



## 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.

Attorney Catherine A. Amador (for Linda K. Babcock)

**First and Final Account and Report of Conservator; Petition for Allowance of Fees to Attorney for Conservator; Petition for Distribution**

<b>DOD: 2/22/2014</b>	<b>LINDA K. BABCOCK</b> , daughter of Conservatee's wife and Conservator of the Estate appointed on 3/22/2012, is Petitioner.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Continued from 4/18/2016.</b> Minute Order states counsel is to properly notice the Veterans Administration. (Note: Proper notice was served.)</p> <p><b>Note:</b> Court will set status hearing as follows:</p> <ul style="list-style-type: none"> <li><b>Thursday, June 16, 2016, at 9:00 a.m. in Dept. 303</b> for the filing of receipt from the Executor of the Estate of Robert J. Johansen for distribution of conservatorship funds.</li> </ul> <p>Pursuant Local Rule 7.5, if the document noted above is filed 10 days prior to the dates listed, the hearing will be taken off calendar and no appearance will be required.</p>
<b>Cont. from 041816</b>	<b>Account period: 3/1/2012 - 9/30/2015</b>	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	Accounting - <b>\$164,171.33</b>	
<input checked="" type="checkbox"/> <b>Verified</b>	Beginning POH - <b>\$ 72,815.59</b>	
<input type="checkbox"/> <b>Inventory</b>	Ending POH - <b>\$ 10,573.92</b> (all cash)	
<input type="checkbox"/> <b>PTC</b>	Conservator - <b>\$2,700.00</b> (for 5 hours per month @ \$15/hour; for care prior to move and assistance with move to assisted living; for paying monthly bills; sale of personal property no longer needed; securing Veteran's benefits payments for Conservatee;)	
<input type="checkbox"/> <b>Not.Cred.</b>		
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>	Attorney - <b>\$11,616.25</b> (partially paid; \$1,532.04 remains to be paid) (per Declaration filed 3/9/2016 for [un-totaled sum of hours] at \$275/hr for services including ex parte petition for temporary conservator, efforts to provide care to Conservatee and his wife at home, coordination with court-appointed counsel including Stipulation; sum of \$9,977.21 was previously paid by Conservator due to error to prevent billing and payment; <b>\$1,532.04</b> balance remains to be paid;)	
<input checked="" type="checkbox"/> <b>Aff.Mail</b>		
<input type="checkbox"/> <b>Aff.Pub.</b>		
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<input type="checkbox"/> <b>Pers.Serv.</b>		
<input type="checkbox"/> <b>Conf. Screen</b>		
<input type="checkbox"/> <b>Letters</b>		
<input type="checkbox"/> <b>Duties/Supp</b>		
<input type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>		
<input type="checkbox"/> <b>CI Report</b>		
<input type="checkbox"/> <b>9202</b>	Bond - <b>\$127,600.00</b>	
<input checked="" type="checkbox"/> <b>Order</b>	<b>Petitioner states</b> she proposes to reimburse the Conservatee's account in the amount of <b>\$6,099.95</b> for expenses that should have been paid from the Estate of <b>FAY JOHANSEN</b> (Conservatee's predeceased wife) for expenses for the home belonging to Conservatee's wife.	
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>		
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>	<b>Petitioner requests</b> the Court direct all remaining assets [of ~\$6,341.88 plus \$6,099.95 for a total of <b>\$12,441.83</b> ] be distributed to the Conservatee's Executor to be distributed according to his Will.	

**4 Jennifer Roberts (Special Needs Trust) Case No. 12CEPR00751**

Attorney Teixeira, J. Stanley (for Christina Roberts – Trustee)

Probate Status Hearing Re: Filing of Second Account

		NEEDS/PROBLEMS/COMMENTS:
		<b><u>OFF CALENDAR.</u></b>
		<b><u>Second filed 05/05/2016.</u></b>
		<b><u>Hearing is set for 06/16/2016.</u></b>
Cont. from		
Aff.Sub.Wit.		
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Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		Reviewed by: LV
Status Rpt		Reviewed on: 05/11/2016
UCCJEA		Updates:
Citation		Recommendation:
FTB Notice		File 4- Roberts

**Status RE: Settlement Proceeds**

	<b>LISA MEGERDICHIAN</b> , Sister, is Conservator with bond of \$115,000.00.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
	Conservator's Second Account Current was settled on 4/11/16. On that date, the Court waived future accounts, and Mr. Matlak represented that litigation was pending, and the Court set this status hearing re settlement proceeds.	
<b>Aff.Sub.Wit.</b>	<p><b>Status Report filed 5/5/16 states</b> this declaration is in support of the ruling made on 4/11/16 that the conservator does not need to present future accounts as long as the total net value of the estate is less than \$15,000, the income of the estate each month, exclusive of public benefit payments, is less than \$2,000, and all income if not retained is spent for the benefit of the Conservatee.</p> <p>It has been determined that the cash personal injury settlement awarded to Conservatee by and through his Guardian ad Litem, Lisa Megerdichian, in the approximate amount of \$176,000 will be paid to a special needs trust that will be established for his benefit. The petition is being prepared and will be filed within a few weeks.</p>	
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<b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
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<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
		<b>Reviewed by:</b> skc
		<b>Reviewed on:</b> 5/11/16
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 6- Assadourian</b>

<b>DOD: 12/03/2013</b>	<p><b>LINDA GREEN</b>, daughter, was appointed Executor with full IAEA authority without bond on 01/07/2015.</p> <p>Letters issued on 01/07/2015.</p> <p>Partial Inventory and Appraisal No. 1 filed 05/12/2015 shows an estate valued at \$103,200.30.</p> <p>Final Inventory and Appraisal filed 07/07/2015 shows an estate valued at \$14,241.17.</p> <p>Minute Order of 01/07/2015 set this matter for the filing of the Inventory and Appraisal.</p> <p><b>Status Hearing Report filed 03/03/2016 (for 03/07/2016 hearing)</b> states the decedent's residence sold, and her savings bonds have been sent off to the Treasury to be liquidated and are awaiting funds to be directly deposited into the estate account. The last remaining issue is the set up for the scholarship at San Jose State per the Decedent's will. The Decedent stated in her will that the scholarship was to go to a woman, but state universities are prohibited under Prop 29 from having specific criteria on the basis of age, gender, ethnicity or race. Attorney Horton has been working with the Associate Vice President of Development at San Jose State to fix this issue so that the gift to San Jose State would not lapse. The beneficiaries of the estate have all agreed and will sign a formal Agreement to modify the requirements of the scholarship so that it would not be prohibited, but Attorney Horton is in the process of getting the agreement language approved by San Jose State before everyone can sign. This will be the last thing needed for the final accounting and petition for distribution, as the estate cannot be closed until the agreement is signed.</p> <p>Ms. Horton asks that this matter be continued out for 60 days for further status.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Minute Order of 03/07/2016: Counsel requests 60 days.</b></p> <p>1. Need First Account or Petition for Final Distribution or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.</p>
<b>Cont. from 030716</b>		
<b>Aff.Sub.Wit.</b>		
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<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
		<b>Reviewed by: LV</b>
		<b>Reviewed on: 05/11/2016</b>
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 7- Green</b>

**8 Terrence Blair (Estate)**

**Case No. 14CEPR01057**

Attorney Kruthers, Heather H (for Public Administrator)

Probate Status Hearing RE: Filing of the First or Final Account

		<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b><u>OFF CALENDAR.</u></b>  <b><u>Order Settling First and Final Account filed on 02/03/2016.</u></b></p>
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Duties/Supp		
Objections		
Video Receipt		
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UCCJEA		
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FTB Notice		
		Reviewed by: LV
		Reviewed on: 05/11/2016
		Updates:
		Recommendation:
		File 8- Blair

DOD: 11/28/2014		NEEDS/PROBLEMS/COMMENTS:
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		Reviewed on: 05/11/2016
		Updates:
		Recommendation:
		File 9- Costi

Petitioner Cumbry, Adrian (Pro Per – Father)

Petition for Termination of Guardianship

<b>Age: 4</b>		<p>ADRIAN CUMBRY, father, is petitioner.</p> <p><u>Please see petition for details</u></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <ol style="list-style-type: none"> <li>1. Need Notice of Hearing.</li> <li>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 for Guardianship for: <ul style="list-style-type: none"> <li>• Richard Berry Myles, Sr. (Guardian)</li> <li>• Lela Nicole Myles (Mother)</li> <li>• Mr. Crumby (Paternal Grandfather)</li> </ul> </li> </ol>				
<b>Cont. from</b>							
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✓	<b>Verified</b>						
	<b>Inventory</b>						
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	<b>Not.Cred.</b>						
	<b>Notice of Hrg</b>			x			
	<b>Aff.Mail</b>			x			
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	<b>Objections</b>						
	<b>Video Receipt</b>						
✓	<b>CI Report</b>						
	<b>9202</b>						
✓	<b>Order</b>						
	<b>Aff. Posting</b>						
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<b>Reviewed by:</b> LV							
<b>Reviewed on:</b> 05/11/2016							
<b>Updates:</b>							
<b>Recommendation:</b>							
<b>File 10- Cumbry</b>							

**First and Final Account and Report of Administrator and Petition for Its Settlement, for Confirmation and Approval of Acts of Representative, for Allowance of Compensation to Personal Representative and Attorney for Ordinary and Extraordinary Services; and for Final Distribution**

<b>DOD: 4/29/88</b>	<b>EVELYN S. DICKENS</b> , Administrator with Full IAEA with bond of \$60,000.00, is Petitioner.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. Need waiver from Ms. Pierce for rejected amount of claim filed 7/16/15.</p>
<b>Conf. from 041116</b>	<p><b>Account period: 5/4/15 – 2/19/16</b>            Accounting: \$50,000.00            Beginning POH: \$12,500.00            Ending POH: \$21,363.50 (cash)</p>	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	Administrator (Statutory): \$1,600.00	
<input checked="" type="checkbox"/> <b>Verified</b>	Administrator (Extraordinary): \$1,800.00 (for 60 hours @ \$30/hr for work in connection with the clean-up of the real property)	
<input checked="" type="checkbox"/> <b>Inventory</b>	Attorney (Statutory): \$1,600.00 (\$161.00 was paid by Lillian Pierce and reimbursed to her from the estate; therefore, \$1,438.40 remains due.)	
<input checked="" type="checkbox"/> <b>PTC</b>	Attorney (Extraordinary): \$2,520.00 (\$2,120.00 for 11.5 hours @ \$200/hr in connection with locating the numerous beneficiaries and sale of the real property, plus \$400 paid by Lillian Pierce in connection with legal services for distribution options, described in Amendment)	
<input checked="" type="checkbox"/> <b>Not.Cred.</b>	Costs: \$200.26 (photocopies, postage – more than 10 entitled to notice)	
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>	Closing: \$355.04	
<input checked="" type="checkbox"/> <b>Aff.Mail</b> <span style="float:right">w</span>	Petitioner states \$2,100.00 was paid to George Dickens, Petitioner's husband, who was hired to help clean up and repair the real property including electrical, plumbing, and handyman work. George is retired from Cloverdale Unified School District where he performed maintenance for over 20 years including electrical, plumbing, carpentry, locksmith, yardwork, and other misc. work. Prior to that he was an electrician for 30 years. George put in over 60 hours at a rate of \$35/hr. The property was in such a state of disrepair that it would have been difficult to get anyone else to clean it up without charging more. See itemization at Attachment 2.	
<input type="checkbox"/> <b>Aff.Pub.</b>	Petitioner states the real property valued at \$12,500.00 was sold for \$40,000.00 for a gain of \$27,500.00.	
<input type="checkbox"/> <b>Sp.Ntc.</b>		
<input type="checkbox"/> <b>Pers.Serv.</b>		
<input type="checkbox"/> <b>Conf. Screen</b>		
<input checked="" type="checkbox"/> <b>Letters</b> 5/4/15		
<input type="checkbox"/> <b>Duties/Supp</b>		
<input type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>		
<input type="checkbox"/> <b>CI Report</b>		
<input checked="" type="checkbox"/> <b>9202</b>		
<input checked="" type="checkbox"/> <b>Order</b>		
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>		
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input checked="" type="checkbox"/> <b>FTB Notice</b>		

**SEE PAGE 2**

## Page 2

Petitioner states she obtained a low-interest loan in the amount of \$10,000.00 from Chase Bank in order to pay for expenses incurred in order to probate the estate and prepare the property for sale. Petitioner was not in a position to finance the probate costs and property cleanup and repair and the loan made it possible to liquidate the property for maximum value.

Petitioner states a creditor's claim for \$1,512.40 was filed by Lillian Pierce in connection with payment of certain expenses. \$1,106.60 was allowed and paid, and the remainder rejected; Allowance will be filed prior to hearing, along with waiver for the amount rejected.

**Distribution pursuant to intestate succession and Probate Code §13100 is as follows:**

Living children of Decedent:

- Lillian Elizabeth Pierce: \$2,769.97 (20%)
- Shirley M. Driskill: \$2,769.97 (20%)

Heirs of Woodie Wilson, post-deceased daughter, per §13100:

- Annette M. Magouals: \$692.49 (5%)
- Inez Claudette Tenter: \$692.49 (5%)
- Mervyn Lee Wilson: \$692.49 (5%)
- Evelyn Sue Dickens: \$692.49 (5%)

Issue of Marion Anderson, pre-deceased son:

- Renee Lynn Anderson Eddy: \$553.99 (4%)
- Heir of Ralene Suzette Anderson: Kelli Marie Daniels: \$553.99 (4%) (per §13100)
- Teri L. Anderson Camara: \$553.99 (4%)
- Timothy A. Anderson: \$553.99 (4%) (payable to Fresno County Treasury pursuant to Probate Code §11850)
- Heirs of Trinia Anderson Van Arsdale, post-deceased granddaughter of Decedent, per §13100:
  - Christopher Van Arsdale (Trinia's husband): \$184.66 (1.34%)
  - Jeffrey Van Arsdale (Trinia's minor son): \$184.66 (1.34%) (payable to Christopher Van Arsdale to hold in trust for minor under CUTMA)
  - Patricia Van Arsdale (Trinia's adult daughter): \$184.66 (1.34%)

Heirs of Travis Anderson, post-deceased son, per §13100:

- Cindy Anderson (Travis' daughter): \$923.32 (6.66%)
- Michael Anderson (Travis' son): \$923.32 (6.66%)
- Mark Anderson (Travis' son): \$923.32 (6.66%)

**12 In Re: The Restated Campbell Family Trust Case No. 15CEPR00474**  
**Attorney Schorling, Douglas D. (for Kevin S. Campbell – Beneficiary – Petitioner)**  
**Attorney Roberts, Gregory J. (for Billie J. Campbell – Trustee – Respondent)**  
**Petition to Compel Trustee to Account**

<b>Jerry W. Campbell</b> <b>DOD: 8/4/00</b>	<b>KEVIN S. CAMPBELL</b> , Beneficiary, is Petitioner.	<b>NEEDS/PROBLEMS/</b> <b>COMMENTS:</b>
	Petitioner he is a beneficiary of <b>The Restated Campbell Family Trust</b> (The Trust) executed by <b>JERRY W. CAMPBELL and BILLIE J. CAMPBELL</b> on 3/16/95. The trust provides that upon the death of the first Trustor, the trust estate is to be divided into three trusts: Trust A, the Jerry W. Campbell Family Trust; Trust B, the Billie J. Campbell Family Trust; and Trust C, the Campbell QTIP Trust	<b>Minute Order 1/4/16: Counsel</b> requests an additional 4 mos.
<b>Cont from: 062215, 070615, 081715, 101915, 010416</b>	The Trust appoints <b>BILLIE J. CAMPBELL</b> as trustee of all three trust, and appoints the trustors' two sons, <b>RANDALL D. CAMPBELL (DOD 1/4/07) and RICKY D. CAMPBELL (DOD 4/20/09), and DAVID ASH</b> as successor co trustees. As a result of the deaths of Randall D. Campbell and Ricky D. Campbell, David Ash is the sole successor trustee.	<b>As of 5/11/16, nothing further</b> has been filed.
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>		<b>The following issues remain noted in connection with this petition:</b>
<input checked="" type="checkbox"/> <b>Verified</b>	It is unclear to Petitioner whether Billie J. Campbell is still the trustee of the trusts. It is possible that she has resigned or has appointed David Ash as a co-trustee.	<ol style="list-style-type: none"> <li><b>Petitioner provides names and addresses of the "other beneficiaries;" however, Probate Code §17201 requires the petition to list of each person <u>entitled to notice</u>. Need complete list of each person entitled to notice in this proceeding, including Petitioner's own information.</b></li> </ol>
<input type="checkbox"/> <b>Inventory</b>		<ol style="list-style-type: none"> <li><b>Notice of Hearing filed 6/3/15 indicates service mailed on July 29, 2015. Need amended Notice of Hearing reflecting the correct service date.</b></li> </ol>
<input type="checkbox"/> <b>PTC</b>		<b>Reviewed by: skc</b>
<input type="checkbox"/> <b>Not.Cred.</b>		<b>Reviewed on: 5/11/16</b>
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>		<b>Updates:</b>
<input checked="" type="checkbox"/> <b>Aff.Mail</b> <span style="float:right">W</span>		<b>Recommendation:</b>
<input type="checkbox"/> <b>Aff.Pub.</b>		<b>File 12- Campbell</b>
<input type="checkbox"/> <b>Sp.Ntc.</b>		
<input type="checkbox"/> <b>Pers.Serv.</b>		
<input type="checkbox"/> <b>Conf. Screen</b>		
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<input type="checkbox"/> <b>Duties/Supp</b>		
<input checked="" type="checkbox"/> <b>Objections</b>	The trustors are also the trustors of <b>The Jerry W. Campbell and Billie J. Campbell Irrevocable Trust dated 3/28/91. DAVID ASH</b> is the trustee of the Irrevocable Trust.	
<input type="checkbox"/> <b>Video Receipt</b>		
<input type="checkbox"/> <b>CI Report</b>		
<input type="checkbox"/> <b>9202</b>	Petitioner believes it is possible that Billie J. Campbell and David Ash have commingled assets between the Trust and the Irrevocable Trust.	
<input checked="" type="checkbox"/> <b>Order</b>		
<input type="checkbox"/> <b>Aff. Posting</b>	Paragraph 2.1 of Section V of the Trust specifically requires the trustee to account. Neither Billie J. Campbell nor David Ash has made any report of information about the Trust nor any account of the Trust.	
<input type="checkbox"/> <b>Status Rpt</b>		
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>	On 8/28/14, Petitioner mailed by certified mail a written demand for documentation including annual accountings, information under Probate Code §16060, 16061, 16060.7.	
<input type="checkbox"/> <b>FTB Notice</b>		
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<input type="checkbox"/> <b>Status Rpt</b>		
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		
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<input type="checkbox"/> <b>Status Rpt</b>		
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<input type="checkbox"/> <b>Status Rpt</b>		
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		

## Page 2

**Petitioner states** the trustee has failed and refused to prepare and provide Petitioner with the requested account and has failed and refused to Provide Petitioner with any of the requested information and documentation. In addition, the Trustee never provided Petitioner with the required notice under §16061.7 upon the death of Jerry W. Campbell.

Attached to the petition are the Exhibit A – Restated Campbell Family Trust dated 3/16/95, Petitioner's Letter dated 8/28/14, and the certified mail return receipt for the Letter.

**Petitioner prays for an order:**

1. Compelling Billie J. Campbell and/or David Ash to prepare and file with this Court an account of the Trust since its commencement on 3/28/91, including copies of any and all documents that support, substantiate, or evidence any item set forth in the accounting. See petition for specifics re requested documentation;
2. Instructing Billie J. Campbell and/or David Ash to petition this Court for the settlement of the account and give notice of hearing on the petition;
3. Compelling Billie J. Campbell and/or David Ash to provide Petitioner with all information necessary under §06060 to keep the beneficiaries reasonably informed of the trust and its administration;
4. Compelling Billie J. Campbell and/or David Ash to provide Petitioner with information under §16061 to report to the beneficiary by providing the requested information relating to the administration of the trust relevant to the beneficiary's interest;
5. Compelling Billie J. Campbell and/or David Ash to provide Petitioner with the terms of the Trust, as required by §16060.7;
6. For such attorney fees and costs as may be allowable by law; and
7. For all other orders the court deems proper.

**Response filed 6/8/15 by BILLIE J. CAMPBELL states:**

- Respondent is the sole beneficiary and currently acting sole trustee of Trust B with power to amend and/or revoke Trust B, and as trustee, no duty to account to any other person of the financial transactions of Trust. B.
- No Trust C (QTIP Trust) was established pursuant to the death of Jerry W. Campbell as the trust had insufficient assets to require such establishment.
- Trust A was not subdivided into "Exempt Family Trust A" and "Non-Exempt Family Trust A" because there were no generation-skipping issues which would require such subdivision. Respondent is the lifetime sole beneficiary of Trust A and unless as trustee she determines to make discretionary distributions to others, the lifetime sole principal beneficiary of Trust A, the intention of Jerry W. Campbell being to provide first for the needs of his surviving spouse (see Trust). There is no distribution of Trust A assets required to be made to any beneficiary other than Respondent until Trust A is divided into separate shares upon her death.

**SEE ADDITIONAL PAGES**

**Respondent states** the duty of the trustee to account is to the beneficiaries of "their trust." Until the death of Respondent, no trusts are established for any beneficiaries other than Respondent. Consequently, Trustee currently has no duty to account to anyone other than Respondent of the transactions of any trust established under the Restated Campbell Family Trust.

To Respondent's belief, the administration of the Irrevocable Trust, of which Respondent was not a trustee, has been concluded.

Respondent has had to retain counsel to file this response and asks the Court to order Petitioner to reimburse the costs and fees incurred, as proven upon subsequent declaration of Gregory J. Roberts.

**Respondent prays for an order:**

1. That Respondent is the sole beneficiary of Trust B entitled to an accounting;
2. That Respondent was never a trustee of the Irrevocable Trust and has no obligation to account or participate in any accounting;
3. That Petitioner shall reimburse Respondent for the costs and attorney's fees she has incurred; and for
4. Such other and further relief as the Court deems proper.

**Examiner's Note: The Irrevocable Trust is not before the Court at this time; therefore, the Court cannot make orders regarding Respondent's obligations in connection with the Irrevocable Trust.**

**Declaration of Douglas D. Schorling in Response to Response to Petition to Compel Trustee to Account filed 6/29/15 states** under Probate Code §24, a "beneficiary" as it relates to a trust means a person who has any present or future interest, vested or contingent. Petitioner is clearly a beneficiary and is entitled to all of the rights granted to a beneficiary under the Probate Code. In her response, the trustee admits that Trust A is irrevocable, but take the position that the trustee has no duty to account because she is still alive. Not only is the trustee's position contrary to California law, it also ignores the fact that Petitioner has requested more than an accounting. Petitioner has requested the information to which he is entitled pursuant to §16060, 16060.7, 16061, and 16061.5. The trustee has also failed to provide notification as required by §16061.7 and is therefore liable under §16061.7 for all damages, attorney's fees, and costs caused by that failure. See declaration for authority. Declaration states Petitioner is entitled to the relief requested in the petition.

Petitioner is also sensitive to the fact that the trustee, who is his grandmother, apparently feels burdened by Petitioner's requests. Consequently, Attorney Schorling has advised counsel for the trustee that Petitioner is willing to forego an official accounting if the trustee is willing to provide the other information and documentation requested. To the extent any of the requested information is also available to third parties, such as financial institutions, the trustee is free to have the information provided directly to petitioner by such third parties rather than providing herself.

**Status Report filed 12/30/15 by Petitioner Kevin S. Campbell states** the CPA engaged by Petitioner to review the provided information, Claudia Stanley, CPA, has now had an opportunity to review the information and has prepared a letter outlining her findings and detailing additional information needed to complete her review of the trust activity. See Exhibit A. This letter has been provided to Mr. Roberts for review and reply. The parties have been working cooperatively and amicably to bring this matter to a mutually satisfactory conclusion. To allow the trustee sufficient time to produce the additional information needed by Ms. Stanley, Petitioner requests continuance of an additional 90-120 days.

Attorney Alan D. Khalfin, of Burlingame (for George E. Berz, Executor)

Waiver of Final Account of Executor and Petition for Final Distribution, and for Allowance of Statutory and Extraordinary Compensation

<b>DOD: 10/18/2008</b>		<b>GEORGE E. BERZ</b> , son and Executor, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b> 1. Probate Code § 9250 and CA Rule of Court 7.401 require each creditor's claim received by the court to be allowed or rejected and a copy of the allowance or rejection to be filed with the court. Court may excuse the filing of an Allowance of Creditor's Claim form for the claim filed 11/23/2015 by r in the amount of <b>\$14,701.21</b> pursuant to Probate Code §§ 9250(e) and 9154. However, Court may require a satisfaction and release of this creditor's claim to be filed with the Court to confirm payment of the claim prior to distribution of the estate.  2. <i>Statement of Extraordinary Services</i> attached to <i>Declaration</i> filed 5/2/2016 contains an incorrect total for the extraordinary fees of <b>\$1,445.00</b> . Correct calculation of itemized extraordinary fees is <b>\$1,369.65</b> . Need clarification and/or corrected request, and/or revised distribution amounts to beneficiaries.  3. <i>Petition</i> does not address the issue of statutory compensation for the Petitioner provided for under Probate Code §§ 10800 and 10810, and whether Petitioner waives such compensation.
		Accounting is waived.	
<b>Cont. from</b>		I & A — <b>\$226,657.01</b>	
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>	POH — <b>\$179,912.39</b> <i>(all cash)</i>	
<input type="checkbox"/>	<b>Verified</b>		
<input checked="" type="checkbox"/>	<b>Inventory</b>	Executor — <b>?</b>	
<input checked="" type="checkbox"/>	<b>PTC</b>		
<input checked="" type="checkbox"/>	<b>Not.Cred.</b>	Attorney — <b>\$3,716.00</b> <i>(less than \$7,433.14 statutory)</i>	
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>		
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>	Attorney X/O — <b>[\$1,445.00?]</b> <i>(for sale of real property; for 4.4 hours @ \$175/hour paralegal rate and 1.8 hours @ \$375/hour attorney rate;)</i>	
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input checked="" type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>	<b>Distribution pursuant to Decedent's Will is to:</b>	
<input type="checkbox"/>	<b>Letters</b>   081415	<ul style="list-style-type: none"> <li>• <b>RYAN WELLMAN</b> – 50% interest consisting of <b>[\$87,375.69] cash;</b></li> <li>• <b>KOREN KNOX</b> – 25% interest consisting of <b>[\$43,687.85] cash;</b></li> <li>• <b>GEORGE BERZ</b> – 25% interest consisting of <b>[\$43,687.85] cash.</b></li> </ul>	
<input type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input checked="" type="checkbox"/>	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
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<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		
		<b>Reviewed by:</b> LEG	
		<b>Reviewed on:</b> 5/11/16	
		<b>Updates:</b>	
		<b>Recommendation:</b>	
		<b>File 13- Berz</b>	

**Probate Status Hearing RE: Filing of the Inventory and Appraisal**

<b>DOD: 09/08/2015</b>	<p><b>DICIE WHEATON</b>, daughter, was appointed Administrator with full IAEA authority, without bond on 12/16/2015.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. Need Inventory and Appraisal or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.</p>
	<p>Letters issued on 12/18/2015</p>	
<b>Cont. from</b>	<p>Minute Order of 12/16/2015 set this Status Hearing for the filing of the Inventory and Appraisal.</p>	
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
		<b>Reviewed by:</b> LV
		<b>Reviewed on:</b> 05/11/2016
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 15- Fitzpatrick</b>

**Status RE: Filing of the Inventory and Appraisal**

<b>DOD: 6/18/15</b>	<p><b>LINDA LOUIE</b>, Sister, was appointed Administrator with Full IAEA without bond on 12/14/15 and Letters issued on 12/22/15.</p> <p>At the hearing on 12/14/15, the Court set this status hearing for the filing of the Inventory and Appraisal.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. <b>Need Inventory and Appraisal per Probate Code §8800 or written status report per Local Rule 7.5.</b></p>
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
	<p><b>Reviewed by:</b> skc</p>	
	<p><b>Reviewed on:</b> 5/11/16</p>	
	<p><b>Updates:</b></p>	
	<p><b>Recommendation:</b></p>	
	<p><b>File 16- Louie</b></p>	

**Status RE: Filing of the Inventory and Appraisal**

<b>DOD: 8/5/15</b>	<p><b>H. MICHAEL SYNN</b>, Son, was appointed Executor with Full IAEA without bond on 12/14/15 and Letters issued on 12/21/15.</p> <p>At the hearing on 12/14/15, the Court set this status hearing for the filing of the Inventory and Appraisal.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. <b>Need Inventory and Appraisal per Probate Code §8800 or written status report per Local Rule 7.5.</b></p>
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
	<p><b>Reviewed by:</b> skc</p>	
	<p><b>Reviewed on:</b> 5/11/16</p>	
	<p><b>Updates:</b></p>	
	<p><b>Recommendation:</b></p>	
	<p><b>File 17- Synn</b></p>	

Petition for Appointment of Guardian of the Person

		See petition for details.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><u>Minute Order 4/4/16:</u> Matter continued for service as to the paternal grandparents and Rachel Saenz, maternal grandfather. No further efforts need to be made to serve Israel Aguilar.</p> <p><u>Note:</u> Rachael Saenz, Mother, filed an Objection on 4/5/16.</p>	
Cont. from 032116, 040416				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail			W
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			W
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
✓	Objections			
	Video Receipt			
✓	CI Report			
✓	Clearances			
✓	Order			
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			
		Reviewed by: skc		
		Reviewed on: 5/11/16		
		Updates:		
		Recommendation:		
		File 18- Aguilar/ Saenz		

Petitioner Morris, Kevin Earl, Jr. (Pro Per Petitioner)

Objector Boust, Dale (Pro Per Objector)

## Petition for Probate of Will and for Letters Testamentary; Authorization to Administer under IAEA

DOD: 10/31/15		KEVIN EARL MORRIS, JR., is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		(Relationship stated at #3f as "Grandson – Son")	
Cont. from 030716		Petitioner states he is the named executor and requests appointment as Executor with Full IAEA without bond; however, no will is provided.	<b>Minute Order 3/7/16: Petitioner is to file and properly serve by 3/28/16 the paperwork that he is referencing in Court today.</b>
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		<b>Note: Extensive additional information was filed by Petitioner. Additional rebuttal was filed by Objector. However, no amended petition or competing petition has been filed. The following issues remain noted:</b>
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC	Full IAEA – need publication	<b>If Petitioner intends to pursue appointment as personal representative, need amended petition due to, but not limited to, the following issues:</b>
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg	Residence: Fresno Publication – need publication	<ul style="list-style-type: none"> <li>• Petitioner is not the named executor; therefore, need declination from named executor Dale Boust.</li> <li>• Petition is blank at #5a(7) and (8) re issue of predeceased child</li> <li>• Petition is blank at #8. All relatives within the second degree, all named executors and beneficiaries under the will should be listed.</li> <li>• Need bond of \$654,000 or waivers from all beneficiaries. (Petitioner is not a beneficiary under the will.)</li> <li>• Need publication.</li> <li>• Need notice to all persons that should be listed at #8.</li> <li>• The petition was filed with a fee waiver. If assets are distributed from this estate, all filing fees will be due.</li> </ul>
<input checked="" type="checkbox"/>	Aff.Mail	W	
<input type="checkbox"/>	Aff.Pub.	X	
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
<input checked="" type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order	<p>Estimated value of estate: Personal property: \$654,000.00 (cash)</p> <p>Probate Referee: Steven Diebert</p> <p><b>Objection filed 2/23/16 by Dale Boust states</b> he was chosen by his friend of about 50 years, Joe Morris, to hold his power of attorney before his death and to be his executor upon his death. A Last Will and Testament was prepared and executed on 10/21/15 while Mr. Morris was in the hospital suffering from a stroke. A mental evaluation was made by the doctor to ensure he was of sound mind at the time. The will was filed with Fresno County on 12/1/15 (copy attached to Objection).</p> <p>Objector states Petitioner Kevin Morris, Jr., a grandson of Mr. Morris, has forged checks, taken personal property, and threatened Objector and his family to the extent that Objector received a 5-year restraining order against him in 15CECG03788.</p>	
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
<b>SEE PAGE 2</b>			<b>Reviewed by:</b> skc <b>Reviewed on:</b> 5/11/16 <b>Updates:</b> <b>Recommendation:</b> <b>File 19- Morris</b>

## Page 2

Objector states the total of Mr. Morris' estate included personal property in his apartment, a checking account containing about \$85,000, and a vehicle. Upon Mr. Morris entering the hospital, Petitioner took all personal property, the vehicle, and wrote \$35,000 in forged checks. He still has the property and the car, which has been reported stolen. Of the \$35,000 checks written, \$25,000 was cashed. The bank investigated and returned \$25,000 to Joe's account and Objector is waiting to see if the fraud division prosecutes Kevin Jr.

Objector states he has waited a reasonable time to see if there are further assets and there has been no evidence of any other assets. The checking account had a Pay On Death beneficiary designation, which was Joe's brother, Wayne. The bank investigated the document and found it to be valid and paid the funds to Chester Wayne Morris in January of this year. In the investigation, there was not found any evidence of a signature card or any other document giving Kevin access to Joe's funds. Objector asked Joe in the hospital if his intention was to give Kevin, Jr., all his money and he said no.

Objector states the estate that is left to be administered consists of the value of the vehicle, about \$1,000.00. The allegation made by Kevin, Jr., of an account totaling \$654,000 is totally false and is being used as a basis for his petition. The value of the estate is so small that it did not need to be probated.

Objector states please deny his petition as it is another attempt at harassment and greed toward his grandfather. He should have been sent to jail for his actions to date.

Attached is a copy of the decedent's will dated 10/21/15 (self-proving), which original has been deposited with the Court as well as a timeline of events.

**Petitioner filed extensive documentation pursuant to Minute Order 3/7/16.** See file for details.

**Objector's Rebuttal Addendum filed 3/22/16 requests \$17,400.00 reimbursement for his time to date at \$200/hr, costs, and expenses, requests that the Court stop Kevin Earl Morris, Jr., from continuing to harass him by expanding the Restraining Order to include frivolous filings, require him to pay for the filings that he has made to date which he committed fraud to circumvent payment, and issue a judgment that requires him to turn over the auto immediately so Mr. Boust can handle it in accordance with the will.**

Petitioner Maria Cruz Almeraz Nava (Pro Per – Paternal Great-Grandmother – Petitioner)

Petition for Appointment of Guardian of the Person

		See petition for details.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><u>Note:</u> It appears all notice issues have been cured.</p>	
<b>Cont. from 040416</b>				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail			W
	Aff.Pub.			
	Sp.Ntc.			
✓	Pers.Serv.			W
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
✓	CI Report			
✓	Clearances			
✓	Order			
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: skc	
			Reviewed on: 5/11/16	
			Updates:	
			Recommendation:	
			File 20- Brown/ Haro	

**Status RE: Receipt for Blocked Account**

	<p><b>AMALIA ALVAREZ</b>, Mother, was appointed Guardian of the Estate on 4/4/16 with bond of \$422,400.00 and all funds placed into a blocked account.</p> <p><i>Note: Bond has not been filed and Letters have not yet issued.</i></p> <p><b>Minute Order 4/4/16 states:</b> The Court orders that the funds be placed into a blocked account upon receipt. This Court would be open to investment of the funds in the future, and would be looking for Counsel to provide specifications/projections with regard to the investment.</p> <p>The Court also set this status hearing for the filing of the receipt for blocked account.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <ol style="list-style-type: none"> <li><b>1. Need bond of \$422,400 per Order Appointing Guardian entered 4/4/15. (Letters can issue upon filing of bond.)</b></li> <li><b>2. Need receipt for blocked account or written status report per Local Rule 7.5.</b></li> </ol>
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
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<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
	<p><b>Reviewed by:</b> skc</p> <p><b>Reviewed on:</b> 5/11/16</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 23- Walker</b></p>	

Status RE: Receipt for Blocked Account

	<p><b>AMALIA ALVAREZ</b>, Mother, was appointed Guardian of the Estate on 4/4/16 with bond of \$102,000.00 and all funds placed into a blocked account.</p> <p><i>Note: Bond has not been filed and Letters have not yet issued.</i></p> <p><b>Minute Order 4/4/16 states:</b> The Court orders that the funds be placed into a blocked account upon receipt. This Court would be open to investment of the funds in the future, and would be looking for Counsel to provide specifications/projections with regard to the investment. The issue of bond is taken under advisement by the Court. Counsel may provide additional justification regarding the support issue in this matter.</p> <p>The Court also set this status hearing for the filing of the receipt for blocked account.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>3. Need bond of \$102,000 per Order Appointing Guardian entered 4/4/15. (Letters can issue upon filing of bond.)</p> <p>4. Need receipt for blocked account or written status report per 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: 5/11/16
		Updates:
		Recommendation:
		File 24- Abarca

Petition for Appointment of Guardian of the Person

		See petition for details.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><u>Minute Order 4/27/16:</u> The Court grants the temporary petition to preserve the status quo. Carol Secoy, mother, is to be prepared on 5/16/16 to provide information as to dates and how often visits with the minor have occurred. Written objections are to be filed and properly served at least 15 days prior to the general hearing on 5/16/16.</p> <p><u>Note:</u> As of 5/11/16, no objections have been filed.</p> <p>1. Need proof of service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing per Probate Code §1511 on:</p> <ul style="list-style-type: none"> <li>- Savannah Secoy (Sibling)</li> <li>- Candace Secoy (Sibling)</li> <li>- Joe Torres (Maternal Grandfather)</li> </ul>	
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
	Aff.Mail			X
	Aff.Pub.			
	Sp.Ntc.			
✓	Pers.Serv.			W
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
✓	CI Report			
✓	Clearances			
✓	Order			
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: skc	
			Reviewed on: 5/11/16	
			Updates:	
			Recommendation:	
			File 26- Secoy	