

"TJ" Age: 32	TIMOTHY FRANK ALVES, SR., Conservator with bond of \$75,000.00, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
	Account period: 1-1-11 through 12-31-12	
	Accounting: \$792,666.20	
	Beginning POH: \$673,918.33	
	Ending POH: \$700,875.31	
	Conservator: \$6,000.00	
	(5 hours per month @ \$50.00/hr, or \$250.00 per month, for services including visits with Conservatee, overseeing personal care, medical needs, and special care, purchasing supplies, clothing and services, paying the expenses and overseeing Conservatee's care, addressing investments and assets, records management, etc.)	
	Attorney: \$4,941.25	
	(\$4,506.25 itemized plus \$435.00 in costs per declaration attached to Petition)	
	Petitioner requests that certain accumulated funds be transferred and deposited to a blocked account to allow bond to remain at \$75,000.00. – <i>Confirmed sufficient, after payment of authorized fees and commissions (skc)</i>	
	Petitioner also requests authorization to move certain funds at maturity from Wells Fargo Bank and Valley Business Bank to a blocked account at Central Valley Community Bank in Oakhurst because Petitioner has had difficulty obtaining statements for the CDs to support account as required.	
	Petitioner prays for an Order:	
	1) Approving, allowing and settling the account;	
	2) Confirming, approving and ratifying all acts and transactions of the Conservator;	
	3) Authorizing the Conservator and Attorney fees and commissions	
	4) That bond remain at \$75,000.00	
	5) That certain blocked funds be transferred to blocked accounts at different institutions as set forth in the Petition.	
<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 type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input checked="" 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: skc
		Reviewed on: 5-13-13
		Updates:
		Recommendation:
		File 1 – Alves

DOD: 5/3/2009		JANE ORTIZ and MARTIN MENDEZ, Administrators, are Petitioners.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> Inventory and Appraisal is blank at item # 5 – property tax certificate. Petition states the property on hand includes \$4,552.65 in cash. After payment of attorney fees of \$4,000.00 each beneficiary would be entitled to \$110.53 however it is not included in the petition or in the order.
		Accounting is waived.	
Cont. from		I & A - \$115,000.00	
<input type="checkbox"/>	Aff.Sub.Wit.	POH - \$119,552.65	
<input checked="" type="checkbox"/>	Verified	Administrators - waive	
<input checked="" type="checkbox"/>	Inventory	Attorney - \$4,000.00 (less than statutory)	
<input type="checkbox"/>	PTC		
<input checked="" type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail	Distribution, pursuant to intestate succession, is to:	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.	Linda Angeles, Jane Ortiz, Angel Mendez, Jr. Martin Mendez and Jose Mendez each as to an undivided 1/5 interest in the real property located in Reedley, CA.	
<input type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters	1/26/12	
<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		
<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: KT
			Reviewed on: 5/13/2013
			Updates:
			Recommendation:
			File 2 – Mendez

Petition to Compel Turnover of the Betty Ruth Cozby Trust Pursuant to Probate Code Section 16061.5 and for Damages and Attorney's Fees Pursuant to Probate Code Section 16061.9

		JANICE POTTER is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 3/29/13. As of 5/13/13 the following issue remains:</p> <p>1. Need Order.</p>
		Petitioner states she is an heir at law, and believes she is a beneficiary of the Betty Ruth Cozby Trust.	
		Betty Ruth Cozby died in April 2011.	
<p>Cont. from 022912, 040412, 060412, 081312, 100412, 111512, 010413, 021513, 022213, 032913</p>		Betty Cozby was unmarried and did not have children, and her parents and siblings predeceased her. Petitioner is a niece of Betty Cozby and heir at law under applicable Probate Code intestacy statutes.	
	Aff.Sub.Wit.	<p>Petitioner believes Betty Cozby's friend, Edward D. Reimer, is the named successor Trustee of the Betty Ruth Cozby Trust.</p>	
✓	Verified		
	Inventory	<p>Upon the death of Ruth Cozby the Trust became irrevocable. Petitioner states she requested orally, and then more formally, through counsel, a copy of the Trust. The formal request was made on 8/17/2011. No response has been received to the request.</p>	
	PTC		
	Not.Cred.	<p>Probate Code §16061.5 provides that a trustee has a duty to provide a true and complete copy of the terms of an irrevocable trust, or irrevocable portion of a trust, to any beneficiary who requests it, and to any heir of a deceased settlor who requests it.</p>	
✓	Notice of Hrg		
✓	Aff.Mail	W/	
	Aff.Pub.	<p>Wherefore, Petitioner seeks relief as follows:</p>	
	Sp.Ntc.		
	Pers.Serv.	<p>1. For an Order compelling Edward D. Reimer to provide full and complete copies of the Betty Ruth Cozby trust, including any applicable schedules and amendments, if any;</p>	
	Conf. Screen		
	Letters	<p>2. For an Order compelling turnover of relevant information on the administration of assets of the Trust pursuant to Probate Code section 16061;</p>	
	Duties/Supp		
	Objections	<p>3. That Edward D. Reimer be ordered to personally pay Petitioner's attorney's fees and costs in filing and prosecuting this petition.</p>	
	Video Receipt		
	CI Report	<p>Statement of Assets Held in The Betty Cozby Living Trust filed by Edward D. Reimer and Ola May Langley on 6/4/12.</p>	
	9202		
	Order	X	
	Aff. Posting	<p>Reviewed by: KT</p> <p>Reviewed on: 5/13/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 3A - Cozby</p>	
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

Petition for Settlement of Account and Approval of Trustee Fees [Prob. C. 17200(b)(5)]

		EDWARD D. REIMER and OLA MAE LANGLEY , Trustees, are petitioners.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> Petition was not signed or verified by Petitioner Ola Mae Langley. Probate Code §1020 states the petition must be signed by all petitioners. It appears that the trustee (Edward Reimer) has paid himself an amount monthly (approximately \$3,000 per month) regardless of the time spent on trustee tasks. The Trustee declaration should clearly state the amount of time spent on each task and the hourly rate for the services performed. Disbursement schedule includes cell phone payments at approximately \$43 per month. Court may require clarification. Disbursement schedule includes payments to State Farm totaling \$436.14. Court may require more information regarding this disbursement. Order submitted includes a closing reserve of \$25,000.00 that was not included in the accounting presented to the court or noticed on all parties. Order submitted includes distribution of the assets to the various beneficiaries however the distribution was not included in the accounting presented to the court and noticed on all parties.
		Account period: 4/30/11 – 2/28/13	
Cont. from		(22 months)	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified	Accounting - \$945,634.96	
<input type="checkbox"/>	Inventory	Beginning POH- \$938,966.68	
<input type="checkbox"/>	PTC	Ending POH - \$849,957.59	
<input type="checkbox"/>	Not.Cred.	Trustee - \$66,182.50	
<input checked="" type="checkbox"/>	Notice of Hrg	(already paid, requesting the court approve said fees)	
<input checked="" type="checkbox"/>	Aff.Mail	Attorney - \$3,908.85	
<input type="checkbox"/>	Aff.Pub.	(already paid)	
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen	Petitioner prays for an Order:	
<input type="checkbox"/>	Letters	1. Finding that all facts stated in the Petition are true and that all notices required by law have been given.	
<input type="checkbox"/>	Duties/Supp	2. This account and report be settled, allowed and approved, and all acts and transactions of Reimer set forth in it, or relating to the matters set forth in it, be ratified, confirmed and approved;	
<input checked="" type="checkbox"/>	Objections	3. Compensation in the amount of \$66,182.50 already paid to Reimer be allowed and approved;	
<input type="checkbox"/>	Video Receipt	4. The Trust be distributed pursuant to the terms of the Trust Agreement	
<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		

Please see additional page

Reviewed by: KT

Reviewed on: 5/13/13

Updates:

Recommendation:

File 3B – Cozby

Objections to Trustee's Fees and Request for Attorney Fees and Costs filed by Janice Potter on 5/10/2013.

Janice Potter states there are two issues that need to be resolved the first is the matter of Trustee's fees already taken by Trustee, Edward Reimer, which in her opinion are excessive, especially in light of the Trustee's performance in this matter and, second, the costs and attorney's fees Janice Potter has incurred in petition to get a copy of the Trust from Mr. Reimer, to get a statement of the Trust assets from him and, after that, to force him to account and get the Trust to the point of a distribution, something that took nine court appearances, and the threat of removal of Mr. Reimer on several occasions, to accomplish.

The Issue of Trustee's Fees

Mr. Reimer's seeks approval of \$66,182.50 in Trustee's fees he has already taken. The accounting reveals Mr. Reimer immediately started paying himself "round numbers", for example paying himself \$1,500.00 May 2, 2011 and \$500.00 May 23, 2011 and he continued this pattern right on through February of 2013 taking the total noted above.

Article XII of the Trust does provide that the Trustee is entitled to pay himself "reasonable compensation" from time to time without court approval, but the amounts taken by Mr. Reimer are clearly excessive.

Beginning assets for this Trust were, according to the accounting, \$938,966.68. That would mean the Trustee's fees charged by Mr. Reimer totaled about 7% of the total Trust assets, clearly an excessive amount, even if he had done a diligent job, which he clearly did not.

Using the time submitted by Mr. Reimer, he spent 93.6 hours to date on the Trust. At a generous rate of \$75.00 per hour, this would calculate out to \$7,042.50 in total Trustee's fees.

In summary on this point \$7,042.50, at most should be allowed in trustee's fees and the balance of the funds taken by Mr. Reimer (\$59,140.00) should be remitted by him to the trust. If the Court uses a percentage as a gauge for fees, as opposed to time, at 1% per annum the amount allowed for Trustee's fees should not exceed \$18,909.28.

The Issue of a Surcharge Against Trustee for Ms. Potter's Attorney Fees and Costs

As the Court will recall, Mr. Reimer, before he retained counsel, refused to provide Janice Potter a copy of the Trust, despite her being named as a Trust beneficiary. It to a Petition to get Mr. Reimer to retain counsel, who then secured a copy of the Trust for Ms. Potter. Mr. Reimer should be personally surcharged the attorney's fees and costs incurred by Ms. Potter to compel him to do what he was obligated to do, as a matter of law, from the start of his trusteeship.

The attorney fees and costs total \$7,238.96, which includes the filing fee and telephonic appearance fees.

Probate Code 16061.9 doe provide that the Trustee is responsible for damages, as well as liable for attorney's fees and costs, cause by the Trustee's failure to make reasonable diligent effort to comply with Section 16061.7. Here, the Trustee clearly did nothing, even a letter demanding the information from counsel, forcing Ms. Potter to petition the Court for relief.

The Court will no doubt recall he saga of getting Mr. Reimer to provide an accounting as well.

Please see additional page

Accordingly, under the above Code provisions and the facts of this case, Mr. Reimer should be surcharged the fees and costs incurred to compel him to do his job as Trustee, and to get us to the point of distribution.

Wherefore, Janice Potter requests:

1. That the Trustee be ordered to return excessive compensation taken by him to the Trust, in the sum of \$59,140.00;
2. That the Trustee be surcharged the attorney's fees and costs incurred by Ms. Potter in the amount of \$7,238.96, and that the same be paid to Ms. Potter
3. That the account otherwise be approved and the trustee ordered to make distribution.

Atty Kruthers, Heather H., of County Counsel's Office (for Petitioner Public Administrator)

Petition for an Order Approving Extraordinary Commissions for the Public Administrator (Prob. C. 7666)

DOD: 11/14/2011	<p>PUBLIC ADMINISTRATOR, Administrator appointed on 3/21/2012, is Petitioner.</p>	NEEDS/PROBLEMS/COMMENTS:
Cont. from		
Aff.Sub.Wit.		
✓ Verified	<p>Petitioner states:</p> <ul style="list-style-type: none"> In the course of the administration of the estate, the Public Administrator has performed extraordinary services regarding the sale of the Decedent's real property located on Hawes Ave. in Fresno; 	
Inventory	<ul style="list-style-type: none"> No compensation has been received by Petitioner for said sale; Pursuant to Local Rule 7.18(B)(1), the reasonable fee for such extraordinary service is \$1,000.00; 	
PTC	<ul style="list-style-type: none"> In addition, the Public Administrator has performed extraordinary services regarding the sale of the Decedent's miscellaneous personal property; 	
Not.Cred.	<ul style="list-style-type: none"> No compensation has been received by Petitioner for said sale; Pursuant to Local Rule 7.18(B)(2), the reasonable fee for such extraordinary service is \$649.98 (<i>gross sale of personal property of \$6,499.75 x 10%</i>); 	
✓ Notice of Hrg	<ul style="list-style-type: none"> Furthermore, Petitioner filed the First and Final Fiduciary tax return for this estate; the reasonable value for such service is \$248.00 (<i>1 Deputy hour @ \$96/hr and 2 probate assistant hours @ \$76/hr</i>); 	
✓ Aff.Mail	<ul style="list-style-type: none"> Therefore, the total commission for extraordinary services performed by Petitioner is \$1,897.98; 	
Aff.Pub.	<ul style="list-style-type: none"> Pursuant to Probate Code § 7660, notice of this petition would not be necessary; however, <i>Request for Special Notice</i> has been filed in this matter by the Franchise Tax Board; therefore, notice of the hearing that has been set for this matter will be mailed to them along with this <i>Petition</i>. 	
Sp.Ntc.	<p>Petitioner prays for an Order that the Court authorize payment to the Public Administrator in the amount of \$1,897.98 as reasonable compensation for extraordinary services.</p>	
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
✓ Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		

(1) First and Final Report of Executor on Waiver of Account and (2) Petition for Allowance of Compensation to Attorney and For (3) Final Distribution

DOD: 03/24/2012		CYNTHIA OLIVER , Executor, is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> Order should also include the statement that the beneficiaries will assume the Home Equity Line of Credit by Wells Fargo Bank. Even though the estate is solvent the creditor is not being paid at distribution. The Court may require notice to Wells Fargo pursuant to Probate Code §11000(a)(5). <p>Note: Petition states Wells Fargo Bank filed a claim on 10/12/2012. The claim is for a Home Equity Line of Credit in the amount of \$15,292.51 and is secured by the real property. There are insufficient liquid assets to pay this claim. The beneficiaries do not want to sell the property to satisfy this claim as they wish to be distributed the property equally as tenants in common. Petitioner inquired with Wells Fargo if an assumption agreement could be pursuant to Probate Code §11464. Wells Fargo indicated they do not enter into assumption agreements. Petitioner informed Wells Fargo that they would allow the claim, and that the beneficiaries would continue to pay the payments until the lien was released. Probate Code § 11640 When all debts have been paid or adequately provided for, and the estate is in a condition to be closed, the personal representative shall file a petition for, and the court shall make, an order for final distribution of the estate.</p> <p>Reviewed by: LV</p> <p>Reviewed on: 05/13/2013</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 6 – Bakkedahl</p>
		Accounting is waived.	
		I&A - \$187,300.00	
		POH - \$187,300.00	
Cont. from		Executor - Waives	
<input type="checkbox"/>	Aff.Sub.Wit.	Attorney (Statutory) - \$6,619.00	
<input checked="" type="checkbox"/>	Verified	Petitioner states Cynthia Oliver, Stephanie Quan, and Steven Bakkedahl be ordered and directed to pay Gilmore Wood Vinnard & Magness \$2,206.33 each as compensation for ordinary services to petitioner and to the estate. Each beneficiary consent to payment of costs from their personal funds.	
<input checked="" type="checkbox"/>	Inventory	Distribution, pursuant to decedent's Will, is to:	
<input type="checkbox"/>	PTC	Cynthia Oliver – 1/3 real property	
<input checked="" type="checkbox"/>	Not.Cred.	Stephanie Quan – 1/3 real property	
<input checked="" type="checkbox"/>	Notice of Hrg	Steven Bakkedahl – 1/3 real property	
<input checked="" type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters	07/11/12	
<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		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input checked="" type="checkbox"/>	FTB Notice		

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

Age: 92		<u>TEMPORARY EXPIRES 05/16/2013</u>		NEEDS/PROBLEMS/COMMENTS: 2B the competing Petition for Appointment of Successor Conservator of the person filed by Harry Baker, former spouse of proposed conservatee. Minute Order of 04/08/2013 states: per agreement of the parties of the parties, the Court appoints the Public Guardian as temporary conservator of the person. The temporary expires 05/16/2013. Ms. Johnson is directed to prepared the order. The Court orders that Ms. Haney not be moved from her current residence without a noticed hearing for which, the Court will entertain an order shortening time. In addition, there is to be no interference with Ms. Haney's church activities and Mr. Baker is to be notified of any health issues.
		ANITA LEAL-IDROGO , daughter appointed conservator 07/23/2012, nominates the Public Guardian as successor conservator of the person.		
		Bruce Bickel was appointed conservator of the estate on 07/25/2012.		
Cont. from 040813		Petitioner is requesting the following additional powers:		
	Aff.Sub.Wit.		<ul style="list-style-type: none"> • Power to have Ms. Haney examined by appropriate physicians skilled in the area of expertise necessitated by Ms. Haney's condition(s) • Power to consent to all non-psychosis and non-dementia related medical treatments for Ms. Haney • Power to hire an appropriate nurse or other licensed professional to monitor and administer the all non-psychosis and non-dementia prescribed medications, including any insulin injections required by Ms. Haney • Power to employ (and discharge) such persons, agencies or service providers to provide home health care services to Ms. Haney in her residence • Power to change the residence of the conservatee to a skilled nursing facility or assisted living facility, as determined by the conservator of the person, in consultation with experienced professionals and medical providers, commensurate with Ms. Haney's needs, if deemed appropriate by the Conservator of the Person. 	
✓	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			
<u>Please see additional page</u>				
Reviewed by: LV				
Reviewed on: 05/14/2013				
Updates:				
Recommendation:				
File 7 - Haney				

Declaration of Cecil H. Bullard, M.D. filed 07/23/2012.

Petitioner states: the conservatee has been diagnosed with dementia and, due to a diabetes related below the knee leg amputation, requires the assistance of wheel chair. The Conservatee continues to require assistance with her providing for her personal needs, including her activities of daily living and medication supervision.

Court Investigator Jennifer Young's report filed 03/28/2013.

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

Age: 92	HARRY BAKER , former spouse, is petitioner.	NEEDS/PROBLEMS/COMMENTS: Court Investigator Advised Rights on 05/09/2013. 1. Need Citation. 2. Need proof of personal service of the citation and a copy of the Petition on the proposed conservatee. 3. Need Notice of Hearing. 4. Need proof of service at least fifteen (15) days prior to the hearing of the Notice of Hearing with a copy of the Petition for Appointment of Conservator for: <ul style="list-style-type: none"> • Anita Leal-Idrogo • Alfred Leal • Raymond Valenzuela • Carmen Apodaca 5. Need video pursuant to Local Rule 7.15.8(A). 6. #1g of the petition is not marked regarding medical consent power however #9 is marked. Therefore, it is unclear whether the petitioner intended to request medical consent powers. 7. Need Order. 8. Need Letters.
	Bruce Bickel was appointed conservator of the estate on 07/25/2012.	
Cont. from 040813	Petitioner states: the conservatee resides at the Cedar Creek Senior Living Center in Madera, Ca. The conservatee has made new friends and enjoys playing bingo. The staff treats her well. Because the conservatee can no longer drive, the conservatee has relied on her former spouse, Harry Baker, to take her to appointments with her doctors and attorneys, to go shopping, and to attend church services. Mr. Baker visits the conservatee daily and she enjoys his company. Because of his relationship to the conservatee, he is familiar with her medical issues and is in a better position than the Public Guardian to be sensitive to her needs.	
Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail	X	
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.	X	
Conf. Screen		
Letters	X	
<input checked="" type="checkbox"/> Duties/Supp		
Objections		
Video Receipt	X	
<input checked="" type="checkbox"/> CI Report		
9202		
Order	X	
Aff. Posting		
Status Rpt		
UCCJEA		
Citation	X	
FTB Notice		
	Court Investigator Jennifer Young's report filed 05/09/2013.	
	Reviewed by: LV	
	Reviewed on: 05/14/2013	
	Updates:	
	Recommendation:	
	File 7 - Haney	

Atty Tomassian, Gerald M., of Tomassian, Pimentel & Shapazian (for Petitioner Donald S. Preis)

(1) Waiver of Accounting and Petition for Final Distribution Under Will and (2) for Allowance of Statutory Attorney's Fees

DOD: 8/20/2012	DONALD S. PREIS , son and Executor, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
	Accounting is waived.	
Cont. from	I & A — \$298,425.00	
<input type="checkbox"/> Aff.Sub.Wit.	POH — \$300,043.76 <i>(all cash)</i>	
<input checked="" type="checkbox"/> Verified		
<input checked="" type="checkbox"/> Inventory	Executor — waives	
<input checked="" type="checkbox"/> PTC		
<input checked="" type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg	Attorney <i>(statutory)</i> — \$8,968.50	
<input checked="" type="checkbox"/> Aff.Mail W/O		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.	Closing — \$500.00	
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen	Distribution pursuant to Decedent's Will is to:	
<input type="checkbox"/> Letters 110712	DONALD S. PREIS as Successor Trustee of the CAROLINE S. PREIS TRUST dates 6/27/2008 – \$290,575.26 cash.	
<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		
<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: LEG
		Reviewed on: 5/13/13
		Updates:
		Recommendation: SUBMITTED
		File 8 – Pries

Age: 6	<u>NO TEMPORARY REQUESTED</u>		NEEDS/PROBLEMS/COMMENTS:
	<p>VERNON BEATY and LYNDA BEATY, paternal grandparents, are Petitioners.</p>		<p><u>CONTINUED FROM 04/25/13</u> Minute Order from 04/25/13 states that there were no appearances.</p> <p>A copy of the minute order was mailed to Richard Stott on 05/02/13.</p> <p>As of 05/13/13, nothing further has been filed and the following items remain outstanding:</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of personal service at least 15 days before the hearing of Notice of Hearing with a copy of the Petition for Appointment of Guardian of the Person <u>or</u> Consent & Waiver of Notice <u>or</u> Declaration of Due Diligence for: <ul style="list-style-type: none"> - Jeremy Beaty (father) - Amanda Mell (mother) 3. Need proof of service by mail at least 15 days before the hearing of Notice of Hearing with a copy of the Petition for Appointment of Guardian of the Person <u>or</u> Consent & Waiver of Notice <u>or</u> Declaration of Due Diligence for: <ul style="list-style-type: none"> - Dale Mell (maternal grandfather) - Cynthia Mell (maternal grandmother)
	<p>Father: JEREMY KEITH BEATY</p>		
	<p>Mother: AMANDA MELL</p>		
	<p>Maternal grandfather: DALE MELL Maternal grandmother: CYNTHIA MELL</p>		
	<p>Sibling: JUSTIN PETERSON (5)</p>		
Cont. from 042513	<p>Petitioners allege that the minor lived on and off with one or both parents from birth to age 5 due to both parents' incarcerations and drug use. The minor has lived with others step-grandparents, Petitioners, and other friends for period of up to 6-8 months while parents came and went. The minor has lived with Petitioners since September 2011 after being placed with them by CPS. To date, the parents have been unable to establish a safe and consistent environment for the minor.</p>		
Aff.Sub.Wit.			
✓ Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg	x		
Aff.Mail		x	
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.		x	
✓ Conf. Screen			
✓ Letters			
✓ Duties/Supp			
Objections			
Video Receipt			
✓ CI Report			
9202			
✓ Order			
	<p>Court Investigator Jo Ann Morris filed a report on 04/17/13.</p>		
Aff. Posting			
Status Rpt			
✓ UCCJEA			
Citation			
FTB Notice			
		<p>Reviewed by: JF</p>	
		<p>Reviewed on: 05/13/13</p>	
		<p>Updates:</p>	
		<p>Recommendation:</p>	
		<p>File 9 – Mell</p>	

Atty Esraelian, Robyn L., of Richardson, Jones & Esraelian (for Petitioner David Montgomery, Trustee)

Petition for Order Confirming that Property is a Trust Asset

DOD: 7/3/2012		DAVID MONTGOMERY , Trustee, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p align="center">~Please see additional page~</p>
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/	
<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 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		

Petitioner states:

- Petitioner is the presently acting Successor Trustee of the **WAYNE ALLEN ROBBINS 2007 REVOCABLE LIVING TRUST established 4/17/2007** (copy attached as Exhibit A);
- Trustor Wayne Robbins acted as Trustee until the appointment of **MYRNA M. BOWMAN**, as Conservator of his Person and Estate on 10/7/2011;
- In Article One of the Trust instrument, the Trustor declared that: "Wayne Allen Robbins ("Trustor") declares that he has set aside and holds in trust the property described in Schedule A, attached to this instrument" [emphasis in Petition]; (copy of Trust Schedule A attached as Exhibit B);
- Petitioner asserts that it was the intention of Wayne Allen Robbins, as Trustor and Trustee, that the property listed on Schedule A be assets of the Trust, and that the property be transferred to the Trust;
- On 11/6/2007, Trustor transferred the real property listed on Schedule A to the Trust (copy of Deed attached as Exhibit C);
- Thereafter, Trustor and Myrna M. Bowman entered into a reverse mortgage secured by the property; for purposes of obtaining the reverse mortgage, the lender required that the real property be deeded out of the Trust; the lender then failed to return the property by deed to the Trust;
- At the time the Trustor executed the Trust, he signed an Assignment [effective 4/17/2007] that transferred all of his personal property, including vehicles, to the Trust (copy of Assignment attached as Exhibit D);

~Please see additional page~

NEEDS/PROBLEMS/COMMENTS:

~Please see additional page~

Reviewed by: LEG

Reviewed on: 5/14/13

Updates:

Recommendation:

File 10 – Robbins

Petitioner states continued:

- At the time Trustor executed the Trust, he re-titled his account with Wells Fargo, Vanguard and Franklin Funds to the name of the Trust;
- Myrna M. Bowman, upon her appointment as Conservator, took title to the assets listed on *Schedule A*, other than the real property, and such assets are set forth on the *Inventory and Appraisal* filed in Case 11CEPR00750, Conservatorship of the Person and Estate of Wayne Allen Robbins, Jr. (*copy of Inventory and Appraisal [titled "Reappraisal" and filed with the court on 2/24/2013] attached as Exhibit E*);
- It was Trustor's intention and understanding that all of the property set forth on *Exhibit E [the Inventory and Appraisal]* was to be held in trust under the Trust; therefore, Petitioner believes that all of the property on *Exhibit E [the Inventory and Appraisal]* is subject to his control as Trustee;
- Petitioner requests the Court confirm that all of the property described on *Exhibit E [the Inventory and Appraisal]* are assets held in the Trust, and are under the control of the Petitioner as Trustee of the Trust;
- The Trustor's Last Will and Testament (*copy attached as Exhibit F*) provides that Trustor's entire estate shall go to the Trustee of the Trust, and further that his entire estate shall be added to, administered and distributed as part of that Trust, according to the terms of the Trust.

Petitioner prays for an Order that the property described on *Exhibit E [the Inventory and Appraisal]* is held in the Trust and is subject to the management and control of **DAVID MONTGOMERY as Trustee of the **WAYNE ALLEN ROBBINS 2007 REVOCABLE LIVING TRUST established 4/17/2007**.**

Declaration of Gary L. Winter in Support of Petition to Confirm Trust Assets filed 5/10/2013 states:

- He is counsel for **MYRNA M. BOWMAN**, as Conservator of his Person and Estate of Wayne Allen Robbins, Jr., Conservatee, Case # 11CEPR00750;
- On 7/3/2012, Conservatee was deceased;
- On 2/14/2013, he filed a *First Account and Second and Final Account and Report of Conservator of the Person and Estate [etc.]* as counsel for Conservator; on 3/21/2013, this Court approved the petition to close the Conservatorship, and on 4/3/2013 executed an Order which required the estate of the Conservatee to pay **\$6,839.94** to the Conservator; **\$514.29** to the Law Offices of Barrus & Roberts; **\$660.00** to Edward Fanucchi as counsel for Conservatee; **\$5,037.50** to Jeffrey S. James, CPA; and **\$11,376.14** to his office for legal services rendered to Conservator for the benefit of Conservatee's estate;
- The only remaining asset of the Conservatee's estate from which to pay fees are Vanguard Funds; the Vanguard accounts were listed on the *Inventory and Appraisal* as of the date of Conservator's appointment and as of the date of death of Conservatee;
- Post-appointment, the Vanguard Accounts were transferred to and titled in the name "Wayne A. Robbins Under Cons."
- Conservator has been in possession of a checkbook for Vanguard that she believed she could write checks to the parties entitled to fees out of the Vanguard Accounts; however, on 4/3/2013, Conservator contacted Vanguard by phone and was informed that the checkbook was for an old account, not the Vanguard Accounts, and was not usable;
- On 3/28/2013, David Montgomery (Petitioner) as Successor Trustee filed a Petition for Order Confirming that Property is a Trust Asset under Probate Code § 850 so that Conservator could deliver assets to the Trustee, and the Conservatee's estate could be settled through trust administration rather than through probate;

~Please see additional page~

Declaration of Gary L. Winter in Support of Petition filed 5/10/2013, continued:

- On 4/3/2013, he participated in a telephone call with Conservator and Vanguard informing them of the Court's order and requesting the sale of enough stock in the Vanguard Accounts to cover outstanding fees that Conservator had been ordered to pay; he was informed that Vanguard would be transferring the matter to a different group internally because the Conservatee was deceased; on 4/5/2013, he sent correspondence to Vanguard with a certified copy of the Court's order with the request for immediate sale of enough stock to pay fees; he has received no written response to this letter;
- On 4/29/2013, his assistant contacted a representative at Vanguard who informed his assistant that Vanguard had not and would not comply with the Court's Order because the Vanguard Accounts were beneficiary Individual Retirement Accounts and Conservator was not a named beneficiary; Vanguard would not reveal who the beneficiaries were;
- Accordingly, an issue has arisen as to the property destination for the Vanguard Accounts and who has the authority to liquidate stock to cover court-ordered fees;
- He submits this Declaration in Support of David Montgomery's *Petition* because he believes the Vanguard Accounts were an asset of the Conservatee, and should now be directed to Conservatee's Trust so that the Trustee can comply with the Court's Order in the Conservatorship and pay the outstanding fees and expenses of the Conservatorship;
- The Conservatee intended for the Vanguard Accounts to be subject to the Trustee's control because:
 - (1) The Vanguard Accounts are specifically described on Schedule A of the Trust, and such description includes the account numbers and ticker symbols of all Conservatee's Vanguard Funds;
 - (2) On 4/17/2007, Conservatee executed a pour-over Will directing the residue of his entire estate to the Trust; and
 - (3) Article Two of the Trust provides that "(a)ll property subject to this instrument from time to time, including the property listed on Schedule A, is referred to as the trust estate and shall be held, administered and distributed according to this instrument;
- Article Four (B) provides: "(a)fter the Trustor's death, the Trustee may pay out of the trust estate the Trustor's last illness and funeral expenses, debts, and the expenses of administration of the Trustor's probate estate."
- The fact that there may be named beneficiaries of the Vanguard Accounts should not prevent the Court from approving the instant Petition to Confirm Trust Assets;
- The beneficiary may actually be the Trustee; even if the beneficiary is not the Trustee, the Court has the authority to override a beneficiary designation and confirm the Vanguard Accounts are Trust assets [citation omitted]; here, we have more than just a general assignment to show Conservatee's intent to subject the Vanguard Accounts to Trustee's direction and control; we have a specific reference to the Vanguard in Schedule A, including the account numbers and ticker symbols;
- He believes the facts, the record, and the law support that the Vanguard Accounts were intended to be Trust assets and subject to the Trustee's control;
- It was not retitled to the name of the Trust upon the making of the Trust for reasons we do not know, but we can be certain that the Conservatee intended it to be subject to the direction and control of Trustee and the Trustee has power to pay and should pay, the expenses of Conservatee's estate in compliance with the Court's Order in that case;
- The Court should confirm the Vanguard Accounts and other assets of Conservatee's estate so that Conservatee's wishes may be carried out and the final expenses of Conservatee's estate be promptly paid.

~Please see additional page~

NEEDS/PROBLEMS/COMMENTS, continued:

Note re Assets: *Corrected Inventory and Appraisal* filed in the Decedent's Conservatorship (Case #11CEPR00750) on 11/9/2012 contains the same assets as the *Final Inventory and Appraisal* marked "Reappraisal for Sale" filed in the Conservatorship Case on 2/14/2013 (attached as *Exhibit E* to the instant *Petition*), both of which include the Vanguard Funds as assets of the Conservatorship. (An *Inventory and Appraisal* had been filed on 4/11/2012, which contained defects requiring the corrected one to be filed; for purposes of showing continuity, it is noted that the defective *Inventory and Appraisal* also contains the same assets which includes the Vanguard Funds.) Additionally, *Schedule A* of the **WAYNE ALLEN ROBBINS 2007 REVOCABLE LIVING TRUST** lists the Vanguard Fund Accounts under the heading "Investments," and states under the heading "Miscellaneous" that any and all stock brokerage, and other financial securities accounts of any kind, and any and all stocks, bonds and other securities of any kind, constitutes the Trust estate.

1. Paragraph 8 of the *Petition* states the relationships of the Trust beneficiaries to the Trustor are set forth; however, no relationships are provided. In addition, the *Petition* does not state whether there are other persons entitled to notice pursuant to Probate Code § 17203(b).
2. *Proof of Service by Mail* of the *Notice of Hearing* filed 4/2/2013 shows **DANA RUTH ROBBINS**, minor beneficiary, and **DANIEL WAYNE ROBBINS**, adult beneficiary, were sent notice C/O another person. CA Rule of Court 7.51(d) requires notice to a minor be sent directly to the minor, and a separate copy of the notice must be sent to the person having legal custody of the minor, with whom the minor resides. Further, notice sent by mail must be mailed individually and directly to the person entitled to notice pursuant to CA Rule of Court 7.51(a)(1) and (2). Court may require direct notice to these beneficiaries. (Note: Six of the nine beneficiaries were sent notice to the same address in Virginia.)

DOD: 12-14-06	JOANNE MILLER , sister, was appointed Administrator without bond and Letters were issue on 07/17/07.	NEEDS/PROBLEMS/COMMENTS:
	Inventory & Appraisal - \$185,000.00 filed 07/09/07.	<u>Continued from 6-27-12, 8-31-12, 10-26-12, 1-25-13, 4-25-13</u>
Cont. from 062712, 083112, 102612, 012513, 042513	The Court set a status hearing for 6/27/12 and notice was mailed to Joanne Miller and Attorney Philip Flanigan on 05/15/12.	Minute Order 4-25-13: Counsel informs the court that the property is vacant and completely vandalized.
Aff.Sub.Wit.	Declaration of Philip Flanigan and Status Report filed 10/25/12 states: the personal representative, Joanne Miller, is frail and has not been able deal with the sole asset of the estate, real property located at 638 N. Fisher in Fresno. The property is in very poor condition and has been vandalized. Despite the I&A reflecting estate assets of \$185,000.00, the property is presently worth very little and the only offer received for the property has been \$20,000.00. There is a mortgage from the City of Fresno in the amount of \$40,000.00 on the property. There is also a lien by the Department of Health against the estate. Thus there is no equity in the property and no desire on the part of the personal representative to continue spending money on probate proceedings. Mr. Flanigan states that he is currently attempting to elicit an offer to purchase the property and is in the process of negotiating the liens in order to allow the property to be sold, counsel to recoup some fees and costs and to allow the probate to close. If however, the liens cannot be negotiated then counsel will seek to withdraw from the matter and the City of Fresno can foreclose.	<u>Nothing further has been filed.</u>
Verified		Note: The Administrator, sister of the decedent, resides in Battleground, Washington.
Inventory		Note: There are two creditor's claims: - City of Fresno \$40,755.99 - DHS \$76,161.31
PTC		Note: The real property is a small residence located at 638 N. Fisher (First/Belmont) was appraised at \$185,000.00 as of the decedent's date of death 12-14-06.
Not.Cred.		1. Need First Account and/or Petition for Final Distribution.
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	The personal representative is the sole heir and there are no other claims superior to those of the city and state. Counsel requests a 90 day continuance to attempt to work out a resolution or to file a Petition to close the Probate proceedings.	
	Declaration of Philip Flanigan filed 4-11-13 states after negotiating an agreement with the City on their lien on the property, the undersigned has a real estate agent attempting to elicit an offer. Multiple attempts to contact the administrator have been done via telephone messages, email, and regular mail, but there has been no response from Ms. Miller, and no purchasers interested in the property. The Personal Representative is the sole heir of the decedent and there are no other claims superior to those of the City and the State. Counsel respectfully requests continuance of an additional 120 days to file a petition to close the Probate after the property is sold.	
		Reviewed by: skc
		Reviewed on: 5-13-13
		Updates:
		Recommendation:
		File 11 - Murchison

Petition for Appointment of Temporary Guardian of the Person (Prob. C. 2250)

Age: 1		<p><u>TEMPORARY EXPIRES 05/16/2013</u></p> <p><u>GENERAL HEARING 07/02/2013</u></p> <p>Father: STEVEN RODRIGUEZ</p> <p>Mother: MARIA TORRES</p> <p>Paternal Grandfather: Juan Rodriguez Paternal Grandmother: Thelma Rodriguez</p> <p>Maternal Grandfather: Edgar Magadan Cisneros</p> <p>Petitioner states: that her daughter, the child's mother, is fourteen years of age. The mother was 13 when she gave birth. The father was incarcerated for having sex with a minor but was released and on probation. On 04/12/2013 the mother went for a walk with the child and never returned. The authorities are actively looking for them but have not located them. Law enforcement suggested petitioner obtain guardianship of her grandson. When the child was in the petitioner's home she was his caregiver. Petitioner is requesting immediate guardianship so that she can pick the child up as soon as he is found.</p> <p>Attached to the Petition is a flyer from Missing and Exploited Children listing the mother as an endangered runaway and states that there is a felony warrant out for the father, Steven Rodriguez.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of personal service five (5) 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: <ul style="list-style-type: none"> • Steven Rodriguez (Father) • Maria Torres (Mother) 3. The Duties and Liabilities filed 05/02/2013 failed to include the signature page. 4. Signature on the general petition does not appear to be the original.
Cont. from			
Aff.Sub.Wit.			
✓ Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg	x		
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.	x		
✓ Conf. Screen			
Letters			
✓ Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order	n/a		
Aff. Posting			
Status Rpt			
✓ UCCJEA			
Citation			
FTB Notice			
		<p>Reviewed by: LV</p> <p>Reviewed on: 05/13/2013</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 12 – Torres</p>	