



## 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.

<b>DOD: 1/1/14</b>		<b>CRAIG MACGLASHAN</b> , Conservator, is petitioner.	<p>Account period: 6/1/11 – 1/1/14</p> <p>Accounting - <b>\$2,037,282.39</b>                  Beginning POH - <b>\$1,661,989.40</b>                  Ending POH - <b>\$1,589,045.76</b></p> <p>Conservator - <b>waives</b></p> <p>Attorney - <b>\$13,352.00</b>                  (65.30 hours of paralegal and attorney time at \$100 - \$280 per hour.)</p> <p>Costs - <b>\$435.00</b> (filing fee)</p> <p>Petitioner states the conservatee died on 1/1/14. Petitioner has been appointed as executor of the estate of Jamie McGlashan.</p> <p><b>Petitioner prays for an Order:</b></p> <ol style="list-style-type: none"> <li>Approving, allowing and settling the second and final account and report of conservator;</li> <li>All acts and transactions of Conservator as set forth in the accounting are ratified, confirmed and approved;</li> <li>Authorizing the payment of attorney fees and costs;</li> <li>Transfer of the remaining property on hand to Craig MacGlashan as executor of the estate of Jamin McGlashan and to Craig MacGlashan as joint owner of the Farmers Insurance Group Federal Credit Union Account.</li> </ol>	<ol style="list-style-type: none"> <li>Billing statement for the First and Final Account listed the paralegal rate at \$60.00 per hour. This amended petition lists the paralegal rate at \$100.00 for the same billing period. This amounts to a difference of \$1,052.00 in fees. Need clarification. –<i>Declaration of Attorney Howk filed on 5/1/15 states when Ms. Nguyen-Bui joined their office she was an assistant. Since that time she has become a paralegal in the office. Mr. Howk states it was his error that he had missed adjusting her rates in their billing system.</i></li> <li>Prior billing statement did not include a charge for the attorney in the amount of \$84.00 on 9/17/12 however it is listed in the billing statement attached to the amended account. Need clarification. – <i>Declaration of Mr. Howk filed on 5/1/15 states when the error was discovered corrections were made to the billing. Instead of billing for the paralegal time he wrote of her time and billed for his time, which was spent in addition to the paralegal time.</i></li> </ol>
<b>Cont. from 040715, 050515</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>			
			<p><b>Please see additional page</b></p> <p><b>Reviewed by: KT</b></p> <p><b>Reviewed on: 5/19/15</b></p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 1 - McGlashan</b></p>	

**NEEDS/PROBLEMS/COMMENTS (cont.):**

3. Prior billing statement had the paralegal preparing the order (\$24.00 charged) on 12/31/14. The billing statement attached to the amended account shows the attorney preparing the order (\$112.00 charged). Need clarification. – *Declaration of Attorney Howk filed on 5/1/15 states this correction was made to reflect his time and not to bill for the paralegal time.*

**Determination of Attorney's Fees and Costs**

<b>DOD: 2-16-09</b>	<p><b>GREGORY L. TAYLOR</b> was appointed Administrator with Will Annexed with Limited IAEA without bond on 1-23-14. Letters issued 2-3-14. This status hearing for the filing of the first account or petition for final distribution was set at the hearing on 1-23-14.</p>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		<b><u>OFF CALENDAR</u></b>
<b>Cont from 050515</b>	<p><b>The Administrator's First and Final Account was filed 6-5-14. Objections were filed by Diane Elizabeth Taylor on 6-26-14.</b></p>	<p>Notice of Motion for Order Striking the Memorandum of Costs in its Entirety or in the Alternative Taxing Costs filed 5/8/15 is set for hearing on 6/17/15.</p>
<b>Aff.Sub.Wit.</b>	<p><b>Order Approving First and Final Report of Administrator filed 7-11-14</b> ordered that the estate be brought to a close except for the matters of the Objector's to be filed petition for attorneys' fees and costs required to have the 2006 codicil admitted to probate, surcharge of the Objector, and responsive pleadings thereto. The Minute Order of 7-11-14 also set the matter for Settlement Conference/Court Trial.</p>	<p><b>Note: Memorandum of Costs totaling \$27,315.38 was filed 4/20/15.</b></p>
<b>Verified</b>	<p><b>Status Report filed 3-10-15 states: The Order of 7-11-14 approved the account, reserving \$15,000.00 of the corpus and \$10,000.00 of Ms. Taylor's share to be held in the blocked account.</b> The order provided for statutory and extraordinary fees to the Administrator's attorney and distribution except for the reserved amounts. The Court directed Administrator's attorney to file a petition to surcharge the Objector's share. The Order for Withdrawal of Funds for pro rata distribution and attorneys' fees was filed 7-23-14.</p>	
<b>Inventory</b>	<p><b>Administrator filed a Petition for Surcharge of Objector Diane Taylor's Testate Share of the Estate on 8-8-14 and the matter was confirmed for trial.</b> Objector Diane Taylor filed a Petition to Approve Attorney's Fees and Costs on 8-15-14. Objection and replies were timely filed.</p>	
<b>PTC</b>	<p><b>On 11-4-14, after reviewing Judge Oliver's Order of Final Distribution signed 7-11-14, the Court found that the ONLY issue remaining was for Objector to file a memorandum of her costs.</b> Attorney McCloskey, on behalf of the estate, filed his request to surcharge such fees, along with a declaration. The Court could find nowhere in the order where further evidence was to be admitted beyond what was noted above. Respondent agreed that there was no need for further evidence, and counsel for Objector did not provide any legal basis for an evidentiary hearing. As such, the Court ordered that no further evidence need be taken on this limited issue; the matter is returned to the Probate Court for a ruling on the attorney fee and cost issue.</p>	
<b>Not.Cred.</b>	<p><b>On 3-20-15, the Court admonished the parties to follow the previous orders of the Court and ordered Memorandum of Costs to be filed by 4/20/15.</b></p>	
<b>Notice of Hrg</b>		
<b>Aff.Mail</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>		
		<p><b>Reviewed by:</b> skc</p> <p><b>Reviewed on:</b> 5/19/15</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 2 - Taylor</b></p>

**Memorandum of costs totaling \$27,315.38 includes:**

- \$2,280.00 in filing and motion fees
- \$307.71 for service of process
- \$75 witness fees
- \$23,011.50 attorney fees
- \$606.17 for Models, blowups, and photocopies of exhibits
- \$1,035.00 Court reporter fees

**Examiner notes the following for Court review:**

1. \$105.00 is noted for filing and motion fees with reference to a status report on 10/24/13; however, Court records do not reflect a payment of that amount on that date. Please note that runner fees are considered a cost of doing business and not reimbursable per Local Rule 7.17.B.
2. \$435.00 for filing this Memorandum of Costs is noted for filing and motion fees; however, this Memorandum of Costs was not charged a filing fee.

(Therefore, \$440.00 may be deducted from the \$2,280.00 in filing and motion fees.)

	<b>BRUCE BICKEL</b> , Temporary Trustee, is Petitioner.		<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Note:</b> Diane Huerta's Motion to Disqualify Conservatees' Attorneys of Record is set for hearing on 06/10/15</p> <p>1. The costs advanced include charges that are considered by the Court to be part of the cost of doing business as follows:  Lexis-Nexis research - \$39.77  Photocopies - \$236.75  Runner Services - \$100.50  <b>Total: \$377.02</b></p> <p>Additionally, the fees include 4.10hrs for Office Staff @ \$25/hr. for a total of \$102.50. Clerical Services are also considered by the Court to be part of the cost of doing business. It is noted that the charges for Office Staff appear to be for runner services.  (See Local Rule 7.17B)</p> <p><b>Note:</b> Fees are itemized by date and include attorney and paralegal fees. (See Exhibit B of the Petition)</p>
	On 10/22/13, Bruce Bickel was appointed Temporary Trustee of the Loeffler Family Trust (the "Trust"), with the limited power to pay Dr. and Mrs. Loeffler's residential care facility from the assets of the Trust. The Order after Hearing specifically provided that any payments from Trust assets were contingent on Court order.		
	Trustors Dr. and Mrs. Loeffler are currently represented by Michael L. Farley and Jennie Barkinskaya of the Farley Law Firm regarding conservatorship matters which are currently pending for both Dr. and Mrs. Loeffler.		
	An invoice for legal services has been received by Petitioner from the Farley Law Firm for legal services and costs advanced for Dr. and Mrs. Loeffler for the period of 11/03/14 through 02/24/15 in the total amount of \$12,789.88 (\$12,389.00 fees and \$400.88 costs).		
	The Court previously entered Orders authorizing and directing Petitioner to pay Trustors' attorney's fees on 3 occasions.		
	<b>Petitioner requests approval of the attorney's fees and costs advanced by the Farley Law Firm and authorizing and directing Petitioner to pay \$12,789.88 from RBC Brokerage Acct. titled in the name of Fred and Kathleen Loeffler Trust to the Farley Law Firm.</b>		
<b>Cont. from</b>			
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<b>Reviewed by:</b> JF			
<b>Reviewed on:</b> 05/19/15			
<b>Updates:</b>			
<b>Recommendation:</b>			
<b>File 3 - Loeffler</b>			

**Order to Show Cause RE: Failure to File the Inventory and Appraisal**

<b>DOD: 06/30/11</b>	<p><b>RICARDO GARCIA</b>, brother, was appointed as Administrator with Limited IAEA and without bond on 07/21/14.</p> <p>Letters of Administration were issued on 07/24/14.</p> <p><b>Minute order dated 1/13/15</b> set an Order to Show Cause to Ricardo Garcia as to why he should not be removed as Administrator of the Estate for failure to file the Inventory and Appraisal. Mr. Garcia is ordered to be personally present in court on 2/24/15.</p> <p>- Copy of the minute order was mailed to Ricardo Garcia on 1/13/15.</p> <p><b>At the hearing on 2/24/15</b> the Court found good cause to remove Ricardo Garcia as Administrator and appointed the Public Administrator. Mr. Garcia was ordered to turn over any and all papers, documents and information pertaining to the estate to the Public Administrator within a week. Furthermore, the Court orders that Mr. Garcia no make any more rent payments of any kind to his mother; payments will not go to the Public Administrator.</p> <p>Inventory and Appraisal filed by the Public Administrator on 4/3/15 showing real property valued at \$200,000.00</p>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
<b>Cont. from 022415</b>		
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>		
<b>Inventory</b>		
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<b>Citation</b>		
<b>FTB Notice</b>		
		<b>Reviewed by: KT</b>
		<b>Reviewed on: 5/19/15</b>
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 4 - Blanco</b>

**Petition for Order Compelling Trustee to Account and Report**

Thomas J. Davis DOD: 6-5-00	JOSHUA DAVIS, Beneficiary, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
Wealthea Davis DOD: 3-25-98		
Cont from 051914, 061814, 071614, 082714, 101414, 121514, 022314, 033015	<p><b>Petitioner states he is a beneficiary of the Davis 1989 Family Trust dated 11-17-89 (the Trust) (Exhibit A).</b> On or about the same date, Thomas and Wealthea Davis also created the <b>Davis Family 1989 Life Insurance Trust (the Insurance Trust) (Exhibit B).</b> The Family Trust became irrevocable on the settlors' deaths. The Insurance Trust was already irrevocable during their lifetimes. Petitioner states <b>BRUCE NEILSEN</b> is the successor trustee of both trusts.</p> <p>Petitioner states that following the death of Thomas Davis on 6-5-00, Petitioner, by his agent and CPA Tom Bell, inquired of Trustee Neilsen on multiple occasions about the nature of the Trust assets and timetable for distribution. Petitioner was aware that the decedents had owned real property in California, various stocks and bonds, as well as other assets to which Petitioner and the other named in this petition were beneficiaries.</p> <p>Petitioner has requested that Trustee Neilsen provide him with an account of his administration of the Trust, but Trustee Neilsen has not done so. Additionally, Petitioner believes portions of the trust property that were to be held fbo Trust beneficiaries and Insurance Trust beneficiaries have been used to make loans to beneficiaries other than Petitioner, all to the detriment of Petitioner and other beneficiaries who may have lost their share of Trust and Insurance Trust assets as a result of the breach of his duties to the beneficiaries by Trustee Neilsen.</p>	<p><b>Note:</b> Account and Report filed on 3/26/15 is set for hearing on 5/26/15; however the accounting is not provided in the format required by Probate Code §1060. See Page B.</p> <p><b>Note:</b> On 8-26-14, Joshua Davis, Corey Davis and Brittney Davis filed a separate Petition for Order Compelling Trustee to Account and Report in Case 14CEPR00790, titled "Davis Family 1989 Life Insurance Trust – See Page 10 of this calendar.</p> <p><b>Minute Order 2-23-14:</b> Mr. Neilson represents that the 2014 accounting is not yet back from the accountant. The Court admonishes that this will be the last continuance in this matter and in the related matter of 14CEPR00790 are filed at least two court days prior, then no appearance is necessary on 3/30/15. However, if the accountings are not filed, then a Status Report verified by the client is required as to each matter. Cont to 033015 900 303.</p>
Aff.Sub.Wit.		
✓ Verified		
Inventory		
PTC		
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✓ Notice of Hrg		
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9202		
✓ Order		
Aff. Posting		
Status Rpt		
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Citation		
FTB Notice		
<b>SEE ADDITIONAL PAGES</b>		
		<b>Reviewed by:</b> skc
		<b>Reviewed on:</b> 5-19-15
		<b>Updates:</b>
		<b>Recommendation:</b>
		File 6A - Davis

**Petitioner states** moreover, Trustee Neilsen has failed to require the execution of notes requirement repayments by the borrowers of the Trust and Insurance Trust assets, and/or that Trustee Neilsen has failed to require the repayment of principal and interest on the Trust and Insurance Trust monies by the borrowers, all to the detriment of Petitioner and the other beneficiaries.

Petitioner states the Trust estate was to be divided into 12 separate trusts immediately on the death of both settlors. Petitioner made inquiries of Trustee Neilsen as to what is held in the trust created for Petitioner, but Trustee Neilsen has not provided the requested information or any meaningful response. Petitioner is informed and believes that Trustee Neilsen has, without consent or knowledge of several of the beneficiaries, used Trust and/or Insurance Trust assets to fund business transactions initiated by other beneficiaries, all to the detriment of Petitioner and other beneficiaries.

Petitioner has been unable to determine what has been done with what portion of the Insurance Trust assets and the Trust assets which were to have been segregated from the rest of the Trust property and Insurance Trust property for Petitioner's benefit.

**Petitioner requests the Court order as follows:**

1. Directing Trustee Bruce Neilsen to prepare and file a complete account and report of his administration of the Davis 1989 Family Trust and the Davis 1989 Life Insurance Trust for the period of June 6, 2000 through March 31, 2014, inclusive;
2. Directing Trustee Bruce Neilsen to set the Account and Report for hearing and give notice of same pursuant to §17203;
3. Awarding Petitioner reasonable attorneys' fees and costs incurred in this matter; and
4. Granting any and all other relief as the Court deems just and proper.

**SEE ADDITIONAL PAGES**

**NEEDS/PROBLEMS/COMMENTS:**

~~1. This petition requests accountings for two separate trusts. The two separate trusts have separate terms, separate assets, and separate purposes, and as such consideration by the Court requires separate petitions, separate notice, separate files, separate filing fees, and ultimately separate accountings.~~

~~The Court may designate this case number as the Family Trust file and direct Petitioner to initiate a separate proceeding regarding the Life Insurance Trust.~~

**Update: On 8-26-14, Joshua Davis, Corey Davis and Brittney Davis filed a separate Petition for Order Compelling Trustee to Account and Report in Case 14CEPR00790, titled "Davis Family 1989 Life Insurance Trust – See Page 7 of this calendar.**

2. Also, per its terms, the Family Trust was to immediately divide into twelve (12) separate trusts, only one of which was for Petitioner's benefit. Need clarification and authority regarding the scope of the request for accounting(s).

Note: The language in the instruments differentiates between division into separate trusts and into separate shares, as contemplated by the Life Insurance Trust.

3. Notice appears to have been mailed to six people as couples, rather than as individuals entitled to direct notice. The Court may require amended direct service pursuant to Cal. Rules of Court 7.51.

4. Probate Code § 17200(b)(7) provides that the Court can compel the trustee to provide information or account if the trustee has failed to provide the requested information within 60 days after the beneficiary's reasonable written request. Here, Petitioner states that he requested information after the settlors' deaths, which was approx. 14 years ago, but Petitioner does not state if any recent written request was made pursuant to § 17200(b)(7), or what response was received, if any, pursuant to the written request. The Court may require clarification as to whether this petition may be prematurely filed pursuant to § 17200(b)(7) and may require continuance for formal request and response. (Note: The requests should be separated for each trust pursuant to the above items.)

5. Need revised order.

Atty Neilson, Bruce A. (Attorney Trustee – Petitioner)

Account and Report of Trustee and Petition for its Settlement

		<p><b>BRUCE NEILSON</b>, Trustee of the <b>DAVIS 1989 FAMILY TRUST</b>, dated <b>11/17/89</b>, submits the account and report of administration as set forth in Exhibit A.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. <b>This Account is not in the form required by Probate Code §1060 and therefore cannot be reviewed by Examiner.</b></p>
		<p>Account period: 1/1/04 – 12/31/13</p>	<p>1. <b>This Account is not in the form required by Probate Code §1060 and therefore cannot be reviewed by Examiner.</b></p>
<input type="checkbox"/>	Aff.Sub.Wit.	<p>The Trustee declares that he has read the account and report as prepared by Moore, Grider CPAs and knows the contents thereof.</p>	
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
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<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			<p>Reviewed by: skc</p>
			<p>Reviewed on: 5/19/15</p>
			<p>Updates:</p>
			<p>Recommendation:</p>
			<p>File 6B - Davis</p>

Amended Petition for Letters of Administration; Authorization to Administer Under Limited IAEA (Prob. C. 8002, 10450)

<b>DOD: 2/27/14</b>		<p><b>IRENE IRLAS</b> and <b>RUBEN IRLAS</b>, are petitioner and request appointment as Administrators without bond.</p> <p>Limited IAEA – o.k.</p> <p>Decedent died intestate.</p> <p>Residence: Selma Publication: Selma Enterprise.</p> <p><b>Estimated value of the estate:</b></p> <table> <tr> <td>Personal property</td> <td>-</td> <td>\$ 15,000.00</td> </tr> <tr> <td>Real property</td> <td>-</td> <td>\$120,000.00</td> </tr> <tr> <td><b>Total</b></td> <td>-</td> <td><b>\$135,000.00</b></td> </tr> </table> <p><b>Probate Referee: Steven Diebert.</b></p>	Personal property	-	\$ 15,000.00	Real property	-	\$120,000.00	<b>Total</b>	-	<b>\$135,000.00</b>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Continued from 4/28/15. As of 5/19/15 the following issues remain:</b></p> <ol style="list-style-type: none"> <li>1. Need Waiver of Bond from all heirs. (Waiver of Bond have been filed for 2 of the 12 heirs however they are not on the mandatory Judicial Council form.) <b>Need waiver of bond from all heirs on the mandatory Judicial Council form or bond set at \$15,000.00</b></li> <li>2. Need name(s) and date(s) of death of any deceased heir. Local Rule 7.1.1D.</li> </ol> <p><b>Note:</b> If the petition is granted, status hearings will be set as follows:</p> <ul style="list-style-type: none"> <li>• <b>Wednesday, June 24, 2015</b> at 9:00 a.m. in Department 303, for the filing of the bond, if required.</li> <li>• <b>Wednesday, October 28, 2015</b> at 9:00 a.m. in Department 303, for the filing of the inventory and appraisal.</li> <li>• <b>Wednesday, July 27, 2016</b> at 9:00 a.m. in Department 303, for the filing of the first account or petition for final distribution.</li> </ul> <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.</p>
Personal property	-		\$ 15,000.00									
Real property	-		\$120,000.00									
<b>Total</b>	-		<b>\$135,000.00</b>									
<b>Cont. from 042815</b>												
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<b>Updates:</b>												
<b>Recommendation:</b>												
<b>File 8 - Irlas</b>												

**Petition for Order Compelling Trustee to Account and Report**

		<p><b>JOSHUA DAVIS, COREY DAVIS and BRITTNEY DAVIS</b>, beneficiaries, are petitioners.</p> <p>Petitioners state Settlor <b>Wealthea Davis</b> died on 3/25/98 and <b>Thomas J. Davis</b> died on 6/5/00 – more than 14 years ago.</p> <p><b>BRUCE NEILSON</b> ("Trustee Neilson") is successor Trustee.</p> <p><b>Petitioners state</b> following the death of settlor Thomas J. Davis, by their agent and their CPA, Tom Bell, inquired on multiple occasions of Trustee Neilson about the nature of the Trust assets and the timetable for distribution. Petitioners believe that the Insurance Trust at its inception was funded with approximately \$2,370,000.</p> <p>Petitioners have requested that Trustee Neilson provide them with an account of his administration of the Insurance Trust, but Trustee Neilson has not yet done so.</p> <p>Additionally, Petitioners believe that portions of the Insurance Trust property that was to be held by Trustee Neilson for the benefit of the Insurance Trust beneficiaries has been used to make loans or excessive distributions to beneficiaries other than Petitioners, all to the detriment of Petitioners and other beneficiaries whose share of Insurance Trust assets have been improperly loaned or otherwise transferred to beneficiaries who were not entitled to receive what was loaned or otherwise transferred to them as a result of the breach by Trustee Neilson of his duties to the beneficiaries.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Please see related case on page 6.</b></p> <p>1. Need Order</p>	
Cont. from 121514, 022315, 033015, 033015				
	Aff.Sub.Wit.			
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	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
	Order	X		
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
		<p align="center"><b>Please see additional page.</b></p>	<p><b>Reviewed by: KT</b></p> <p><b>Reviewed on: 5/19/15</b></p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 9A – Davis Life</b></p>	

Moreover, Petitioners believe that Trustee Neilson has failed to require the execution of notes requiring repayment by the borrowers of the Insurance Trust assets, and/or that Trustee Neilson has failed to require repayment of principal and interest on the Insurance Trust monies by the borrowers, all to the detriment of Petitioners and the other Beneficiaries to whom loans were not made.

Petitioners believe that Trustee Neilson has transferred property belonging to the beneficiaries of the Insurance Trust in a manner that diminishes Petitioners' rights as beneficiaries under the Insurance Trust. Petitioners submit Trustee Neilson has refused to share information with Petitioners concerning what has been done with the assets of the Insurance Trust, and that such refusal constitutes a violation of Probate Code §16060 which states the trustee has a duty to keep the beneficiaries "reasonably informed of the trust and its administration."

Further, Petitioners believe that Trustee Neilson has made substantially greater distributions to some beneficiaries than to others, in a manner which is inconsistent with the terms of the Insurance Trust. Some beneficiaries have been distributed or loaned far more than their "share" of the trust assets. Petitioners have been distributed far less than their "shares" and the Insurance Trust does not appear to hold sufficient assets to provide Petitioners with the assets to which they are entitled.

Petitioners request this Court order Trustee Neilson to provide a complete account and report of his administration of the Insurance Trust for the period from June 6, 2000 through the present.

Petitioners allege that Trustee Neilson should be personally surcharged for any damages resulting from his mismanagement of the Insurance Trust and failure to provide the beneficiaries with information as provided by law.

Petitioners allege that Trustee Neilson's failure to segregate the Insurance Trust assets as provided for in the Insurance Trust constitutes a breach of his fiduciary duties as Trustee.

As a proximate result of Trustee Neilson's breach of trust, there has been an extreme depletion of the Insurance Trust assets which would be available for distribution to Petitioners if not for the wrongful distributions and loans made by Trustee Neilson. Petitioners believe that Trustee Neilson's breach of trust has resulted in damages to Petitioners and the Insurance Trust in an amount not less than \$533,000.

**Wherefore, Petitioners request the Court order the following:**

1. Directing Trustee Bruce Neilson to prepare and file a complete account and report of his administration of the Davis Family 1989 Life Insurance Trust for the period of 6/6/2000 through 8/15/2014, inclusive;
2. Directing Trustee Bruce Neilson to set the Account and Report for hearing and give notice of same pursuant to Probate Code §17203;
3. Awarding Petitioners reasonable attorneys' fees and costs incurred in this matter;
4. Surcharging Trustee Bruce Neilson as appropriate according to proof.

Hearing Re: Objections to the Accounting

	<p><b>JOSHUA DAVIS, COREY DAVIS</b> and <b>BRITTNEY DAVIS</b>, beneficiaries, petitioned the court compelling Trustee Bruce Neilson to account and report.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Please see related case on page 6.</b></p>
	<p><b>Minute order (Judge Hamlin) dated 12/15/14</b> states Mr. Neilson is ordered to provide the accounting for 2014 by 2/13/15 and set this status hearing re: Objections to the Accounting.</p>	
Cont. from 033015		
Aff.Sub.Wit.	<p><b>Minute order dated 2/23/15</b> states Mr. Neilson represents that the 2014 accounting is not yet back from the accountant. The Court admonishes that this will be the last continuance in this matter. If the accounting in this matter and the related matter of 14CEPR00298 [page 6 of this calendar] are filed at least two court days prior, then no appearance is necessary on 3/30/15. However if the accountings are not filed, then a status report verified by the client is required as to each matter. <b>Examiner note:</b> An accounting was filed on 3/26/15 prior to the 3/30/15 hearing (see page 9C). Examiner notes for 3/30/15 indicated that he accounting did not comply with Probate Code §1060 et seq.</p>	
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FTB Notice		
		<p><b>Reviewed by: KT</b></p> <p><b>Reviewed on: 5/19/15</b></p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 9B - Davis</b></p>

**Account and Report of Trustee and Petition for Its Settlement**

		BRUCE A. NEILSON, Trustee, is petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  Please see related case on page 6.  2. This Account does not comply with Probate Code §1060 et seq. and therefore has not been reviewed by Examiner.  <b>Note to Judge:</b> The “account” consists solely of spreadsheet printouts from the CPA. There is no narrative, summary of account or other information provided.	
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Citation				
FTB Notice				
				Reviewed by: KT
				Reviewed on: 5/19/15
				Updates:
		Recommendation:		
		File 9C – Davis		

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

		<b>TEMPORARY EXPIRES 5/26/15</b>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. Petitioners filed declarations of due diligence for both parents and the unknown paternal grandparents. If diligence is not found, need notice pursuant to Probate Code §1511 or further diligence.</p>
		<p><b>JOHN WESLEY PEEBLES and MICHELLE PEEBLES</b>, maternal grandparents, are petitioners.</p> <p>Please see petition for details.</p> <p><b>Court Investigator Report filed on 1/12/15.</b></p>	
<b>Cont. from 012015</b>			
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			<b>Reviewed on: 5/19/15</b>
			<b>Updates:</b>
			<b>Recommendation:</b>
			<b>File 10 – Peebles-Gessner</b>

Atty Staunton, Cynthia Ann (Pro Per – Beneficiary – Petitioner)  
 Atty Buettner, Michael M. (for Joseph J. Marzullo – Trustee – Respondent)

Petition to Compel Account

<p>Marguerite N. Marzullo DOD: 4-11-98</p> <hr/> <p>Cont. from 012115, 030415, 042115</p> <table border="1" style="width: 100%;"> <tr> <td style="width: 10%;"></td> <td style="width: 80%;">Aff.Sub.Wit.</td> <td style="width: 10%;"></td> </tr> <tr> <td>✓</td> <td>Verified</td> <td></td> </tr> <tr> <td></td> <td>Inventory</td> <td></td> </tr> <tr> <td></td> <td>PTC</td> <td></td> </tr> <tr> <td></td> <td>Not.Cred.</td> <td></td> </tr> <tr> <td>✓</td> <td>Notice of Hrg</td> <td></td> </tr> <tr> <td>✓</td> <td>Aff.Mail</td> <td>w/o</td> </tr> <tr> <td></td> <td>Aff.Pub.</td> <td></td> </tr> <tr> <td></td> <td>Sp.Ntc.</td> <td></td> </tr> <tr> <td></td> <td>Pers.Serv.</td> <td></td> </tr> <tr> <td></td> <td>Conf. Screen</td> <td></td> </tr> <tr> <td></td> <td>Letters</td> <td></td> </tr> <tr> <td></td> <td>Duties/Supp</td> <td></td> </tr> <tr> <td>✓</td> <td>Objections</td> <td></td> </tr> <tr> <td></td> <td>Video Receipt</td> <td></td> </tr> <tr> <td></td> <td>CI Report</td> <td></td> </tr> <tr> <td></td> <td>9202</td> <td></td> </tr> <tr> <td></td> <td>Order</td> <td style="text-align: center;">x</td> </tr> <tr> <td></td> <td>Aff. Posting</td> <td></td> </tr> <tr> <td></td> <td>Status Rpt</td> <td></td> </tr> <tr> <td></td> <td>UCCJEA</td> <td></td> </tr> <tr> <td></td> <td>Citation</td> <td></td> </tr> <tr> <td></td> <td>FTB Notice</td> <td></td> </tr> </table>		Aff.Sub.Wit.		✓	Verified			Inventory			PTC			Not.Cred.		✓	Notice of Hrg		✓	Aff.Mail	w/o		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		<p><b>CYNTHIA ANN STAUNTON</b>, Beneficiary, is Petitioner.</p> <p><b>Petitioner states</b> she is a beneficiary of the Marzullo Revocable Living Trust dated 5-19-97 created by Joseph J. Marzullo, Jr., and Marguerite N. Marzullo, as settlors and trustees, as amended by the first and second amendments, both dated 5-19-97. Attached may not be a complete copy, only what she was given.</p> <p>Petitioner states she has made countless attempts to request a full and complete accounting, but the Trustee never provided Petitioner with any information regarding the trust estate. Petitioner is entitled to an account pursuant to §16062(a). Petitioner and her son are beneficiaries to whom as stated previous cannot at this time state under these codes what they are entitled to, however as the court to help us in this process. The trustee became the trustee as a result of the death of the surviving settlor [sic] Marguerite N. Marzullo on 4-11-98. Soon, she will have gone through 17 years of this and with his knowledge of Petitioner's finances and having no means to seek even the smallest amount of legal representation, advice, etc., and all these years with nothing.</p> <p><b>Petitioner prays for an order:</b></p> <ol style="list-style-type: none"> <li>1. Finding that notice of hearing has been given as required by law;</li> <li>2. Compelling the trustee to deliver an account of the transactions of the trust to Petitioner by as soon as Court orders; and</li> <li>3. For such other and further orders as the Court deems just and proper.</li> </ol> <p><b>See Page 2.</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><u>Minute Order 4-21-15:</u> The Court's order that a complete copy of the Trust be provided to Ms. Staunton stands. Joseph Marzullo is ordered to be personally present in Court on 5-26-15. (Note: Declaration of Michael M. Buettner states a copy of the trust was mailed to Ms. Staunton on 4-23-15. The missing pages were the Table of Contents, attached.)</p> <p><u>The following issues remain noted:</u></p> <ol style="list-style-type: none"> <li>1. Need proof of service of Notice of Hearing at least 30 days prior to the hearing pursuant to Probate Code §17203 on the trustee and all beneficiaries:             <ul style="list-style-type: none"> <li>- Darrell Jordan (named alternate successor trustee)</li> <li>- Any other person entitled to notice pursuant to §17203.</li> </ul> <p><u>Note:</u> Petitioner listed only the trustee and beneficiaries in the petition; however, the trust provides the name of the alternate successor trustee, who is entitled to notice. The Court may require a complete list compiled and verified by Petitioner of all entitled to notice of these proceedings.</p> </li> <li>2. The trust at Article VII, Section 7.6, states: During the time that either Settlor serves as Trustee hereunder no account shall be required of said Settlor serving as Trustee, such accounting being specifically waived in such instance by the Settlor.  The Court may require clarification or authority regarding Petitioner's request for an accounting. (Do the amendments referenced provide further direction?)</li> <li>3. This petition was filed with a fee waiver. If Petitioner receives distribution, filing fees may be due.</li> </ol> <table border="1" style="width: 100%;"> <tr> <td>Reviewed by: skc</td> </tr> <tr> <td>Reviewed on: 5-19-15</td> </tr> <tr> <td>Updates:</td> </tr> <tr> <td>Recommendation:</td> </tr> <tr> <td>File 12A - Marzullo</td> </tr> </table>	Reviewed by: skc	Reviewed on: 5-19-15	Updates:	Recommendation:	File 12A - Marzullo
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Page 2

**Response filed 1-16-15 by Joseph J. Marzullo, Trustee, states** he is not required to account for the period when the trust may be revoked. One of the subtrusts is the survivor's trust, and accordingly, no accounting need be made to Petitioner with respect to the survivor's Trust. Mr. Marzullo states he is the current beneficiary and sole trustee; therefore, no account is required. Also, Petitioner has failed to comply with notice provisions of § 17203. He and Petitioner have had an estranged relationship for many years. Petitioner has been verbally abusive to Respondent and has made threats against him. In spite of this, Respondent has provided considerable financial assistance to Petitioner over the years.

**Respondent prays that:**

1. The Court deny the relief requested in the petition;
2. That Petitioner take nothing by way of her petition;
3. Such other and additional relief as the court deems appropriate.

**Declaration of Michael M. Buettner filed 4-27-15 states** the only pages Ms. Staunton was missing were Pages 1-3, which are the Table of Contents, attached.

**Petitioner's Declaration filed 5-12-15** details her health and personal issues and states that she is missing the last three pages, 47, 48, and 49, the properties and the bank accounts. The declaration also provides details of various properties.

***Examiner's Note: Petitioner mentions possible amendments; however, neither recent declaration mentions whether these amendments exist.***

	<p><b>CYNTHIA ANN STAUNTON</b>, Beneficiary, filed a Petition to Compel Account on 12/5/14.</p> <p>At hearing on 4/21/15, the Court set this status hearing Re: Filing of an Account. <b>JOSEPH J. MARZULLO</b> is ordered to be personally present in court on 5/26/15.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. <b>Need account or written status report pursuant to Local Rule 7.5.</b></p>
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<b>FTB Notice</b>		
		<b>Reviewed by: skc</b>
		<b>Reviewed on: 5/19/15</b>
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 12B - Marzullo</b>

<b>DOD: 11/23/14</b>	<p><b>JEREMY MCNABB</b>, friend, was appointed Executor with full IAEA and bond set at \$302,000.00 on 01/26/15.</p> <p>Bond filed 02/13/15.</p> <p>Letters were issued on 02/18/15.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. Need Inventory &amp; Appraisal.</p>
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	<b>Reviewed on:</b> 05/19/15	
	<b>Updates:</b>	
	<b>Recommendation:</b>	
	<b>File 13 - Ugaste</b>	

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

<b>Age: 12</b>	<b><u>TEMPORARY EXPIRES 05/26/15</u></b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
	<b>STAVROS KISKIRAS</b> , step-father, is Petitioner.	<b><u>CONTINUED FROM 03/09/15</u></b>
	Father: <b>ANTHONY JYNES, SR.</b> – <i>personally served on 02/13/15 and 04/14/15</i>	1. Declaration of Due Diligence filed 05/15/15 states that the current whereabouts of Joseph Jynes (paternal grandfather) is unknown. If diligence is not found, need proof of service by mail at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Guardian of the Person</i> <u>or</u> Consent & Waiver of Notice for Joseph Jynes.
<b>Cont. from 030915, 042115</b>	Mother: <b>TANYA STEWART</b> – <i>Personally served on 02/05/15 and 04/16/15</i>	2. Anthony Jynes (minor) turned 12 between this hearing and the last, therefore, need proof of personal service at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Guardian of the Person</i> <u>or</u> Consent & Waiver of Notice for Anthony Jynes (minor).
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	Paternal grandfather: JOSEPH JYNES – <i>Declaration of Due Diligence filed 05/15/15</i>	
<input checked="" type="checkbox"/> <b>Verified</b>	Paternal grandmother: GLORIA MCAFEE (JYNES) – <i>personally served on 04/14/15</i>	
<input type="checkbox"/> <b>Inventory</b>	Maternal grandfather: LARRY STEWART – <i>served by mail on 04/11/15</i>	
<input type="checkbox"/> <b>PTC</b>	Maternal grandmother: CARMEN BESKAKLIO – <i>personally served on 04/11/15</i>	
<input type="checkbox"/> <b>Not.Cred.</b>	Sibling: ELENI KISKIRAS	
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>	<b>Petitioner states</b> [see Petition for details].	
<input checked="" type="checkbox"/> <b>Aff.Mail</b> w/	<b>Court Investigator JoAnn Morris filed a report on 03/04/15.</b>	
<input type="checkbox"/> <b>Aff.Pub.</b>		
<input type="checkbox"/> <b>Sp.Ntc.</b>		
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<input checked="" type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		
		<b>Reviewed by:</b> JF
		<b>Reviewed on:</b> 05/19/15
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 16 - Jynes</b>

**Petition for Letters of Administration; Authorization to Administer Under IAEA**

<b>DOD: 2/28/13</b>		<p><b>BARBARA ARNOLD</b>, Sister, is Petitioner and requests appointment as Administrator with Full IAEA without bond.</p> <p>Full IAEA – ok</p> <p>Decedent died intestate</p> <p>Residence: Fresno Publication: Fresno Bee</p> <p>Estimated value of estate: Real property: \$200,000.00</p> <p>Probate Referee: Steven Diebert</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><u>Note:</u> If granted, the Court will set status hearings as follows:</p> <ul style="list-style-type: none"> <li>Monday, June 29, 2015 for filing of bond, if required</li> <li>Monday, October 19, 2015 for filing the Inventory and Appraisal</li> <li>Monday, August 22, 2016 for filing the first account or petition for final distribution</li> </ul> <p>If the proper items are on file prior to the status dates pursuant to Local Rule 7.5, the status hearings may come off calendar.</p>
<b>Cont from 051515</b>			
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
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<input type="checkbox"/>	<b>Conf. Screen</b>		
<input checked="" 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>		
<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 type="checkbox"/>	<b>FTB Notice</b>		
		<p><b>Reviewed by:</b> skc</p> <p><b>Reviewed on:</b> 5/19/15</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 22 - Conroy</b></p>	