



ATTENTION

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

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

Thank you for your patience.

(1) Report of Administration of Administrator and Petition for Settlement thereof and (2) Allowance of Statutory Compensation for Administrator and Statutory and Extraordinary Attorney Fees and (3) for Final Distribution

DOD: 09/23/01		WAYNE BARRETT , Administrator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
			CONTINUED FROM 04/07/14
			As of 04/30/14, need amended Petition addressing the following:
Cont. from 021014, 040714		Account period – No Accounting provided	1. Inventory & Appraisal filed 04/07/14 states that the estate has no assets. The Petition refers to assets consisting of personal property stored within two storage sheds and \$11,825.48. Need Clarification.
<input type="checkbox"/>	Aff.Sub.Wit.	I &A - none filed	2. The Petition does not include an accounting or statement that an accounting has been waived by the beneficiaries. Need accounting or waivers of account from Michael Barrett and Rodger Barrett.
<input checked="" type="checkbox"/>	Verified	POH -	3. The Petition requests statutory fees based on a fee base of \$11,825.48; however, the Petition does not sufficiently describe the property on hand, contain an accounting, and the inventory & appraisal filed 04/07/14 shows the value of the estate is zero. Therefore the statutory fee appears to be zero based on a no asset estate.
	Inventory	\$11,825.48??	4. The petition is inconsistent regarding the request for fees. Item 3 of the prayer requests \$8,763.02 as the <u>total</u> fees and costs to be reimbursed to the attorney, while item 5 of the prayer asks for a statutory fee of \$473.02. Based on the Inventory & Appraisal filed 04/07/14, it does not appear that the attorney would be entitled to any statutory fee. The fee request in the Petition is inconsistent, need clarification. The proposed distribution also does not appear to be accurate taking into account the requested fees and costs.
	PTC	Attorney - \$473.02	
<input checked="" type="checkbox"/>	Not.Cred.	(statutory)	
<input checked="" type="checkbox"/>	Notice of Hrg	Attorney x/o - \$4,763.50	
<input checked="" type="checkbox"/>	Aff.Mail	(67.5 hours \$150.00/hr. expended by attorney investigating fraudulent transfer of real property by Mary Frost; taking depositions, preparing for and participating in a two day trial; attorney has agreed to this 50% reduction of the total fee)	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters	06/10/03	
	Duties/Supp	Costs - \$3,999.50	
	Objections	(for payment of arrears on storage facility holding personal property assets of the estate, filing fees, publication, certified copies, handwriting expert fees)	
	Video Receipt		
	CI Report		
	9202	n/a	
<input checked="" type="checkbox"/>	Order	Distribution, pursuant intestate succession and subject to creditor's claim as follows:	
	Aff. Posting	Franchise Tax Board - \$844.02 (Creditor's Claim)	
	Status Rpt		
	UCCJEA		
	Citation	Rodger Barrett - \$655.21, plus ½ of the personal property (previously held in storage?)	
	FTB Notice	n/a Michael Barrett - \$655.21, plus ½ of the personal property (previously held in storage?)	
			Reviewed by: JF
			Reviewed on: 04/30/14
			Updates:
			Recommendation:
			File 1 – Barrett

Amended Trust Accounting for 2007, 2008, 2009, 2010, 2011, 2012 and Partial Accounting 2013

DOD: 06/22/07	<p>LARRY A. DONALDSON, friend, was appointed as Executor without bond on 05/27/08 and Letters were issued on 06/18/08.</p> <p>The Court accepted Mr. Donaldson's withdrawal as executor on 7/26/1 and appointed the Public Administrator. Letters of Administration were issued to the Public Administrator on 08/01/13.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>CONTINUED FROM 04/07/14</p> <p>1. The accounting does not comply with the Probate Code, specifically the format for accountings outlined in Probate Code §1060. In addition the accounting appears to be for the Paul Harvey Wallace Trust. The Paul Harvey Wallace Trust is not before the court. Mr. Donaldson needs to file an accounting for the Estate of Paul Harvey Wallace.</p>
Cont. from 040714		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: JF
		Reviewed on: 04/30/14
		Updates:
		Recommendation:
		File 4A – Wallace

Order to Show Cause Re: Failure to Appear; Imposition of Sanctions in the Amount of \$600.00

DOD: 06/22/07	<p>LARRY A. DONALDSON, friend, was appointed as Executor without bond on 05/27/08 and Letters were issued on 06/18/08.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>CONTINUED FROM 04/17/14</u></p>
<p>Cont. from 010214, 013014, 022014, 041714</p>		
Aff.Sub.Wit.	<p>On 07/26/13, LARRY DONALDSON resigned as Executor and the PUBLIC ADMINISTRATOR, was appointed as Administrator. Letters of Administration were issued to the Public Administrator on 08/01/13.</p>	
Verified		
Inventory	<p>Minute order from 12/05/13 set this matter for an Order to Show Cause and states: The Court sets the matter for an Order to Show Cause on 01/02/14 regarding Larry Donaldson's failure to appear and imposition of sanctions in the amount of \$600.00. The Court sets a further Order to Show Cause on 01/02/14 regarding Larry Donaldson's failure to provide information to the successor administrator timely and imposition of sanctions in the amount of \$800.00. Larry Donaldson is ordered to be personally present on 01/02/14.</p>	
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: JF
		Reviewed on: 04/30/14
		Updates:
		Recommendation:
		File 4B – Wallace

Order to Show Cause Re: Failure to Provide Information to the Successor Administrator Timely; Imposition of Sanctions in the Amount of \$800.00

DOD: 06/22/07	<p>LARRY A. DONALDSON, friend, was appointed as Executor without bond on 05/27/08 and Letters were issued on 06/18/08.</p> <p>On 07/26/13, LARRY DONALDSON resigned as Executor and the PUBLIC ADMINISTRATOR, was appointed as Administrator. Letters of Administration were issued to the Public Administrator on 08/01/13.</p> <p>Minute order from 12/05/13 set this matter for an Order to Show Cause and states: The Court sets the matter for an Order to Show Cause on 01/02/14 regarding Larry Donaldson's failure to appear and imposition of sanctions in the amount of \$600.00. The Court sets a further Order to Show Cause on 01/02/14 regarding Larry Donaldson's failure to provide information to the successor administrator timely and imposition of sanctions in the amount of \$800.00. Larry Donaldson is ordered to be personally present on 01/02/14.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>CONTINUED FROM 04/17/14</u></p>
Cont. from 010214, 013014, 022014		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: JF
		Reviewed on: 04/30/14
		Updates:
		Recommendation:
		File 4C – Wallace

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

DOD: 06/22/07	LARRY A. DONALDSON , friend, was appointed as Executor without bond on 05/27/08 and Letters were issued on 06/18/08.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>CONTINUED FROM 04/17/14</p> <p>Note: Minute order from 07/26/13 states: Mr. Donaldson advises the Court that he filed a status statement yesterday. He further advises that the accounting is being done however he may have a conflict which may require another attorney to complete the work in this matter. The Court on its own motion accepts Mr. Donaldson's withdrawal as Executor in this matter and appoints the Public Administrator. Mr. Donaldson is directed to contact Ms. Kruthers.</p> <p>Note: Letters of Administration were issued to the Public Administrator on 08/01/13.</p> <p>As of 10/01/13, the following remains outstanding:</p> <ol style="list-style-type: none"> 1. Need Final Inventory & Appraisal. 2. Need Accounting and/or Petition for Final Distribution.
Cont. from	Notice of Status Hearing filed 11/28/12 set this matter for status. Clerk's Certificate of Mailing states that the Notice of Status Hearing was mailed to Larry A. Donaldson on 10/19/12.	
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg	Declaration of Beneficiary Laura Leonard re Probate Status Hearing – Failure to File First Account or Petition for Final Distribution filed 01/13/11 states: she and her brother (both beneficiaries of the estate) have made many written and verbal requests to Mr. Donaldson requesting an accounting and for their father's estate be brought to a close. Ms. Leonard states that Mr. Donaldson has ignored their requests and repeatedly failed to communicate with them regarding the estate. Ms. Leonard and her brother had an attorney, Frederick Borges, contact Mr. Donaldson on their behalf to request that he move forward with the estate. Mr. Donaldson responded that he would move forward, but has failed to do so. Ms. Leonard states that she and her brother have also made a complaint to the state bar of California regarding Mr. Donaldson's failure to act. Ms. Leonard states that after all of these efforts, Mr. Donaldson recently provided them with a sloppy, incomplete "accounting", however several years' worth of information is absent and many of the transactions are questionable. Declarant further states that she and her brother were supposed to receive a distribution in early January, but have not received anything.	
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>Inventory & Appraisal, partial no. 1 filed 07/24/13 - \$1,619,273.76</p> <p>Clerk's Certificate of Mailing filed 10/08/13 states that a copy of the Minute Order from 10/04/13 was mailed to Larry Donaldson on 10/08/13.</p> <p style="text-align: center;">Continued on Page 2</p>	
		Reviewed by: JF
		Reviewed on: 04/30/14
		Updates:
		Recommendation:
		File 4D – Wallace

Report Regarding Status of Estate filed 11/27/13 states: At a hearing on 07/26/13, the Court accepted Larry Donaldson's resignation as Administrator and appointed the Public Administrator. According to the 07/26/13 minute order, Mr. Donaldson advised that the accounting was being done, however a conflict that may require another attorney to complete the work has come up. No accounting has been filed. Mr. Donaldson was not returning calls to the Public Administrator, who called him weekly on Wednesdays. He finally answered a call made from a personal cell phone. At a hearing on 10/04/13, Judge Hamilton ordered Mr. Donaldson to be present at the continued hearing on 10/25/13. Mr. Donaldson did not appear on 10/25/13. The Public Administrator advised the Court that all estate assets had been liquidated and rolled into a trust, of which Mr. Donaldson is the trustee. Despite requests by the Public Administrator, a copy of the trust has not been provided. The Public Administrator is concerned about the assets considering they have not yet been accounted for in the estate.

According to the Inventory & Appraisal filed by Mr. Donaldson on 06/24/13, the estate's value was \$1,619,273.76. The Public Administrator has not been able to access the Bank of America or Security First Bank accounts. He filed and was granted an ex parte order directing financial institutions to provide access to and information regarding all accounts held by the estate or trust of the decedent. The Public Administrator has made several attempts to locate a company whereby "Person Education Publication Royalties" are paid. According to attachment 2 to the Inventory & Appraisal, future royalties will be paid to the estate. There are two timeshares listed, and the Public Administrator has asked Chicago Title to determine the status of these properties. The real property, valued at \$750,000.00 was reportedly sold for \$600,000 and the proceeds placed into a Bank of America bank account. The Public Administrator believes that Mr. Donaldson should once again be ordered to appear before this Court to account for all assets listed on the Inventory & Appraisal that he filed. He should also be ordered to provide a copy of the Trust and an accounting of those assets to the Public Administrator.

Status Conference Statement filed 01/17/14 by Larry Donaldson, former Executor, states:

1. He retained an accounting firm to prepare an accounting for the estate in August 2013.
2. The accounting firm has indicated that they believe the accounting can be completed by 01/28/14.
3. Several months ago, he provided the beneficiaries a bank ledger showing all income and expenditures for both the Bank of America and Security First Bank accounts pending the filing of an official accounting.
4. He has provided original estate documents to the accounting firm and therefore does not have personal possession of the documents in order to be able to prepare an accounting himself.
5. He requests a short continuance to allow him to file an accounting, he believes he should be able to have it filed on or before 01/31/14.

DOD: 10/22/10	<p>LEANNE WALKER GRANT, niece, was appointed Administrator with bond fixed at \$7,000,000.00 on 03/12/12. Letters of Administration were issued on 05/16/12.</p> <p>First Report of Personal Representative and Petition for its Settlement; Petition to Determine Entitlement to Estate Distribution and to Allow Administration of Estate to Continue filed 06/13/13 and approved on 07/15/13.</p> <p>Minute Order from 07/15/13 set this matter status regarding preliminary distribution on 11/05/13.</p> <p>Inventory & Appraisal, partial No. 1 filed 09/20/13 - \$202,328.21</p> <p>Inventory & Appraisal, partial No. 2/Final filed 09/20/13 - \$6,763,876.49</p> <p>Status Report of Personal Representative filed 01/31/14 states: The administration of this estate is complicated by a number of factors, as more fully set forth in the First Report of Personal Representative and Petition for its Settlement, etc. filed 06/28/13. The Court entered it order regarding that Petition on 07/15/13 and, among other things, determined the persons who are the heirs of the decedent, and ordered that the administration continue until the estate is in a condition to be closed. The Administrator intends to file a petition for significant distribution as soon as possible. A continuance of 90 days is requested.</p>	NEEDS/PROBLEMS/COMMENTS:	
		CONTINUED FROM 02/03/14 As of 04/30/14, nothing further has been filed in this matter.	
Cont. from 110513, 020314			
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
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Conf. Screen			
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Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
			Reviewed by: JF
		Reviewed on: 04/30/14	
		Updates:	
		Recommendation:	
		File 10 – Lowery	