



ATTENTION

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

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

Thank you for your patience.

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

DOD: 4/7/96	<p>LAVERN T. COELHO was appointed Executor and Letters issued on 2/11/97.</p> <p>Inventory and Appraisal was filed 9/15/97.</p> <p>Executor's First Account was settled 7/10/98.</p> <p>On 9/30/05, Executor filed a Petition for Instructions and Authorization to Transfer Real Property of the Estate Pursuant to the Terms of a Litigation Settlement Agreement, which was granted 11/28/05.</p> <p>On 12/1/08, Executor filed a Petition to Authorize Settlement and Compromise of Actions and Claims Against the Estate, which was granted 1/22/09.</p> <p>Thereafter, nothing further was filed.</p> <p>The Court set this status hearing for failure to file a petition for final distribution and sent notice to Attorney Ted R. Frame on 4/6/15.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need petition for final distribution pursuant to Probate Code §12200 or status report pursuant to Local Rule 7.5.</p>
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: 5/8/15</p>	
	<p>Updates:</p>	
	<p>Recommendation:</p>	
	<p>File 1 – Coelho</p>	

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

DOD: 4-15-05	<p>JOEL MURILLO was appointed Executor with Full IAEA without bond and Letters issued on 2-22-06.</p> <p>The Second Amended Petition for Probate filed 1-3-06 estimated the estate to contain real property valued at \$155,000; however, no Inventory and Appraisal was ever filed.</p> <p>Dept. of Health Care Services filed two creditor's claims on 12-30-05 totaling \$297,816.16 as well as Requests for Special Notice.</p> <p>Notice of Pendency of Action filed 10-16-08 indicates an action entitled "Sandra Shewry, Director of the Department of Health Care Services vs. Joel M. Murillo, as Personal Representative of the Estate of Elvira Rodriguez, Decedent; and Does 1 through 20, inclusive." The nature of the action is a Complaint to Enforce and Collect Money Due on a Medi-Cal Creditor's Claim for \$41,055.02 pursuant to W&I Code §14009.5.</p> <p>Thereafter, nothing further was filed herein.</p> <p>The Court set status hearing re failure to file I&A and petition for final distribution for and sent notice of hearing to Attorney Joel Murillo on 11-22-13. Hearings were held on 2-28-14, 5-16-14, 6-9-14 and 8-11-14.</p> <p>I&A filed 6-25-14 indicates real property valued at \$130,000.00</p> <p>Minute Order 8-11-14 states Attorney Murillo will file documents to close this matter, and the status hearing was not continued. However, nothing further was filed.</p> <p>The Court set this further status hearing for failure to file a petition for final distribution and sent notice to Attorney Murillo 4-6-15.</p>	NEEDS/PROBLEMS/COMMENTS:
Aff.Sub.Wit.		<p>1. A Petition to Determine Succession was filed in separate case 14CEPR00329 to pass the real property that was alleged to be an asset of the estate to Ms. Garcia outside of this probate estate.</p> <p>The petition was granted 6-9-14, and pursuant to the Order Determining Succession, the property passed to Ms. Garcia.</p> <p>On 6-25-14, a Final I&A was filed in this estate reflecting that property. However, the property has now been determined to have passed to Ms. Garcia pursuant to the Order Determining Succession. That means that the property is <u>no longer</u> an asset of this estate, and the I&A filed 6-25-14 is incorrect.</p> <p>Regardless, it appears that this estate, having been opened in 2005, still needs to be closed, with notice as appropriate. (Note: A Request for Special Notice was filed 7-3-06 by the California Department of Health Care Services.)</p>
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: skc
		Reviewed on: 5-8-15
		Updates:
		Recommendation:
		File 2 – Rodriguez

First and Final Report of Executor with Waiver of Accounting, for Allowance of Attorneys Fees for Ordinary Services, and for Final Distribution.

DOD: 9/8/06		PETER A. WAGNER , Executor with Full IAEA without bond, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> Need Inventory and Appraisal. Petitioner indicates that the Inventory and Appraisal was filed totaling \$318,191.93; however, it does not appear that the Inventory and Appraisal was ever filed with the Court. Need Notice of Hearing. Need proof of service of Notice of Hearing at least 15 days prior to the hearing on trust beneficiaries pursuant to Probate Code §1208: - Cheryl Lynne Wagner - Melissa Joy Wagner Need trustee's written acceptance of trust pursuant to Probate Code §10954(b)(4) in order for Peter A. Wagner to waive accounting in his capacity as Trustee of the Grubb Family Trust. Need declaration of trustee pursuant to Local Rule 7.12.5. (This is a separate declaration from the acceptance of trust referenced in #4 above.) Need Proposed Order pursuant to Local Rules 7.1.1.F, 7.6.1.
		Accounting is waived by Peter A. Wagner as Trustee of the Grubb Family Trust.	
	Aff.Sub.Wit.		
✓	Verified	I&A: \$318,191.93 (Per petition at Page 4, #8; however, no I&A was filed.)	
	Inventory	X	
	PTC	X	
✓	Not.Cred.	POH: \$85,071.47 cash	
	Notice of Hrg	X Executor (Statutory): Waived	
	Aff.Mail	X Attorney (Statutory): \$9,363.83	
	Aff.Pub.	Distribution pursuant to Decedent's will:	
	Sp.Ntc.		
	Pers.Serv.	Peter A. Wagner as trustee of the Grubb Family Trust: Entire estate	
✓	Letters	6/2/08	
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
✓	9202		
	Order	X	
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
✓	FTB Notice		
			Reviewed by: skc
			Reviewed on: 5/8/15
			Updates:
			Recommendation:
			File 3 - Grubb

4 In Re the Trust of Elaine A Mclain (Trust) Case No. 11CEPR00028

Atty Panzak, Gordon G. (for Jeff Dale – Successor Trustee – Petitioner)
 Atty Marshall, Jared (Associated counsel for Jeff Dale)
 Atty Freed, William J. (for Debbie Duehning, Guardian ad Litem for George McLain, IV)
 Trustee/Respondent's Motion to Dismiss, and Points and Authorities in Support, and Declaration in Support

DOD: 5-21-08		See petition and objection for details.	NEEDS/PROBLEMS/ COMMENTS: Continued from 3-30-15, 4-27-15. The following issues remain: <u>SEE ADDITIONAL PAGES</u> Note: On 3-30-15, Debbie Duehning, GAL for beneficiary George McLain, IV, filed a Motion for Leave to Amend Petition along with Points and Authorities and a Declaration in support, which motion is set for hearing on 5-14-15.	
Cont from 033015, 042715				
<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
<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 checked="" 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: skc
				Reviewed on: 5-8-15
				Updates:
		Recommendation:		
		File 4 – Mclain		

Page 5 – NEEDS/PROBLEMS/COMMENTS:

1. Petitioner Jeff Dale requests that “all 4 petitions filed by the Petitioner (Duehning) be dismissed.” However, Court records indicate that there are only two (2) petitions currently outstanding in this matter:
 - Ms. Duehning’s Petition for Order Compelling Trustee to Make Distribution to Trust Beneficiary; for Imposition of a Constructive Trust; and for an Accounting filed 4-6-11; and
 - Ms. Duehning’s Petition to Review Reasonableness of Trustees Compensation, Reasonableness of Attorney’s Fees and Costs; for an Accounting and for Removal of Trustee filed 8-25-11.

Therefore, need clarification: What petitions, specifically, is Mr. Dale requesting be dismissed?

Note: On 9-6-11, Ms. Duehning filed a motion to amend her petition filed 4-6-11; however, the motion does not appear to have been granted or denied, and no amended petition was filed.

Note: Although the Court continued to include status conferences regarding Mr. Dale’s Petition for Instructions filed 1-13-11, the Court’s minute order of 4-11-11 reflects that that petition was granted, and an order was signed on 4-21-11. Therefore, it does not appear that this petition is technically outstanding.

Update: Ms. Duehning, filed a Motion for Leave to Amend Petition along with Points and Authorities and a Declaration in support, which motion is set for hearing on 5-14-15.
2. As noted by Objector, although filed as a motion, Mr. Dale’s request appears to require review as a petition under Probate Code §17200. As such, it should state the names and addresses of each person entitled to notice pursuant to Probate Code §17201. The Court may require a declaration containing this information.
3. Petitioner states that he was instructed by Judge Oliver to retain \$107,000 in the trust and to pay \$107,000 in settlement of an adverse claim. As a matter of clarification, Examiner notes that the Court’s Order of 4-21-11 authorizes transfer of \$107,000 from the Michele Dale Conservatorship to the Elaine McClain Trust, only. There is no mention of payment of \$107,000 in settlement of an adverse claim. Note: The minute order of 4-11-11 indicates that the matter would be continued to 6-6-11 in the event that there are issues that still need to be resolved. At a later hearing on 10-3-11, Mr. Panzak advised that \$170,000 and \$25,000 have been transferred into segregated accounts, and the Court ordered that the accounts remain frozen. However, these figures do not correspond to the figures in the Order signed 4-21-11 or the figures in this petition. The Court may require clarification.
4. Notice of Hearing filed 4-22-15 indicates service was mailed to Michele Dale on 3-30-15, which is not quite the 30 days’ notice required by Probate Code §17203.

Petition of Trustee to Settle Fourth Account Current, for Approval of Trustee's Fees and for Authorization to Compensate Counsel for the Trustee

	PERINE & DICKEN PROFESSIONAL FIDUCIAIRES,		NEEDS/PROBLEMS/COMMENTS: <u>Note:</u> Petitioner states current bond is \$145,000.00; however, pursuant to Confirmation of Bond Reduction filed 6/12/14, the bond was reduced from \$152,000.00 to \$150,000.00 (not \$145,000.00). Petitioner requests to reduce bond to \$135,000.00. <u>Note:</u> If granted, the Court will set a status hearing for the filing of the Fifth Account as follows: <ul style="list-style-type: none"> Thursday, April 7, 2016 if a one-year account is required; <u>OR</u> <ul style="list-style-type: none"> Thursday, April 6, 2017 if a two-year account is required.
	Trustee, is Petitioner, consisting of the following individuals licensed as Private Professional Fiduciaries: PATRICIA DICKEN, RONALD DICKEN, KAREN STEELE		
	Account period: 2/1/14 – 1/31/15		
	Accounting:	\$132,653.46	
	Beginning POH:	\$109,520.36	
	Ending POH:	\$100,077.57	
		(\$14,333.58 is cash)	
	Trustee: \$6,702.00 (already received, for 55.85 hours @ \$120/hr by Trustees and Affiliates (employees), pursuant to itemization at Exhibit B. Under Paragraph 13 of the Order Establishing the Diaz SNT, Petitioner is authorized to receive monthly payments at the rate of \$120/hr of up to \$1,500/month without prior Court approval.)		
	Attorney: \$2,396.00 (\$2,110.00 for 4.3 attorney hours @ \$250/hr, 5.1 paralegal hours @ \$90/hr, and 6.4 bookkeeper hours @ 90/hr, plus \$286.00 in costs)		
	Bond: Petitioners states current bond is \$145,000.00. Based on POH and anticipated income plus cost of recovery totaling \$122,077.57, Petitioner requests that bond be reduced to \$135,000.00.		
	Petitioner prays for the following orders:		
	1. Settling the Fourth Account and allowing, confirming and approving all acts and transactions set forth therein'		
	2. Approving Trustee fees for services rendered through 1/31/15 of \$6,702.00 as just and reasonable;		
	3. Approving the attorney fees and costs in the total sum of \$2,396.00;		
	4. Reducing the trustee's bond to \$135,000.00; and For such other further relief as the Court deems proper.		
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	w	
	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: skc			
Reviewed on: 5/8/15			
Updates:			
Recommendation:			
File 5 - Diaz			

6 Roxanne Ruiz (GUARD/E) Case No. 12CEPR00058

Attorney Janian, Paulette (for Grace Ruiz – Guardian/Petitioner)
**Second Account and Report of Guardian, Petition for Settlement and for Order
 Authorizing Withdrawal from Blocked Account for Payment of Attorneys Fees.**

Age: 17 years		GRACE RUIZ , mother/Guardian of the Estate, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. The Petition requests reimbursement of costs in the amount of \$462 (\$435 filing fee, plus \$27 for certified copies). The Order states that the costs total \$461.00, resulting in a total fee request of \$961.00 instead of \$962.00.</p> <p>Note: If the petition is granted, a status hearing will be set as follows:</p> <ul style="list-style-type: none"> • Thursday, April 13, 2015 at 9:00 a.m. in Department 303, for the filing of the third account <p>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</p>
		Account period: 02/24/13 – 03/10/15	
Cont. from		Accounting: \$170,027.79	
<input type="checkbox"/>	Aff.Sub.Wit.	Beginning POH: \$166,816.03	
<input checked="" type="checkbox"/>	Verified	Ending POH: \$167,775.79	
<input type="checkbox"/>	Inventory	Guardian - waives	
<input type="checkbox"/>	PTC	Attorney - \$500.00 (2.5 hours @ \$250/hr.)	
<input type="checkbox"/>	Not.Cred.	Costs - \$462.00 (filing fees, certified copies)	
<input checked="" type="checkbox"/>	Notice of Hrg	Petitioner prays for an Order:	
<input checked="" type="checkbox"/>	Aff.Mail w/	1. Approving, allowing and settling the second account; and	
<input type="checkbox"/>	Aff.Pub.	2. Authorizing the payment of attorney fees and costs	
<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 checked="" type="checkbox"/>	2620(c)		
<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: JF			
Reviewed on: 05/08/15			
Updates:			
Recommendation:			
File 6 - Ruiz			

Probate Status Hearing Re: Filing 2nd Account

Age: 69	<p>CHRISTINA TOLMAN, Daughter, is Conservator.</p> <p>Pursuant to Order Settling Conservator's First Account filed 7/17/14, the Second account is due 5/14/15.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need Second Account current or status report pursuant to Local Rule 7.5.</p>
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: skc	
	Reviewed on: 5/8/15	
	Updates:	
	Recommendation:	
	File 8 - Tolman	

	See petition for details.		NEEDS/PROBLEMS/ COMMENTS: <u>Court Investigator advised rights 2-25-15.</u> <u>Voting rights affected – need minute order</u> <u>Minute Order 4-16-15: Ms. Kruthers requests 30 days for an investigation, with Joseph R. Martinez, Jr., remaining as Temporary Conservator in the interim.</u> <u>SEE ADDITIONAL PAGES</u>
	Cont. from 31215, 041615		
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	W	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.	X	
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
✓	Video Receipt		
✓	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation	X	
	FTB Notice		
			Reviewed by: skc Reviewed on: 5-8-15 Updates: Recommendation: File 17 - Martinez

NEEDS/PROBLEMS/COMMENTS: The following issues have not been addressed:

1. Although the capacity declaration supports dementia powers, the petition did not request dementia powers – there was no Attachment Requesting Special Orders Regarding Dementia (Mandatory Judicial Council Form GC-313) attached to the petition or amendment. Amended petition may be required for notice to the proposed Conservatee and relatives that dementia powers are also being sought.

Note: Service on the proposed Conservatee, all relatives, and VA should include all amendments to the Petition as well as the mandatory Judicial Council Form GC-313 Attachment Requesting Special Orders Regarding Dementia.

2. Need Citation and proof of personal service of Citation with a copy of the petition (*including all amendments requesting dementia powers and requesting appointment of the Public Guardian*) at least 15 days prior to the hearing on Proposed Conservatee Joseph R. Martinez pursuant to Probate Code §1824.
3. Need Notice of Hearing and proof of service of Notice of Hearing with a copy of the petition (*including amendments*) at least 15 days prior to the hearing on the proposed Conservatee's spouse, Carmen Lopez (Martinez), pursuant to Probate Code §1822(b)(1).
4. Need proof of service of Notice of Hearing with a copy of the petition (*including amendments*) at least 15 days prior to the hearing on the jurisdictional Office of Veterans Administration pursuant to Probate Code §1822(d).
5. The caption of the Capacity Declaration indicates that it was filed by the Fresno County Public Guardian; however, it does not appear that he Public Guardian is involved in this matter. Need clarification.
6. If Public Guardian is appointed, need new Order and Letters.

Note: If granted, the Court will set status hearings as follows:

- Thursday, October 15, 2015 for filing the Inventory and Appraisal
- Thursday, August 18, 2016 for filing the First Account

If the proper items are on file prior to the status dates pursuant to Local Rules, the status hearings may come off calendar.

Note: Petitioner Joseph R. Martinez was appointed Temporary Conservator of the Estate on 3-12-15. The Court may require an accounting for the period of his conservatorship pursuant to Probate Code §2256. If required, the Court will also set status hearing as appropriate.

DOD: 06/21/99	<p>MARTHA HUERTA, daughter, was appointed as Administrator with full IAEA and with bond set at \$110,000.00 on 04/02/15.</p> <p>Minute Order from 04/02/15 set this hearing for status regarding Proof of Bond.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>CONTINUED FROM 04/30/15 Minute Order from 04/30/15 states: The Court is not waiving bond; no appearance necessary on 05/14/15 if proof of bond is filed at least two court days prior.</p> <p>Note: Waivers of Bond have been filed by all living heirs. However, there are 3 post-deceased heirs, Frank Garcia, Beatrice Resendez, and Gilbert Resendez that are unable to waive bond.</p> <p>1. Need Bond of \$110,000.00.</p>
Cont. from 043015		
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: 05/08/15
		Updates:
		Recommendation:
		File 20 - Garcia

Amended Petition to Determine Succession to Real Property (Prob. C. 13151)

DOD: 11/28/14		MARY ELIZABETH BROWN	NEEDS/PROBLEMS/COMMENTS: 1. Petitioner indicates at #14 that she has two siblings, but requests that the estate pass to her alone. Pursuant to intestate succession (Probate Code §6400 et seq.), the estate would pass to all siblings equally. This estate cannot be distributed via summary proceeding unless all siblings petition together for the property to pass to them in equal shares. 2. Need Notice of Hearing. 3. Need proof of service of Notice of Hearing at least 15 days prior to the hearing on: - William Doyle (son) - Glenda Thompson (daughter). 4. Petitioner indicates at #1 and #13 that personal property is included in this petition; however, no personal property was inventoried. Need clarification. 5. The petition was filed with a fee waiver. If assets are distributed pursuant to this petition, the filing fee of \$435 will be due prior to entry of order for distribution. 6. Need order, completed with legal description of the real property (and personal property, if any). Reviewed by: skc Reviewed on: 5/8/15 Updates: Recommendation: File 21 – Battle-Doyle
		(Daughter) is Petitioner.	
		40 days since DOD	
		No other proceedings	
	Aff.Sub.Wit.		
✓	Verified		
✓	Inventory	I&A: \$65,000.00 (real property located at 1237 Irwin Ave., Fresno)	
✓	PTC		
	Not.Cred.	Decedent died intestate	
	Notice of Hrg	x Petitioner requests Court determination that the real (and personal?) property passes to her.	
	Aff.Mail	x	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order	x	
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		