

Fifth Account Current and Report of Trustee and Petition for Its Settlement, and for Allowance of Trustee's Fees [Prob. C. 17200(b)(5) & (9)]

		JAMES M. BELL , Trustee, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Account period: 1-1-12 through 12-31-12	
		Accounting: \$1,139,260.80	
		Beginning POH: \$1,072,527.44	
		Ending POH: \$1,032,290.68 (\$149,834.37 cash)	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC	Trustee: \$7,950.00 (3/4 of 1% of the market value at the end of the account period, rounded)	
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail	Petitioner prays for an order:	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.	1. That the Court settle, allow and approve this account and that all acts and transactions of the Trustee relating to matters reflected in the account be ratified, confirmed and approved; and	
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections	2. Authorizing payment of trustee compensation in the sum of \$7,950.00.	
<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		
			Reviewed by: skc
			Reviewed on: 5-14-13
			Updates:
			Recommendation:
			File 1 – Funch

(1) First and Final Account and Report of Administrator and (2) Petition for Allowance of Ordinary and Extraordinary Commissions and Fees and (3) for Distribution [Prob. C. 9202; 10800; 10810; 10951; 11600; 11850(a)]

DOD: 07/23/09	PUBLIC ADMINISTRATOR , Administrator, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>CONTINUED FROM 01/23/13 and 04/03/13</p> <p>Minute Order from 04/03/13 states: Mr. Janisse informed the Court he was having a difficult time getting transcripts from the previous hearing. The court does not need transcripts.</p> <p>Minute order from 01/23/13 states: Ms. Kruthers requests a continuance to respond to the objections. The Court is informed that there are communication issues. The Court directs Mr. Janisse and Mr. Magness to contact Ms. Kruthers today to begin communication.</p> <p>As of 05/14/13, nothing further has been filed in this matter.</p> <hr/> <p>Reviewed by: JF</p> <p>Reviewed on: 05/14/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 2 - Bise</p>
	Account period: 10/16/09 – 10/10/12	
	Accounting - \$2,662,040.72	
	Beginning POH - \$2,391,992.13	
	Ending POH - \$109,170.64	
Cont. from 012313, 040313	Administrator - \$39,489.54 (statutory)	
<input type="checkbox"/> Aff.Sub.Wit.	Administrator x/o - \$27,253.92 (per itemization for 351.24 Staff hours @ \$76/hr. and 1.80 Deputy hours @ \$96/hr. for a total of \$26,867.04 for services provided in the continued management of decedent's business and \$386.88 per Local Rule for the sale of real property)	
<input checked="" type="checkbox"/> Verified	Attorney - \$39,489.54 (statutory)	
<input checked="" type="checkbox"/> Inventory	Attorney x/o - \$4,500.00 (per itemization for 30 hours @ \$150/hr. for services related to the continuation of decedent's business, litigation regarding decedent's spouse claims for support & wages, and participation in settlement negotiations)	
<input checked="" type="checkbox"/> PTC	Bond Fee - \$19,965.33 (ok)	
<input checked="" type="checkbox"/> Not.Cred.	Costs - \$690.00 (for certified copies and filing fees)	
<input checked="" type="checkbox"/> Notice of Hrg w/	Preliminary Distributions to heirs:	
<input type="checkbox"/> Aff.Mail	Jesus Esther Bise - \$1,172,877.80	
<input type="checkbox"/> Aff.Pub.	Ruth Rios - \$733,525.38	
<input type="checkbox"/> Sp.Ntc.	Petitioner states that the property on hand (\$109,170.64) is not sufficient to pay all of the fees and costs (\$133,388.33). Petitioner requests that the beneficiaries each pay ½ of the outstanding fee balance (\$22,217.69 total) \$11,108.84 each.	
<input type="checkbox"/> Pers.Serv.	Petitioner prays for an Order:	
<input type="checkbox"/> Conf. Screen	<ol style="list-style-type: none"> 1. Settling, allowing and approving the final account and all proceedings of Petitioner as Administrator be confirmed and approved; 2. Authorizing the statutory fees to the Administrator and Attorney; 3. Authorizing the extraordinary fees to the Administrator and Attorney; 4. Authorizing payment of the bond fee and costs; and 5. Directing the two beneficiaries pay the outstanding balance of fees. 	
<input type="checkbox"/> Letters 01/12/10	Continued on Page 2	
<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		

Objection to First and Final Account and Report filed 01/18/13 by Jesus Esther (Sylvia) Bise ("Objector") states:

1. **Objection 1:** Objector objects to the Administrator's request for extraordinary compensation on the grounds that it fails to comply with California Rule of Court 7.7.02. Specifically, the accounting fails to show the nature and difficulty of tasks performed, the results achieved, or the benefit of the services to the Estate. In the accounting, the Administrator states it, "provided many hours of extraordinary services to continue running the decedent's furniture business." The Administrator only calculates the time for the "first few weeks" and provides a "conservative estimate" of the amount of time spent per week thereafter and states the reasonable fee for running the decedent's business is \$26,867.07. Such statement fails to comply with Rule 7.702 and no extraordinary compensation can be awarded.
2. **Objection 2:** Objector objects to the Administrator's request for extraordinary compensation on the grounds that the Administrator improperly handled Decedent's business, Bise Furniture, and caused loss to the estate. Extraordinary compensation may be awarded to the personal representative for carrying on the decedent's business if necessary to preserve the estate or under court order. Cal Rule of Court 7.703(b)(2); See *Estate of King* (1942) 19 C2d 354, 358. Determining the value of these services is within the power of the probate court. The burden of proof for the need for extraordinary expenses and their extent is on the attorney and the personal representative, even when no objections are filed. *Estate of Fulcher* (1965) 234 Cal.App.2d 710; *Estate of Gopcevic* (1964) 228 Cal.App.2d 280. Objector states that there is no will and no court order for the Administrator to carry on the Decedent's business. Further, running the Decedent's business was not necessary to preserve the Estate. The Administrator took control of the Corporation and marshaled its assets. In doing so, it treated all of the Corporation assets as if they were Decedent's individual assets. This was improper. The only Corporation assets that should have come into the estate were Decedent's shares in the Corporation. Dividends, if any, paid by the Corporation during the course of Estate administration would have been added to the Estate. No such dividends were paid during the course of Estate administration. The Administrator commingled the estate assets with the Corporation assets. This has resulted in loss to the Estate in that it has created excessive administrative costs in the form of compensation and accounting fees and enabled the Administrator to improperly pay for other Estate expenses out of Corporation assets. The appropriate management of a closely held corporation upon the death of a shareholder requires the corporation to call a special meeting and vote to fill the vacancy caused by decedent's death. The personal representative would vote on behalf of decedent's shares and could vote for themselves to fill the vacancy if they are qualified to run the business. In this situation, the business assets would not become part of the estate; rather the shares would be inventoried and any dividends would be added to the estate. When the personal representative lacks the expertise to run the corporation, the personal representative would be under a duty to vote to appoint someone qualified to fill such vacancy. In this case, no special meeting was held and rather than having a vote to appoint someone, the Administrator unilaterally stepped in, without a court order or direction in a will and attempted to run the corporation. Unfortunately for the estate, the administrator was ill equipped to do so. While the Administrator was in charge of the corporation, the business accounting was entirely mismanaged. After the corporation was distributed to objector, she hired James Braun as an accountant for the Corporation. Mr. Braun estimates that it would cost approximately \$30,000.00 in forensic accounting fees to unwind the activity that occurred while the Administrator ran the business. While it was necessary for the corporation to do business to preserve the estate assets, it was not necessary or appropriate for the Administrator to do so given the fact that it was not competent to take such action. Administrator should not be compensated for its work associated with the corporation when it was not necessary for the administrator to perform services to preserve the estate and ultimately caused harm to the estate.

Continued on Page 3

3. **Objection 3:** Objector objects to the approval of the accounting on grounds that the Administrator employed an accountant to perform services that would normally be the Administrator's responsibility as the Administrator did not seek a corresponding reduction in compensation. Ordinary services by a representative include the preparation of the fiduciary accounting. If the representative chooses to employ an agent to perform services that are attributable to carrying out the representative's ordinary duties, the fees for those services will be charged against the representative's ordinary compensation. Preparing the fiduciary accounting is considered part of the representative's ordinary duties; therefore, if the representative hires an accountant to prepare the accounting, the accountant's fees will be paid from the representative's ordinary compensation. *Estate of Billings* (1991) 228 Cal.App.3d 426 (court ordered amounts payable to accounting firm for services normally part of representative's responsibility for ordinary services to be paid by representative from her statutory executrix's fees and reduced her compensation accordingly.) Administrator paid accounting fees in the amount of \$49,396.01. \$39,883.30 of those fees were incurred in connection with the corporation during the time period in which the corporation's accounting records are incomplete and "a mess". It appears the accountant hired by the administrator (Ms. Stevens) was paid for services from February 2011 – June 24, 2011 while failing to perform any accounting services during this time frame. Administrator's compensation should be reduced by the full amount Ms. Stevens was paid in connection with the corporation. Administrator paid Ms. Stevens \$9,485.71 to prepare the estate accounting. Therefore, Administrator's compensation should be further reduced by that amount. The total fees paid to Ms. Stevens is excessive and the administrator should not be awarded compensation where he appointed an agent to perform services and such services were performed poorly at great expense and at great cost to the estate.
4. **Objection 4:** Objector objects to the approval of the Accounting on the grounds that the Administrator fails to provide sufficient information to comply with Probate Code § 1062, which provides that the summary account shall be supported by detailed schedules showing receipts, which show the nature or purpose of each item, the source of the receipt, and the date thereof. The administrator has provided woefully insufficient information. Specifically, the administrator provides for corporation sales from 10/16/09 – 03/15/12 in a single line item which accounts for \$126,955.98. This entry is little more than a "fill" number. Administrator is required to show all receipts individually. This is particularly egregious since the administrator paid an accountant almost \$40,000.00 to track this information so it could be reported on the accounting. This entry is particularly concerning because it occurs during the time period Objector asserts employee embezzlement was occurring. As such, the accounting cannot be approved without providing further information.
5. **Objection 5:** Objector objects to the approval of the accounting on grounds that the administrator fails to provide sufficient information to comply with Probate Code § 1062 in that the administrator provides receipts for various income from 10/16/09 – 03/15/12 which account for \$5,574.41. This entry is little more than a "fill" number. Administrator is required to show all receipts individually. As such, the accounting cannot be approved.
6. **Objection 6:** Objector objects to the approval of accounting on grounds that the administrator allocates disbursements for rental property as a disbursement attributable to the corporation. Objector alleges that all of the disbursements on Schedule D described as "Repairs and Maintenance" associated with the corporation are actually expenses associated with the rental properties owned by the estate and not used by the corporation. The administrator also commingled corporate and rental transaction and activities in the bank account. Therefore, they are miscategorized. Objector requests that the court require the administrator account for each and every entry and confirm what the expenses were used for. This miscategorization is of particular concern because the corporation was distributed to the objector and real properties were distributed to the other beneficiary, Ruth Rios.

Continued on Page 4

7. **Objection 7:** Objector objects to the approval of the accounting on grounds that the administrator has failed to file any fiduciary tax returns. Objector's accounting, Mr. Braun has made repeated requests to see the estates fiduciary tax return. All such requests have been ignored. Objector believes that Ms. Stevens never filed such returns because she never prepared them. Paragraph 9 of the accounting, which is verified by the administrator, states that all California and Federal taxes have been paid. Until proof that the estate has filed is 1041 for each year required, the accounting cannot be approved.
8. **Request for Surcharge for Breach of Fiduciary Duty.** The objections to an account may raise claims of breach of the personal representative's duties, and the objector may seek appropriate redress. (Probate Code § 11001.) The personal representative has a duty to use ordinary care and diligence in controlling, managing, protecting, and preserving the assets and collecting rents, issues, and profits. (Probate Code §§ 9600, 9560.) The Administrator breached its duty of care. An ordinary person does not run a business with such incompetence and significant funds can be lost to embezzlement without noticing and taking corrective actions. This did not preserve or protect the assets of the estate. Further, the records maintained by the administrator make it impossible for the corporation to determine its income and loss because it is not possible to determine the costs of goods sold or the basis in its remaining assets. The estate is entitled to the value of the loss, with interest, resulting from the administrator's breach (Probate Code § 9601). The probate court has broad authority to fashion an appropriate remedy for a breach of duty. Monetary liability arising from a fiduciary's breach of duty may be charged against the fiduciary's compensation (Probate Code § 12205). Objector requests that the fiduciary's statutory compensation be reduced to zero and the administrator be surcharged in amount to be determined at an evidentiary hearing for its breach of its fiduciary duty in the management of the corporation.
9. **Request for cost and attorney's fees under common fund doctrine.** When a benefit has been conferred on an estate by the creation or protection of a common fund, it is possible to seek reimbursement from that fund. *Estate of Stauffer* (1959) 53 Cal.2d 124,132. If objectors objections are granted, the estate will be preserved by preventing unwarranted extraordinary compensation to be paid, the Administrator's statutory compensation will be reduced by the amount paid to the administrator's accountants, and the statutory compensation will be surcharged for Administrator's breach of duty of care. This will protect the estate and create a common fund. Objector should be entitled to reimbursement from such fund.

Objector requests that:

1. The Administrator's request for extraordinary compensation be denied on grounds it did not comply with Rule of Court 7.702;
2. The Administrator's request for \$26,867.04 in extraordinary compensation for running the corporation be denied;
3. The Administrator's statutory compensation be reduced by \$49,396.00, which is the amount paid to the accountants to perform the Administrator's normal duties;
4. The Administrator's Accounting be denied for failure to provide sufficient information on Schedule A;
5. The Administrator's accounting be denied for improperly categorizing disbursements for rental properties as corporation disbursements;
6. The Administrator's account be denied for failing to file the required state and federal tax returns;
7. That the Administrator be surcharged for breaching its duty of care in an amount to be determined at trail; and
8. Objector recover costs and attorney fees (based on the common fund doctrine) from the estate.

Continued on Page 5

Declaration of James P. Braun, CPA/ABV/CFF filed 01/18/13 states:

1. He was hired by Sylvia Bise on 06/24/11 to provide accounting services for Bise Furniture (the "Corporation"). He has been working to file delinquent corporate tax returns for the Corporation. Mr. Braun states that he has been unable to complete the tax filings because he cannot determine the corporate tax basis in its inventory or the cost of goods sold which is a starting point for equity. This is the result of poor bookkeeping by the Corporation's previous accountant, Theresa Stevens, CPA and by the estate administrator, the Public Administrator, who was ultimately responsible for the Corporation.
2. It took many months and multiple requests to obtain the source documents from Ms. Stevens. To date, Mr. Braun states that he still has not received all of the documents requested including the analysis of the shareholder loan account for the Corporation which appears to have been misused.
3. Upon reviewing the source documents which were provided, Mr. Braun states that he is lacking documents in the following areas: inventory, cash, and fiduciary tax filings.
4. The inventory records received contain only a hand written list of inventory at the end of the fiscal years. In addition, no purchase journals were received.
5. In the area of cash, the payments received by the Corporation in cash appear to have been placed in the store cash drawer. Mr. Brauns states that he was not provided with the majority of the petty cash logs showing the dates the cash was received and expenses paid from the till. Also, according to daily cash logs, rental income payments were recorded even though the business does not own any rental property.
6. The corporation's financial transactions were managed through the Public Administrator's account. In this account, there are a number of rental transactions commingled with the store operations transactions even though the Corporation owns no rental property.
7. Mr. Braun has not undertaken a forensic accounting to determine whether money was embezzled from the Corporation. However, he is informed that the corporate employees believe that embezzlement occurred. Based on the information he has seen and in his experience in conducting forensic accountings, he estimates such work to cost approximately \$30,000.00.
8. Ms. Stevens was paid for accounting services through the date of her termination on June 24, 2011. The books received from Ms. Stevens had not been updated since February 2011. In addition, Ms. Stevens turned over a large pile of original records that she had never dealt with prior to her termination. It appears Ms. Stevens was paid by the Administrator for services she never performed.
9. Ms. Stevens also ran the rental activity through the Corporation on tax returns. She did this through misusing the shareholder loan account. The misuse of the shareholder loan account begins immediately upon Ms. Stevens being retained by the Administrator.
10. Mr. Braun is aware of no fiduciary tax returns being filed during the course of the administration. He has repeatedly requested copies of such returns, and Ms. Stevens will not provide them. Thus he believes they were never filed.
11. IRS Form 1041 needs to be prepared and filed for the time period Ms. Stevens was the estate's accountant. Mr. Braun does not believe Ms. Stevens ever elected a tax year for the estate. Because Ms. Stevens has provided no 1041, it is believed that no such filings have ever been made by the estate.

Petition for Settlement of First and Final Account and Report of Trustee; for Termination of Special Needs Trust and Distribution of Trust Assets; and for Approval of Trustee and Attorney's Fees and Costs [Prob. C. 3600, et seq., C.R.C 7.903(c)]

DOD: 7-26-12	BRUCE D. BICKEL , Successor Trustee with bond of \$1,139,886.00, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
	Account period: 5-1-12 through 1-31-13	
	Accounting: \$814,447.68	
	Beginning POH: \$733,347.68	
	Ending POH: \$772,034.82 (\$117,022.73 is cash)	
<input type="checkbox"/> Aff.Sub.Wit.	Successor Trustee: \$10,317.00 (for 71.90 hours at \$150/hr, \$110/hr and \$60/hr, which includes considerable time prior to appointment, per itemized declaration)	
<input checked="" type="checkbox"/> Verified	Attorney: \$17,044.00 (for 50.30 attorney hours and 69.40 paralegal hours, including negotiation of Medi-Care claim, per itemized declaration)	
Inventory	Costs: \$1,489.00 (for filing fees, publication of notice to creditors, certified copies, etc.)	
PTC	Reserve: \$85,000.00 (including \$75,000.00 paid to DHCS pursuant to order 2-8-13 on 2-20-13 after this account period, and for any other unpaid income taxes, accountant's fees, etc.)	
Not.Cred.	Petitioner requests the balance (100%) be distributed to Rosetta Rodriguez (spouse of beneficiary) pursuant to the terms of the trust.	
<input checked="" type="checkbox"/> Notice of Hrg	Total distribution to Mrs. Rodriguez includes \$117,022.73 cash plus assets including residential real property, personal property, and securities.	
<input checked="" type="checkbox"/> Aff.Mail	Petitioner requests the Court enter an order directing Pacific Life & Annuity Company to make the remaining annuity payments in connection with litigation settlement in 10CECG02907, which was to pay \$8,525 monthly for Mr. Rodriguez' life, payable to Rosetta Rodriguez, named beneficiary by Martin Rodriguez.	
Aff.Pub.	Petitioner prays that:	
Sp.Ntc.	1. The First and Final Account of Trustee be settled, allowed, and approved as filed, and all the acts and transactions of Petitioner as Trustee be ratified, approved and confirmed;	
Pers.Serv.	2. Trustee's and Attorney's fees and costs be authorized;	
Conf. Screen	3. Petitioner be authorized to withhold the reserve;	
Letters	4. Petitioner be authorized to terminate and distribute the trust as set forth herein; and	
Duties/Supp	5. Pacific Life & Annuity Company is authorized and directed to make the remaining annuity payments to	
Objections		
Video Receipt		
CI Report		
9202		
<input checked="" type="checkbox"/> Order		
Aff. Posting		Reviewed by: skc
Status Rpt		Reviewed on: 5-14-13
UCCJEA		Updates:
Citation		Recommendation:
FTB Notice		File 3 – Rodriguez

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

Age: 67		<u>NO TEMPORARY ORDERS</u>		NEEDS/PROBLEMS/ COMMENTS: Court Investigator Advised Rights on 03/22/2013. 1. Need Citation. 2. Need video receipt for each conservator pursuant to Local Rule 7.15.8(A). 3. #1g of the petition is not marked regarding medical consent powers. However #9 of the petition is marked stating there is no form of medical treatment for which the proposed conservatee has the capacity to give an informed consent. Need clarification. 4. Capacity Declaration filed 04/19/2013 does not support the Petitioner's request for medical consent and dementia powers.
		<p>JAMES C. WEST, nephew, is petitioner and requests appointment as Conservator of the person, medical consent and dementia powers to administer dementia medications and for placement in a secured perimeter facility.</p>		
Cont. from 042213		<p>Declaration of Jennifer Lancaster, D.O., 03/21/2013.</p>		
	Aff.Sub.Wit.		<p>Petitioner states: proposed conservatee suffered a stroke on 06/30/2012 with a total left side hemiparesis. She is unable to dress, bathe, or care for herself, cannot walk, cannot cook, has no coordination, is aggressive, lacks short term memory, her thoughts are unrealistic, she is delusional and she has been diagnosed with dementia.</p>	
✓	Verified		<p>Declaration of Court Appointed Counsel in Opposition to Petition for Appointment of Conservator of the Person filed 02/19/2013 – states proposed conservatee vehemently opposes the petition for appointment of conservator of her person, and particularly opposes the appointment of her nephew, James C. West as conservator.</p>	
	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	x		
✓	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
<u>Please see additional page</u>				

Declaration continued

On 07/05/2012, five days after the proposed conservatee's stroke she executed an Advance Health Care Directive, signed by the petitioner, James West, and Jean West, the proposed conservatee's sister. At the same time she executed a durable power of attorney for property management.

The proposed conservatee states she intends to revoke the advance health care directive, because she does not want Jean West or James West to make health care decisions for her.

Proposed conservatee requests that she be present at any further hearings on this matter, and further requests that the conservatorship proceedings be dismissed.

Court Investigator Charlotte Bien Report filed 04/12/2013.

Petition for Appointment of Successor Trustee and for Termination and Distribution of Trust or, in the Alternative, Modification of Trust Terms [Prob. C. 15408, 15409, 15660(d), 17200(b)(10)]

Kathleen DOD: 07/21/90	SAINT ANSELM OF CANTERBURY EPISCOPAL CHURCH, beneficiary, is Petitioner.	NEEDS/PROBLEMS/ COMMENTS:
Harry DOD: 08/12/95	Petitioner states:	1. The Petition lists the beneficiaries of the Trust, but does not state whether these are all the persons entitled to Notice as required pursuant to Probate Code § 17201.
Cont. from	1. On 05/27/87, Harry E. Kelly and Kathleen M. Kelly established THE KELLY FAMILY TRUST ("Trust") appointing themselves as the initial Co-Trustees. Kathleen Kelly died on 07/21/90. After her death, Harry Kelly continued to serve as sole Trustee.	2. Need Order.
<input type="checkbox"/> Aff.Sub.Wit.	2. On 03/29/93, Harry Kelly exercised his general power of appointment and executed the Third Amendment to (and Complete Restatement of) the Trust.	
<input checked="" type="checkbox"/> Verified	3. On 10/21/94, Harry Kelly executed a Fourth Amendment to the Trust, which amended the provisions regarding the nomination of the successor trustees following Harry Kelly's death or incapacity.	
Inventory	4. On 05/31/95, Harry Kelly executed a final amendment to the Trust and further amended the provisions for the nomination of a successor trustee following his death or incapacity. The Fifth Amendment provided that following the death or incapacity of the current acting trustee, the following would serve as successor trustee in the order designated:	
PTC	1. "That person or entity (and successor persons and entities) nominated in writing signed by Harry E. Kelly; in the absence of such written designation	
Not.Cred.	2. Jane Dietsche of Garden Grove, California; and thereafter	
<input checked="" type="checkbox"/> Notice of Hrg	3. That bank or other corporation authorized to act as trustee in the place of administration of Trust, which has net assets in excess or Ten Million Dollars (\$10,000,000.00) and which is unanimously designated as successor Trustee in writing signed by all adult competent beneficiaries then entitled to the income from this Trust and the trust estates created hereunder (and in the absence of such designation, then as designated by a court of competent jurisdiction)." The Fifth Amendment also deleted two (2) specific devises of \$5,000.00 each to Harry Kelly's grandniece and her husband.	
<input checked="" type="checkbox"/> Aff.Mail	Continued on Page 2	
w/		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
x		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
Reviewed by: JF		
Reviewed on: 05/15/13		
Updates:		
Recommendation:		
File 5 – Kelly		

5. Harry Kelly passed away on 08/12/95 and Jane Dietsche began serving as successor trustee of the Trust. Initially, Mrs. Dietsche administered the Trust from Garden Grove, CA, but in 2009, she suffered a stroke and moved to Fresno where Trust administration continued until her death on 11/20/12.
6. Pursuant to the terms of the Trust, after payment of Harry Kelly's debts, last illness, funeral and administration (including attorney's fees) expenses and all estate, inheritance and other death taxes, the entire remaining trust balance "shall continue to be held by the Trustees for the benefit of Saint Anselm of Canterbury Episcopal Parish Church". The trust estate to be held was to be referred to as "The Kathleen M. Kelly and Harry E. Kelly Fund" (the "Fund").
7. The Trust terms specified that the Fund was to be used for the following purposes:

"The Fund is to be used solely for charitable purposes. Settlor requests that the Fund be a perpetual one, which is to say that only interest, dividends and other income earned by the Fund should be used and any income not used should be reinvested, unless otherwise required by state or federal laws. The Fund may not use any funds whatsoever to pay salaries of church personnel, to purchase or lease any vehicle of any kind, or for the up-keep, repair or improvement of buildings. The Trustees are to review all requests for funds and shall approve all expenditures. Some examples of the use of the Fund are flowers at church and memorial services, membership drives to attract new members, and other special programs."
8. Due to the death of Jane Dietsche, there is presently no one acting as Trustee of the Trust. Petitioner requests that the Court appoint a successor trustee to fill the vacancy.
9. Per the terms of the Trust, upon the death of Jane Dietsche, the next nominated successor trustee to serve is:

"That bank or other corporation authorized to act as trustee in the place of administration of Trust, which has net assets in excess or Ten Million Dollars (\$10,000,000.00) and which is unanimously designated as successor Trustee in writing signed by all adult competent beneficiaries then entitled to the income from this Trust and the trust estates created hereunder (and in the absence of such designation, then as designated by a court of competent jurisdiction)."
10. Presently, Saint Anselm of Canterbury Episcopal Church is the only beneficiary entitled to income of the Trust. There are no other beneficiaries of the Trust presently entitled to income. It is unclear whether Saint Anselm of Canterbury Episcopal Church is considered an "adult competent beneficiary". In light of such ambiguity, Petitioner has made a nomination pursuant to Probate Code § 15660(d) for professional fiduciary Bruce D. Bickel to be appointed as successor Trustee of the Trust. Bruce D. Bickel has consented to serve as Successor Trustee and Petitioner requests that the Court appoint him to serve as successor Trustee.
11. The Trust terms state "no bond shall be required of any Trustee or Co-Trustee of this Trust". Consequently, Petitioner requests that Mr. Bickel be appointed without the requirement of posting a bond.
12. Petitioner requests that the Court order the termination of the Trust pursuant to Probate Code § 15408, which authorizes the Court to order the termination of the Trust, "if the Court determines that the fair market value of the principal of a trust has become so low in relation to the cost of administration that continuation of the trust under its existing terms will defeat the accomplishment of its purposes."

Continued on Page 3

13. In 2011, the brokerage accounts held by the Trust generated \$8,992 in dividend and interest income. In 2012, the brokerage accounts held by the Trust generated \$10,486 in dividend and interest income. As of 12/31/12, the Trust assets consisted of the following:

i.	American Funds Account No. xxxx9946	\$74,051.27
ii.	Vanguard Account No. 0028-xxxxxxxxxx	\$36,551.23
iii.	Vanguard Account No. 0030-xxxxxxxxxx	\$58,742.02
iv.	Vanguard Account No. 0027-xxxxxxxxxx	\$23,225.65
v.	Vanguard Account No. 0521-xxxxxxxxxx	\$84,829.60
vi.	Vanguard Account No. 0073-xxxxxxxxxx	\$43,598.86

Total: \$320,728.63

14. Prior to Mrs. Dietsche's death, she had a practice of waiving her Trustee's fees. As a result of Mrs. Dietsche's waiver of her Trustee's fee, a greater percentage of the net income was available to distribute to Petitioner for its use. Moving forward however, the Trust will be responsible for paying a Trustee's fee. The standard fee is approximately 1% of the value of the Trust paid annually. Presently this amount will be approximately \$3,200 per year based on the value of the Trust estate. Coupled with the annual cost to prepare the federal and state tax returns of approximately \$1,500.00 and the cost per year of the account fees associated with the above accounts, the net income available for distribution drops to less than 40-50% of the Trust's annual income. Under the circumstances, while the net income may be available to sustain the Trust without reducing the principal, the amount of principal generating the dividends and income is of limited amount. Consequently, the resulting net income of the Fund provides limited ability for the Petitioner to fulfill the Settlor's stated intent that the Fund be used for special programs at the church.
15. In the alternative, Petitioner requests Termination or Modification of the Trust due to changed circumstances pursuant to Probate Code § 15409(a) which authorizes the Court to "modify the administrative or dispositive provisions of the trust or terminate the trust if, owing to circumstances not known to the settlor and not anticipated by the settlor, the continuation of the trust under its terms would defeat or substantially impair the accomplishment of the purposes of the trust." Petitioner believes that the Settlor did not anticipate that the annual costs associated with administering the Fund would sufficiently deplete the annual dividends and income of the Trust available for distribution such that Petitioner's ability to meaningfully fulfill the Settlor's requested uses for the Fund would be severely limited in scope. Consequently, Petitioner requests that the Trust be terminated and the funds be distributed to Petitioner for their use consistent with the Settlor's stated intent.
16. If the Court does not approve the termination of the Trust as requested, Petitioner requests that the Court approve a modification of Article IV, Section D.1 of the Trust terms which would allow the distribution of Trust net income and principal by the Successor Trustee to Petitioner consistent with the parameters established for the Fund's use by the Settlor.

Petitioner requests an Order that:

1. Bruce D. Bickel be appointed to serve as Successor Trustee without bond; and
2. The Kelly Family Trust, dated May 27, 1987, as amended and completely restated on March 29, 1993, as amended, be terminated and the assets held by the Trust be delivered by the Successor Trustee to Petitioner.

Amended Petition for Probate of Will and for Letters Testamentary: Authorization to Administrator Under the Independent Administration of Estates Act

DOD: 03/29/13		<p>MARK REIFF, named Executor, is Petitioner, and requests appointment as Executor with bond set at \$120,000.00.</p> <p>Full IAEA – OK</p> <p>Will dated 10/24/74 Codicil dated 03/25/13 Codicil dated 03/28/13</p> <p>Residence – Kingsburg Publication – Selma Enterprise & Kingsburg Recorder</p> <p>Estimated Value of the Estate: Personal property - \$ 43,000.00 Annual income - 73,000.00 Total - \$116,000.00</p> <p>Probate Referee: STEVEN DIEBERT</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> Will is not self-proving. Need Affidavit of Subscribing Witness. Need Letters. <p>Note: Petitioner was appointed Special Administrator on 04/10/17. Letters of Special Administration will expire on 05/20/13.</p> <p>Note: If the Petition is granted, status hearings will be set as follows:</p> <ul style="list-style-type: none"> Friday, October 25, 2013 at 9:00 am in Dept. 303 for filing of the Inventory & Appraisal; and Friday, July 25, 2014 at 9:00 am in Dept. 303 for filing of the Accounting/Petition for Distribution. <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.</p>
Cont. from			
Aff.Sub.Wit.	X		
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Letters	X		
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Objections			
Video Receipt			
CI Report			
9202			
✓ Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
Reviewed by: JF			
Reviewed on: 05/14/13			
Updates: 05/16/13			
Recommendation:			
File 6 – Carlson			

Petition for Probate of Will and for Letters Testamentary; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

DOD: 04/04/13		<p>STEVEN SHAHBAZIAN, named Executor without bond, is Petitioner.</p> <p>Full IAEA – OK</p> <p>Will dated 04/03/12</p> <p>Residence: Fresno Publication: The Business Journal</p> <p>Estimated Value of the Estate:</p> <p>Personal property - \$130,000.00 Real property - 630,000.00 Total - \$760,000.00</p> <p>Probate Referee: RICK SMITH</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: Status hearings will be set as follows:</p> <ul style="list-style-type: none"> Friday, October 25, 2013 at 9:00 am in Dept. 303 for filing of the Inventory & Appraisal; and Friday, July 25, 2014 at 9:00 am in Dept. 303 for filing of the Accounting/Petition for Distribution. <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.</p>
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		<p>Reviewed by: JF</p> <p>Reviewed on: 05/14/13</p> <p>Updates:</p> <p>Recommendation: SUBMITTED</p> <p>File 7 – Emerzian</p>	

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

DOD: 02/26/2004		JOE MEZA , son, is petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. There does not appear to be a provision in the Probate Code that would allow an individual to assign or disclaim their right in a summary proceeding. Therefore all who succeed to the property must petition.
		40 days since DOD.	
		No other proceedings	
Cont. from		I & A - \$43,750.00	
<input type="checkbox"/>	Aff.Sub.Wit.		
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			Reviewed by: LV
			Reviewed on: 05/14/2013
			Updates:
			Recommendation:
			File 8 – Meza

	INLAND COUNTIES REGIONAL CENTER, INC. dba, INLAND REGIONAL CENTER, is the Trustee of the SPECIAL NEEDS TRUST FOR KIMBER ROGERS.	NEEDS/PROBLEMS/COMMENTS: 1. Need current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing a verified status report 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.
Cont. from	On 5/19/2011 the court approved the first account for the account period ending on 6/30/2010.	
Aff.Sub.Wit.	Property on hand at the end of the first account was \$103,048.42.	
Verified	This status hearing was set for the filing of the second account.	
Inventory	Notice of Status Hearing was mailed to attorney Leland McElhaney and to Inland County Regional Center on 7/14/2011.	
PTC		
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Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: KT
		Reviewed on: 5/14/2013
		Updates:
		Recommendation:
		File 9 – Rogers

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Age: 6 years		TEMP EXPIRES 5/20/2013		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: This petition is for EMILY VILLAREAL only. Alicia's Paternal Grandmother Maria Amparo Huerta was appointed as her guardian on 10/3/12.</p> <ol style="list-style-type: none"> 1. Need UCCJEA (Form GC-120) containing child's residence history and other pertinent information. 2. Need Notice of Hearing. 3. Need proof of personal service of Notice of Hearing with a copy of the petition or Consent and Waiver or Notice or Declaration of Due Diligence on: <ol style="list-style-type: none"> a. Anita Villareal (Mother) 4. Need proof of service of Notice of Hearing with a copy of the petition or Consent and Waiver or Notice or Declaration of Due Diligence on: <ol style="list-style-type: none"> a. Stephen E. Jones (paternal grandfather) b. Raul Villareal (maternal grandfather) c. Sylvia Garza (maternal grandmother)
		<p>JUDITH JONES, paternal grandmother, is Petitioner.</p> <p>Father: BRIAN K. JONES - Nominates, consents, and waives notice</p> <p>Mother: ANITA VILLAREAL</p> <p>Paternal Grandfather: Stephen E. Jones Maternal Grandfather: Raul Villareal Maternal Grandmother: Sylvia Garza</p> <p>Petitioner states there have been many occasions when Emily has come to Petitioner's home not knowing where her mommy was or because she was hungry. On 2/7/13 a neighbor brought Emily to the church where Petitioner was and Emily ran to Petitioner and said she couldn't find her mommy. Upon taking her back that evening to where her mother was staying at the time, Petitioner chose to bring her home with her instead due to drug activity where the mother was staying. Petitioner states the mother is now homeless and it is in Emily's best interest to remain with Petitioner.</p> <p>Court Investigator Jennifer Daniel's Report filed on 5/13/13</p>		
Cont. from				
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✓	Letters			
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	UCCJEA	X		
	Citation			
	FTB Notice			
<p>Reviewed by: KT</p> <p>Reviewed on: 5/14/2013</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 10 – Sanchez & Villarreal</p>				

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

Age: 9		<u>GENERAL HEARING 07/08/2013</u>		NEEDS/PROBLEMS/COMMENTS:		
		ANTONIO GARCIA , step-father, is petitioner.		1. Need Notice of Hearing.		
		Father: JUVENTINO CHAVEZ		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:		
Cont. from		Mother: JULIA PATRICIA RAMIREZ		<ul style="list-style-type: none"> • Juventino Chavez (Father) • Julia Patricia Ramirez (Mother) 		
<input type="checkbox"/>	Aff.Sub.Wit.	Paternal Grandfather: Deceased Paternal Grandmother: Natalia Sosa Maternal Grandfather: Peter Ramirez, Deceased Maternal Grandmother: Maria Morales Petitioner states: the mother of the minor is homeless and abusing drugs. She recently came to the home but petitioner did not open the door. For the past seven years the minor has had stability while in petitioner's care and he does not want the mother to come around and take the child. Petitioner states that the father is not stable and is not a legal resident therefore it is difficult for him to provide the basics for the child's well-being.				
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<input type="checkbox"/>	Sp.Ntc.					
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<input checked="" type="checkbox"/>	UCCJEA					
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				Reviewed by: LV		
				Reviewed on: 05/14/2013		
				Updates:		
				Recommendation:		
				File 11 – Ramirez		

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Age: 2		TEMP EXPIRES 5-20-13	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Petitioner originally checked "NO" on the Child Information Attachment regarding possible Indian heritage; however, the Court Investigator's report indicates that Petitioner stated the minor <u>does</u> have Indian ancestry, but she does not know which tribe.</p> <p><u>Therefore, notice pursuant to the Indian Child Welfare Act (ICWA) is required.</u></p> <p><u>This matter cannot go forward until notice is provided to the appropriate agencies.</u></p> <p><u>See Page 2 for details.</u></p>
		<p>MONICA CHRISTINA ROSAS, Maternal Aunt, is Petitioner.</p> <p>Father: ROBERT GILBERT GOMEZ - Personally served 3-23-13 Mother: SHARYN ELIZONDO - Consents and waives notice</p> <p>Paternal Grandfather: Sebastian Gilbert Gomez - Personally served 5-1-13 Paternal Grandmother: Deceased Maternal Grandfather: Richard Elizondo - Consents and waives notice Maternal Grandmother: Deceased</p> <p>Petitioner states both parents are unsuitable to care for the minor. Both have criminal histories and Petitioner believes the father continues to use illegal drugs. Petitioner states the father has sole custody and the mother has supervised visits, however, on 2-16-13, the father went to stay with the mother because he did not have a place to stay, and on 2-19-13, left the minor unsupervised with the mother. The mother, fearing she would be in trouble for having been left alone with the baby, reported herself to CPS. CPS came to the home and determined that the father had abandoned the minor, and placed the minor in Petitioner's care. Later, the father broke into the mother's home and stole several items, which were found on him later by law enforcement (police report attached). He was arrested.</p> <p>Petitioner state she attended a family law hearing with the mother on 3-11-13 and realized that the minor will not be safe with either parent because the mother needs help, and the father came to court either high on drugs or coming off drugs. He does not have a home and moves around.</p> <p>Court Investigator Samantha Henson filed a report on 5-14-13.</p>	
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	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		

Reviewed by: skc

Reviewed on: 5-15-13

Updates:

Recommendation:

File 12A – Gomez

Page 2

1. (Continued):

Notice of Child Custody Proceeding for Indian Child (Form ICWA-030), must be served prior to the general hearing, together with copies of petition and all attachments, including this form, on the child's parent; any Indian custodian; any Indian tribe that may have a connection to the child; the Bureau of Indian Affairs (BIA), and possibly the U.S. Secretary of the Interior, by certified or registered U.S. Mail, return receipt requested. (Please see Probate Code 1460.2, and CA Rules of Court 7.1015)

Petitioners will need to return the completed copy of the Notice of Child Custody Proceeding for Indian Child to the probate clerk. The probate clerk will then mail the notice to the required agencies as required.

After mailing, the Court will receive proof of service of notice, including copies of the notices sent and all return receipts and responses received, pursuant to Probate Code 1460.2(d).

Note: A blank copy of the Notice of Child Custody Proceeding for Indian Child (Form ICWA-030) is in the file to hand to petitioner at the hearing. Petitioner should complete the form and return it to the probate clerk for mailing.

Fee Waiver Review

		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p style="text-align: center;"><u>CONFIDENTIAL</u></p>
Aff.Sub.Wit.		
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UCCJEA		
Citation		
FTB Notice		
		Reviewed by: skc
		Reviewed on: 5-15-13
		Updates:
		Recommendation:
		File 12B – Gomez

Petitioner prays for an Order:

1. Compelling Marjorie A. Nolte, as Trustee, to submit her accounting of her acts as Trustee since 5/7/2009 through present;
2. Compelling Marjorie A. Nolte to redress the breach of trust described in the *Petition* by distributing half of the assets of the Trust to Petitioner; and
3. For costs.

Reply to Petition for Recovery of Trust Property and Account filed by MARJORIE A. NOLTE on 5/13/2013 states:

- Edmund V. Nolte, Sr. and Rosetta M. Nolte originally established the **NOLTE FAMILY TRUST** by Declaration of Trust dated 5/20/1999; the Trust was amended and restated in its entirety by *Resignation of Trustees and Agreement Modifying and Restating the Nolte Family Trust* dated 11/7/2005 (copy attached as Exhibit A);
- When the Trust was initially established, the Trust was funded with only two assets: (a) a parcel of commercial property located on Marks Ave. in Fresno; and (b) a residence located at Windsor Blvd. in Cambria;
- On 10/28/2005, shortly before the Resignation and Restatement was executed, the commercial property was sold by the Trust and the net proceeds from the sale of the commercial property were deposited into a joint bank account established on 6/28/2005 by the Trustors in the joint names of Edmund V. Nolte, Sr., Rosetta M. Nolte, and their granddaughter, **NATALIE NOLTE**;
- On 11/7/2005, following the sale of the commercial property, Mr. and Mrs. Nolte executed the *Resignation of Trustees*, by which, among other things, they resigned as Trustees of the Trust and appointed their daughter-in-law, Marjorie (Respondent), as Trustee of the Trust; when Respondent became Trustee of the Trust on 11/7/2005, the only remaining asset of the Trust was the Cambria residence; at the time of death of the last surviving Trustor (Rosetta), the Trust became irrevocable and the Cambria residence remained the only asset of the Trust;
- On 9/2/2010, Respondent as Trustee of the Trust caused the Cambria residence to be distributed to the two beneficiaries of the Trust by execution of Grant Deed to Ernest Richard Nolte and Edmund V. Nolte, Jr., in equal shares as tenants in common (copy of Grant Deed attached as Exhibit B);
- By making final distribution of the Cambria residence, Respondent completed her duties and responsibilities as Trustee of the Trust;
- Petitioner alleges that Respondent "...has failed and refused to administer the trust property according to the trust instrument, and in particular, has failed and refused to distribute half of the assets of the trust instrument to Petitioner." This allegation is false, for indeed on 9/2/1010, the Respondent did in fact cause all of the assets of the Trust to be distributed to the Trust's beneficiaries;
- Petitioner alleges that Respondent "...has failed and refused to provide an account of the above-described trust at any time." Once again, this allegation is false; in a telephone conversation with Petitioner's counsel on 2/11/2012, Respondent's counsel advised Petitioner's counsel that there was only one asset of the Trust (the Cambria residence); that the residence had been distributed to the Trust's beneficiaries in 2010; and that under these circumstances it would seem a waste of time and money to prepare an accounting which merely showed the distribution in kind of the sole asset of the Trust; at no time did either Respondent or her counsel refuse to provide an accounting;

~Please see additional page~

Reply to Petition filed 5/13/2013 by MARJORIE A. NOLTE, continued:

- As demanded in the *Petition*, Respondent has prepared an accounting of the administration of the Trust from 5/7/2009 through 3/31/2013 (copy attached as Exhibit C); Exhibit C, *First and Final Account of Trustee, Marjorie A. Nolte, Covering the Period from 5/7/2009 To and Including 9/2/2010*, shows the following:

Accounting	-	\$850,000.00
Beginning POH	-	\$850,000.00
Ending POH	-	\$ 0.00*

***Schedule G, Deductions from Account / Distributions states:** Pursuant to Article Fourth, Section D, Subsection 4 and Article Fourth, Section F, Subsection 2 of the foregoing Trust, distribution of residential real estate in Cambria, CA [legal description omitted] to **ERNEST RICHARD NOLTE** and **EDMUND V. NOLTE, JR.**, each as to an undivided 1/2 interest as tenants in common, Appraised value – **\$850,000.00**.

- In connection with the accounting, Petitioner caused the Cambria residence to be appraised as of 5/7/2009 [Rosetta's date of death, showing a value of **\$850,000.00**] by the San Luis Obispo County Probate Referee (copy of the Appraisal Report attached as Exhibit D).

Respondent prays for an Order:

- Denying any and all of the relief sought in the *Petition*;
- Allowing and approving the account of Trustee which is attached as *Exhibit C*; and
- Determining that by and upon distribution of the Cambria residence to the Trust's beneficiaries, the Respondent completed and fully performed all of her duties as Trustee of the Trust.

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

Age: 1 year		<p>GENERAL HEARING 7-11-13</p> <p>THOMAS T. MARTINEZ, Maternal Grandfather, is Petitioner.</p> <p>Father: EDWIN B. HITCHCOCK, JR. Mother: ANDREA R. MARTINEZ</p> <p>Paternal Grandfather: Deceased Paternal Grandmother: Esther Rodriguez Maternal Grandmother: Deceased</p> <p>Petitioner states the minor resides with the maternal grandparents (Petitioner and his girlfriend Katherine Chavarria) and they have provided a safe and loving environment. CPS has encouraged them to seek guardianship as the parents are unable to tend to the minor's medical needs. Father is incarcerated and mother consents at this time.</p> <p>Petitioner states that they were exercising a weekend visit during one of the visit exchange noticed that the child was having difficulty breathing. They proceeded to take her to the emergency room. The child was admitted and CPS was called and released to their care.</p> <p>The general petition provides details of the child's medical condition that may require a surgical procedure.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of personal service of Notice of Hearing at least five court days prior to the hearing per Probate Code §2250(e) on: - Edwin B. Hitchcock, Jr. (Father) - Andrea R. Martinez (Mother) 3. UCCJEA is incomplete re minor's residence information prior to residing with Petitioner. 4. UCCJEA indicates other cases involving custody of the child (UCCJEA #4) but does not explain. Need clarification.
Aff.Sub.Wit.			
✓	Verified X		
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Notice of Hrg X			
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Status Rpt			
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Citation			
FTB Notice			

