept 303

As of 4-29-14, nothing further has been filed. Need status report, Final Inventory and Appraisal, and Petition for Final Distribution pursuant to Probate Code §12200.

Probate Status Hearing Re: (1) Failure to File Inventory and Appraisal; (2) Filing of First Account or Petition for Final Distribution

DOD: 9-22-11	<p>KATHLEEN M. NORKUNAS, Surviving Spouse, was appointed Executor with Full IAEA without bond and Letters issued on 9-4-12.</p> <p>No Inventory and Appraisal has been filed; however, the original petition for probate estimated that the estate contained personal property valued at \$450,000.00, income of \$20,000.00, and real property valued at \$250,000.00.</p> <p>On 8-15-13, the Court set this status hearing for failure to file Inventory and Appraisal and failure to file a first account or petition for final distribution. Notice was mailed to Attorney Weinberg on 8-15-13.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Continued from 11-15-14, 1-30-14</u></p> <p><u>As of 4-29-14, nothing further has been filed.</u></p> <p>1. Need Inventory and Appraisal and first account or petition for final distribution, or verified status report pursuant to probate code and local rules.</p> <p>Note: Per the decedent's will, Ms. Norkunas is the sole heir; however, Letters have issued and the estate must be properly closed with appropriate notice pursuant to applicable law.</p>
Cont. from 111513, 013014		
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		
	<p>Reviewed by: skc</p>	
	<p>Reviewed on: 4-29-14</p>	
	<p>Updates:</p>	
	<p>Recommendation:</p>	
	<p>File 14 – Karlee</p>	

Petition for Termination of Conservatorship

Age: 21	VICTORIA ALLSHOUSE , Conservatee, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. Need <i>Notice of Hearing</i> . 2. Need proof of service by mail at least 15 days before the hearing with a copy of the <i>Petition for Termination of Conservatorship</i> <u>or</u> <i>Consent & Waiver of Notice</i> <u>or</u> <i>Declaration of Due Diligence</i> for: a. Michael Allshouse (father/conservator) b. Denise Allshouse (mother/conservator) c. Donald Glass (maternal grandfather) d. Carole Pero (maternal grandmother) e. Thomas Allshouse (paternal grandfather) f. Elsie Allshouse (paternal grandmother) g. Anthony Allshouse (brother) h. Charles Allshouse (brother) i. Ryan Allshouse (brother) j. Sara Allshouse (sister) 3. Need Order.	
Cont. from	MICHAEL ALLSHOUSE and DENISE ALLSHOUSE , parents, were appointed as Co-Conservators of the Estate on 02/22/12.		
<input type="checkbox"/> Aff.Sub.Wit.	Petitioner states that at the time it was established, Conservatorship was necessary because she needed assistance in making financial decisions due to her disability. Since the conservatorship was established, Denise Allshouse (mother/co-conservator) has been appointed as payee for Victoria's social security benefits. As payee, Denise assists Victoria with the management of her funds. There is no other estate and any future inheritance Victoria may be entitled to has been set up within a trust. Further, Victoria has resided the past few months in Tennessee with her grandmother and is looking to make the move permanent. Petitioner states that conservatorship of the estate is no longer necessary due to Denise Allshouse being designated as payee for the Social Security benefits received by Victoria and there being no other assets of the conservatorship estate to manage. Court Investigator Charlotte Bien filed a report on 03/26/14.		
<input checked="" type="checkbox"/> Verified			
<input type="checkbox"/> Inventory			
<input type="checkbox"/> PTC			
<input type="checkbox"/> Not.Cred.			
<input type="checkbox"/> Notice of Hrg			X
<input type="checkbox"/> Aff.Mail			X
<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		X	
<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: 04/29/14 Updates: Recommendation: File 15 - Allshouse	

16 Janessa Gonzalez, Josiah Gonzalez, Jesse Gonzalez, (GUARD/P)
 Julian Gonzalez & Jeremy Gonzales Case No. 13CEPR00713

Pro Per Corrales, Patricia Ann (Pro Per Petitioner, paternal grandmother)

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

Janessa Age: 5 years	<p>TEMPORARY EXPIRES 10/17/2013; extended to 1/9/2014; extended to 3/20/2014;</p> <p>Temporary Letters <u>not</u> extended</p> <p>PATRICIA ANN CORRALES, paternal grandmother, is Petitioner.</p> <p>Father: JESUS GONZALEZ; <i>Court dispensed with notice unless and until location becomes known.</i></p> <p>Mother: VANESSA NICOLE NORIEGA; <i>present at 10/17/2013 hearing and informed Court she is in favor of guardianship.</i></p> <p>Paternal grandfather: Abel Gonzalez</p> <p>Maternal grandfather: Victor Noriega</p> <p>Maternal grandmother: Kathy Noriega</p> <p>Petitioner states the mother is currently incarcerated for failure to attend her program and test for drugs, and the father is attending a program called King of Kings. Petitioner states CPS placed the children in her care and encouraged her to seek guardianship of the children.</p> <p>Court Investigator Julie Negrete's Report was filed on 10/10/2013.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 3/20/2014. <i>Minute Order states: The Court does not believe it can make the necessary findings for a guardianship. Matter continued to 5/1/2014. The Court declines to extend the temporary guardianship. Court Investigator Julie Negrete is ordered to make a referral to the Department of Social Services for further investigation regarding the issue of housing as well as any other matters deemed necessary.</i></p> <p>1. Need proof of service by mail of the <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Guardian</i>, or <i>Consent to Appointment of Guardian and Waiver of Notice</i>, or a <i>Declaration of Due Diligence</i>, for:</p> <ul style="list-style-type: none"> Abel Gonzalez, paternal grandfather; Victor Noriega, maternal grandfather; Kathy Noriega, maternal grandmother.
Josiah Age: 4 years		
Jesse Age: 3 years		
Julian Age: 1 year		
Cont. from 101713, 010914, 032014		
Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg	X	
Aff.Mail	X	
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
<input checked="" type="checkbox"/> Conf. Screen		
Aff. Posting		
<input checked="" type="checkbox"/> Duties/Supp		
Objections		
Video Receipt		
<input checked="" type="checkbox"/> CI Report		
<input checked="" type="checkbox"/> Clearances		
<input checked="" type="checkbox"/> Order		
<input checked="" type="checkbox"/> Letters		
Status Rpt		
<input checked="" type="checkbox"/> UCCJEA		
Citation		
FTB Notice		
		Reviewed by: LEG
		Reviewed on: 4/29/14
		Updates:
		Recommendation:
		File 16 - Gonzalez

First Amended Petition for Probate of Will and for Letters Testamentary

DOD: 8-16-13	MICHAEL D. COWIN and DANIEL RAY COWIN, named Co-Executors without bond, are Petitioners.	NEEDS/PROBLEMS/COMMENTS: Note: Michael Cowin previously filed a Petition for Probate of Will requesting to be appointed as Executor alone. At hearing on 1-23-14, Daniel Cowin, the other named co-executor, appeared. The parties were directed to participate in mediation. At hearing on 1-27-14, Michael Cowin's petition was denied without prejudice and the Court directed that an amended petition be filed and no republication be required. Note: Michael Cowin's original petition was originally published for the hearing date of 1-23-14. However, the hearing date for this amended petition for appointment of Michael Cowin and Daniel Cowin has not been published pursuant to the Court's minute order of 1-27-14.
Cont. from 031314		
<input type="checkbox"/> Aff.Sub.Wit.	Full IAEA – ok	
<input checked="" type="checkbox"/> Verified	Will dated: 3-19-04	
<input type="checkbox"/> Inventory	Residence: Clovis	
<input type="checkbox"/> PTC	Publication – Business Journal	
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg		Continued from 3-13-14: The Court is advised that an agreement was reached during mediation. Petitions to file a petition to close an estate with no assets.
<input checked="" type="checkbox"/> Aff.Mail		Examiner's Note: Nothing further has been filed. The estate has not been established. No one has been appointed as executor. Distribution is not appropriate. Petitioners have not explained why \$220,000.00 was alleged, but now there are no assets. Petitioners are not the only heirs and there may be creditors. Petitioners may wish to seek legal advice from an attorney regarding the issues and notes noted below that remain:
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.	Estimated Value of the Estate: Personal property: \$220,000.00	
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen	Probate Referee: Steven Diebert	
<input checked="" type="checkbox"/> Letters	Note: If the petition is granted, status hearings will be set as follows:	<ol style="list-style-type: none"> 1. Need Notice of Petition to Administer Estate (DE-121). 2. Need proof of service of Notice of Petition to Administer Estate at least 15 days prior to the hearing on: <ul style="list-style-type: none"> - Alvin Leon Cowin, Jr. - Kenneth Paul Cowin
<input checked="" type="checkbox"/> Duties/Supp	<ul style="list-style-type: none"> • Thurs 9-4-14 at 9:00 a.m. in Department 303, for the filing of the inventory and appraisal. • Thurs 9-3-15 at 9:00 a.m. in Department 303, for the filing of the first account or petition for final distribution. 	
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order	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.	Note: The two petitioners were directed to participate in mediation for the purpose of working together as co-executors in accordance with the decedent's will. However, the mediation agreement filed 3-10-14 by Daniel Cowin appears to address distribution. <u>Please note: Distribution is not appropriate at this point. This hearing is for appointment of the co-executors only and distribution cannot be addressed until the estate has been inventoried and appraised, creditors are adequately provided for, and the estate is in a position to be closed according to applicable law. At that time, and upon further petition, the Court will order distribution pursuant to the will and applicable law.</u> <u>Please also note: The other heirs were not party to the mediation and have not been noticed for this hearing. Whatever agreements were reached between the two petitioners regarding distribution may not be appropriate. The parties are strongly encouraged to seek legal advice from an attorney going forward.</u>
<input type="checkbox"/> Aff. Posting		Reviewed by: skc
<input type="checkbox"/> Status Rpt		Reviewed on: 4-29-14
<input type="checkbox"/> UCCJEA		Updates:
<input type="checkbox"/> Citation		Recommendation:
<input type="checkbox"/> FTB Notice		File 17 – Galvan

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

Age: 4	NO TEMPORARY REQUESTED	NEEDS/PROBLEMS/COMMENTS:
	TIERRA ANABEL COLEMAN , paternal Aunt, is petitioner.	1. Need Notice of Hearing.
Cont. from	Father: KYLE ALBERT COLEMAN	2. Need proof of personal service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for:
<input type="checkbox"/> Aff.Sub.Wit.	Mother: ALEXIS OROSCO , Declaration of Due Diligence filed 02/21/2014	<ul style="list-style-type: none"> • Kyle Coleman (Father) – Unless the Court waives notice • Alexis Orosco (Mother) – Unless the Court waives notices
<input checked="" type="checkbox"/> Verified	Paternal Grandfather: Terry Coleman, Consents and Waives Notice	3. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for:
<input type="checkbox"/> Inventory	Paternal Grandmother: Rosemary Smith, Consents and Waives Notice	<ul style="list-style-type: none"> • Maternal Grandfather (Unknown) • Jamie Briones (Maternal Grandmother)
<input type="checkbox"/> PTC	Maternal Grandfather: Unknown	
<input type="checkbox"/> Not.Cred.	Maternal Grandmother: Jamie Briones	
<input type="checkbox"/> Notice of Hrg	Petitioner states: that the child was in her care as of 11/2011 when the mother dropped the child off with the petitioner. The mother left the child and would not contact the petitioner or the child for days or weeks at a time. Both mother and father were hard to locate. For the first two years of the minor's life the petitioner cared for the child and provided for all his needs. Petitioner states that the child's home is with her and his grandparents. The child is currently residing with the father however the petitioner is worried about the care of the minor. She states the last time the child was in her care was 08/2012.	
<input type="checkbox"/> Aff.Mail		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input checked="" type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters		
<input checked="" type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input checked="" type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input checked="" type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
	Court Investigator Samantha Henson's report filed 04/25/2014.	
		Reviewed by:
		Reviewed on: 04/29/2014
		Updates:
		Recommendation:
		File 18 - Coleman

Petition for Appointment of Temporary Guardianship of the Person

Age: 3	<p align="center"><u>TEMPORARY GRANTED EX PARTE:</u> <u>EXPIRES 05/01/14</u></p> <p align="center"><u>GENERAL HEARING: 06/19/14</u></p> <p>ROSE HESS, paternal great-grandmother, is Petitioner.</p> <p>Father: ROBERT D. PHILLIPS – Served by mail on 04/18/14 Mother: JENNIFER WEIKEL - Served by mail on 04/18/14</p> <p>Paternal grandfather: NOT LISTED Paternal grandmother: DAWN PHILLIPS – Consent & Waiver of Notice filed 04/29/14</p> <p>Maternal grandparents: UNKNOWN</p> <p>Petitioner states that the minor has been left in her care. Petitioner states that when the minor came to live with her, she needed treatment for lice, was unclean, unkempt and not adequately clothed. Petitioner states that the parents do not have a stable living environment and cannot provide for the minor's needs. Petitioner alleges that the mother is in a domestic violence relationship.</p> <p>Objection to Guardianship filed 04/25/14 by mother, Jennifer Weikel, states: the statements in the petition are false and misleading to the Court. Ms. Weikel alleges that Petitioner took the minor from her father's home. Ms. Weikel states that the father called police and reported the incident. Ms. Weikel states that the assertion that the parents do not have stable housing is untrue and that she has lived at her current residence for over a year. Ms. Weikel alleges that Petitioner has an unusual obsession with Paris and this is her last ditch effort to gain custody of her. It is interesting that Ms. Hess does not make any mention of Paris' younger sibling Irelynn at all. Ms. Weikel states that CPS has never been involved with her family. Ms. Weikel alleges that Paris has called her father crying wanting to come home.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need proof of personal service at least 5 court days before the hearing of Notice of Hearing with a copy of the <i>Petition for Temporary Guardianship</i> or Consent & Waiver of Notice or Declaration of Due Diligence for:</p> <p>a. Robert Phillips (father) b. Jennifer Weikel (mother)</p> <p>Note: Proof of service filed 04/29/14 indicates that the parents were served by mail, however, service by mail is insufficient. Personal service is required to the parents.</p> <p>Note: there is a family law matter involving this minor. Order of December 2013 gave joint custody to parents.</p>	
Cont. from			
Aff.Sub.Wit.			
<input checked="" type="checkbox"/> Verified			
Inventory			
PTC			
Not.Cred.			
<input checked="" type="checkbox"/> Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			x
<input checked="" type="checkbox"/> Conf. Screen			
Letters			x
Duties/Supp			
<input checked="" type="checkbox"/> Objections			
Video Receipt			
CI Report			
9202			
Order			x
Aff. Posting			
Status Rpt			
<input checked="" type="checkbox"/> UCCJEA			
Citation			
FTB Notice			
<p>Reviewed by: JF</p>			
<p>Reviewed on: 04/29/14</p>			
<p>Updates:</p>			
<p>Recommendation:</p>			
<p>File 19 - Phillips</p>			