



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.

3 Robert Luis Moreno (GUARD/P) Case No. 10CEPR00286

Guardian Hernandez, Estella (Pro Per – Non Relative)

Petitioner Facio, Kristie Lee (Pro Per – Mother)

Petition for Termination of Guardianship

Age: 9	KRISTIE LEE FACIO , mother, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
	ESTELLA HERNANDEZ , non-relative, was appointed guardian on 06/07/2010.	
	<u>Please see petition for details</u>	1. Need Notice of Hearing.
Cont. from		2. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Termination of Guardianship for:
<input type="checkbox"/> Aff.Sub.Wit.		<ul style="list-style-type: none"> • Luis Moreno (Father) • Estella Hernandez (Guardian) • Paternal Grandparents (Not Listed) • Edna Mae McDonald (Maternal Grandmother)
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		Reviewed by: LV
		Reviewed on: 05/06/2016
		Updates:
		Recommendation:
		File 3- Moreno

13A

Audrina Rivera (GUARD/P)

Case No. 15CEPR01033

Petitioner

Rivera, Tony (pro per – paternal grandfather)

Petitioner

Rivera, Lupe (pro per – paternal grandmother)

Objector

Botello, Josette (pro per – Mother – Objector)

Petition for Appointment of Guardian of the Person

See petition for details.		<p>NEEDS/PROBLEMS/ COMMENTS:</p> <p>Minute Order 3/23/16: Valerie Aguilera has filed a competing petition that is set for 5/11/16. Josette Botello, mother, agrees to a hair follicle drug test and asks the Court to order one. The Court does so, ordering that Josette Botello and Tony and Lupe each pay one-half of the cost of the test. Josette Botello then states she will not take the test because she does not have the money to pay for her half. Continued to 5/11/16; Temp Letters extended to 5/11/16.</p> <p>Note: Page B is the competing petition filed by Valerie Aguilera, Sister.</p> <p>Reviewed by: JF/skc Reviewed on: 5/6/16 Updates: Recommendation: File 13A – Rivera</p>	
Cont. from 121615, 021716, 032316			
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13A

Petition for Appointment of Guardian of the Person

	See petition for details.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Note:</u> Petitioner Valerie Aguilera resides in Bakersfield.</p> <p>1. Need proof of personal service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing per Probate Code §1511 on: - Vincent Rivera (Father) - Josette Botello (Mother)</p>
		Reviewed by: skc
		Reviewed on: 5/6/16
		Updates:
		Recommendation:
		File 13B- Rivera

	Aff.Sub.Wit.	
✓	Verified	
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✓	Duties/Supp	
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	Video Receipt	
✓	CI Report	
✓	Clearances	
✓	Order	
	Aff. Posting	
	Status Rpt	
✓	UCCJEA	
	Citation	
	FTB Notice	

16 Virginia A. Bakman Revocable Trust Case No. 16CEPR00207

Attorney Pape, Jeffrey B. (for Bruce D. Bickel – Petitioner – Trustee)

Petition for Instructions

DOD: 06/25/2014	<p>BRUCE D. BICKEL, Trustee, is petitioner.</p> <p>Petitioner is duly appointed and currently acting trustee of the Virginia A. Bakman Revocable Trust. On the death of Virginia A. Bakman, the trust declaration required in pertinent part as follows:</p> <p>Special Cash Gifts</p> <p>On the settlor's death, the trustee shall make the following distributions:</p> <p>(a) to the trustee of the Balboa Island Residence Trust as provided for in Section 5.3 of this Instrument the sum of \$250,000.00. If Jane Ann Bakman does not survive the settlor, this gift shall lapse.</p> <p>(b) To the trustee of the Richard L. Bakman and Virginia A. Bakman Family Trust dated October 2, 1990, as amended on January 31, 2013, March 1, 2013, June 14, 2013 and August 26, 2013, Jane Anne Bakman Trust, that sum of money, if any, equal to that amount required to cause the principal balance of the Jane Ann Bakman QSST to hold assets with the fair market value determined at the settlor's date of death in the amount of \$2,500,000.00. If Jane Anne Bakman does not survive the settlor, this gift shall lapse.</p> <p>Richard L. Bakman and Virginia A. Bakman executed the Richard L. Bakman and Virginia A. Bakman Family Trust (hereinafter "The Family Trust") in their capacities as trustors on October 2, 1990. The Family Trust has been in existence since that date. The Family Trust was amended on March 26, 1991, June 22 1992, August 31, 1994 and April 9, 1997.</p> <p style="text-align: center;"><u>Please see additional page</u></p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Minute Order of 04/06/2016: Mr. Fortune requests a continuance for appraisals to be completed.</p>
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		<p>Reviewed by: LV</p> <p>Reviewed on: 05/06/2016</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 16- Bakman</p>

Upon the death of Richard L. Bakman, the Family Trust called for the creation of three subtrusts- a Survivor's Trust, a Marital Trust and a Bypass Trust. Virginia A. Bakman revoked the Survivor's Trust on January 13, 2013. On Virginia A. Bakman's death, the trustee of the Family Trust, among other things, was required to fund from the Marital Trust and Bypass Trust on or both of two-subtrusts for Jane Ann Bakman's lifetime benefit: (i) the Jane Ann Bakman Trust and/or (ii) the Jane Ann Bakman QSST trust for Jane Ann Bakman as follows:

All the rest, residue and remainder of the Trust Estate, together with any property receivable by the Trustee as a result of the death of either Trustor, and including 35% of the stock of Sunnyside Investments, Inc. a California corporation, shall be retained, held and administered by Trustee, in Trust, upon the terms and conditions set forth below for the Jane Ann Bakman Trust.

Notwithstanding the foregoing, if at the time of the deceased Trustor's death, this trust owns stock (or acquires stock) in Sunnyside Investment Co., a California corporation, such stock shall be retained in a separate trust upon the terms and conditions set forth below applicable to the Jane Ann Bakman QSST.

Administration of Jane Ann Bakman Trust – The Trustee shall invest and reinvest the principal and assets of said trust, so as to general sufficient liquidity to make the “required monthly payment” to Jane Ann Bakman as described below.

1. Distributions:

- a. Minimum Monthly Amount. The Trustee shall distribute to or apply for the benefit of Jane Ann Bakman, each month the “required monthly payment, “ from income, or if income is insufficient, from principal...
- b. Emergency Medical Distributions. The Trustee shall pay to or apply for the benefit of Jane Ann Bakman such amounts out of the principal of the trust as may be necessary to pay for any emergency medical or hospital expenses to the extent they are not provided for from any other source...
- c. Computation of “required monthly payment.” The required monthly payment shall be \$6,000, reduced by the amounts described herein, and increased in the manner and by the amounts described...

There are three administrative challenges which require instruction:

- a. Amount of Supplementation to Jane Ann Bakman Trust and/or QSST. The Jane Ann Bakman Trust and/or QSST Trust does not have \$2,500,000.00 in trust assets, the Petition is to supplement the sums to cause the corpus to have a least \$2,500,000.00. The purpose of the supplementing language was to insure that there would be sufficient trust assets to fund the distributions required to Jane Bakman.

Please see additional page

In the present case, the Family Trust has one asset specifically allocable and available to fund the Jane Ann Bakman Trust and/or QSST Trust. This asset is a 34.52% interest in a closely held family business known as Sunnyside Investments, Inc. which has an appraised value of \$706,470. Thus, Petitioner is required to supplement these sub-trusts with an additional \$1,793,530 in assets from the Virginia A. Bakman Revocable Trust. While the Virginia A. Bakman Revocable Trust does have sufficient trust assets to make the required supplementation, including but not limited to its own 34.52% interest in Sunnyside Investment, Inc., the trust assets are almost all illiquid closely held family business interests.

- b. Lack of Assurance of Meeting Distribution Requirements. Directly related the above issue, the regular distribution requirements to Jane Bakman (\$6,500/month COLA) and irregular distribution requirements to Jane Bakman (health care and the like) will in all likelihood not be met by the income and/or dividends that are or may be spun out of the business interests. Indeed, there is no mechanism to insure that the business entities make any income distributions whatsoever nor required principle distributions short of liquidation or sale of the business interests. Moreover, and of great significance, is the fact that the Sunnyside Investment, Inc. interests qualify as QSSTs which, under the language of the Family Trust, preclude any principal distribution whatsoever.
- c. Amount of Supplementation to Balboa Island Residence Trust. There are not sufficient liquid assets to fund the \$250,000 cash portion of Balboa Island Trust for benefit of Jane Bakman.

As a reasonable solution to these challenges, Richard Timothy Bakman, who is also the trustee of the Family Trust, as well as the trustee of the Jane Ann Bakman Trust and QSST, and remainder beneficiary of all three trusts, is willing and able to provide the necessary liquidity to fund the Trusts in such a manner as to provide the necessary cash flows. As discussed, below, Richard Timothy Bakman, in his individual capacity, proposes to purchase certain of the Trust assets belonging to the Virginia A. Bakman Revocable Trust and the Family Trust at their appraised values. Thus, this petition is reasonably necessary for the protection of the interests of the current trustee as well as the beneficiaries.

Richard Timothy Bakman proposed to purchase the Virginia A. Bakman Revocable Trust's 34.52% interest in Sunnyside Investments, Inc. valued at \$706,470 and the Family Trust's 34.52% interest in Sunnyside Investments, Inc. valued at \$706,470. Payment of the purchase price for each note will be made by execution of a secured promissory note in the amount of the purchase price. The term of each promissory note will be 15 years bearing interest at 4.5%. The monthly payments on each note will be interest only in the amount of \$2,649.26. The entire principal will be due and payable at the end of year 15. Each note will contain language permitting the trustee to demand acceleration of payments of principal and interest that are reasonable and necessary as certified by the trustee to make regular distribution requirements to Jane Bakman as well as irregular distribution requirements to Jane Bakman as mandated by the Jane Ann Bakman Trust and/or QSST Trust.

Richard Timothy Bakman proposes to acquire the Virginia A. Bakman Revocable Trust's 16.67% interest in Bakman Ranch Partnership at its appraised value of \$531,321.

Please see additional page

Payment of the purchase price for the note will be made by execution of a secured promissory note in the amount of the purchase price. The term of each promissory note will be interest only in the amount of \$1,992.45. The entire principal will be due and payable at the end of year 15. The note will contain language permitting the trustee to demand acceleration of payments of principle and interest that are reasonably necessary as certified by the trustee to make regular distribution requirements to Jane Bakman as well as irregular distribution requirements to Jane Bakman as mandated by the Jane Ann Bakman Trust and/or QSST Trust.

Richard Timothy Bakman proposes to acquire the Virginia A Bakman Revocable Trust's 20% interest in Van Ness Investments Partnership at its appraised value of \$398,547.

Richard Timothy Bakman proposes to acquire the Virginia A. Bakman Revocable Trust and/or QSST Trust's entire interest in the residence located at 5082 E. Clay, Fresno, Ca., at its appraised valued of \$275,000 for cash.

In summary, the combined promissory notes will pay a minimum of \$8,785.53 monthly. This is in excess of the required \$6,500 monthly distribution to Jane Ann Bakman pursuant to the Jane Ann Bakman Trust and/or QSST Trust. The purchaser is providing \$275,000 in cash and installment notes totaling \$2,342,808 for a total purchase price of \$2,617,808 of which \$2,500,000 will be funded into the Jane Ann Bakman Trust and/or QSST Trust. The residue of \$117,808 will be funded into the Balboa Island Trust along with \$132,192 of cash assets owned by Virginia A. Bakman Trust.

Proposed purchases are in the best interest of the Virginia A. Bakman Revocable Trust as well as the beneficiaries because the purchase of the interests will be appraised value, there will be no capital gain to the various subtrust. Moreover, because the payment of the notes consist primarily of principal, there are little income tax consequences on payment to the subtrusts. On the other hand, if the entities are paying out income to meet the distribution requirements, the income would be substantially taxable. The intent of the totality of all of Bakman family estate planning was essentially two-fold. First, the settlors wanted to provide shelter, medical care, and an income stream to Jane Ann Bakman for life. Second, the settlors desired that Richard Timothy Bakman, or his issue would receive all the trust assets after death of Jane Ann Bakman as Richard Timothy Bakman, was to manage and has in fact managed and grown the settlors' business interests over the last 35 years. Thus, a sale to Richard Timothy Bakman of the Bakman family business interests is consonant with the settlors' intent. As a result of the proposed purchase, the Petitioner, as well as the trustee of the Family Trust, will have sufficient flexibility to make required distributions and the family business interests will continued to be held by the Bakman family.

Therefore, Petitioner prays for an Order that:

1. Instructing the trustee with regard to the proper administration of the Trust with respect to the matters;
2. Determining that the trustee has the right and power to sell to enter into the transactions under the terms set forth in this Petition;
3. Determining that Richard Timothy Bakman's purchase of the assets described in this Petition as set forth in this Petition satisfies trustee's duty to supplement the Jane Ann Bakman Trust and QSST Trust;
4. Approving Richard Timothy Bakman's purchase of the assets described in this Petition.
5. Such other and further orders be made by this Court may deem proper under the circumstances.