

**Petition for Relief from Mistake, Inadvertence, Surprise or Excusable Neglect; for Re-Appointment as Co-Trustee [CCP 473(b); Prob. C. 1000, 17200 et seq]**

<p><b>Robert</b> <b>DOD: 05/16/07</b></p> <hr/> <hr/> <hr/> <p><b>Cont. from 040813, 051313</b></p> <table border="1" style="width: 100%;"> <tr> <td style="width: 5%;"></td> <td style="width: 85%;">Aff.Sub.Wit.</td> <td style="width: 10%;"></td> </tr> <tr> <td style="text-align: center;">✓</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 style="text-align: center;">✓</td> <td>Notice of Hrg</td> <td></td> </tr> <tr> <td style="text-align: center;">✓</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>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>PEGGY L. ROGERS, Co-Trustee, is Petitioner.</b></p> <p><b>Petitioner alleges:</b></p> <ol style="list-style-type: none"> <li>Petitioner was a duly nominated and acting Co-Trustee of the Robert Lewis Rodgers and Betty Irene Rodgers Revocable Living Trust (the "Trust") dated 05/17/95. Petitioner is one of the daughters of Co-Settlers Robert Rodgers and Betty Rodgers.</li> <li>Petitioner became a Co-Trustee of the Trust following the death of her father, Robert, on 05/16/07. Thereafter, the successor Co-Trustees of the Trust were the surviving Settlor, Betty Rodgers ("Betty"), Petitioner, and Petitioner's sister, Susan Rodgers McDonald ("Susan").</li> <li>The principal place of administration of the Trust is Fresno County.</li> <li>On or about 10/17/12, Betty filed a Petition to Remove Trustee and to Appoint Successor Trustee in this proceeding. Therein Betty alleged that Petitioner had breached her duties as Co-Trustee under Probate Code § 15642 and requested the Court remove her as a Co-Trustee. The matter was heard by the Court on 12/04/12 issued an order removing Petitioner as Co-Trustee and appointing Bruce Bickel as the sole successor trustee of the Trust on 12/11/12.</li> <li>Petitioner requests that the Court set aside the Order dated 12/11/12 under California Code of Civil Procedure § 473(b) on the grounds the Order was a the result of mistake, inadvertence, surprise or excusable neglect on the part of Petitioner. Petitioner was unaware that the petition had been filed and unaware of the proceeding. Had Petitioner known of the Petition and the hearing, she would have objected on the grounds that the allegations in the Petition are untrue.</li> </ol> <p style="text-align: center;"><b>Continued on Page 2</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>CONTINUED FROM 05/13/13</b> <b>Minute Order from 05/13/13 states:</b> <b>Counsel advises the Court that an agreement has been reached.</b></p> <p><b>As of 05/28/13, nothing further has been filed.</b></p> <ol style="list-style-type: none"> <li>Need Order.</li> </ol> <hr/> <p><b>Reviewed by:</b> JF</p> <hr/> <p><b>Reviewed on:</b> 05/28/13</p> <hr/> <p><b>Updates:</b></p> <hr/> <p><b>Recommendation:</b></p> <p><b>File 1A - Rodgers</b></p>
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6. Petitioner is a full-time employee of Kerman Unified School District. She lives in Fresno with her husband, Wayne King ("Mr. King"). Mr. King became permanently disabled in 1967 after suffering a traumatic brain injury. As a result of the injury, Mr. King has significant difficulties with his memory and needs assistance with daily living tasks. Petitioner's mother, Betty, and her sister, Susan, are familiar with Mr. King's disability and are well aware of his memory difficulties. Betty has long known that she must telephone Petitioner or personally notify her if she drops mail or other items at Petitioner's home while Petitioner is at work because Mr. King will either forget to tell Petitioner or will place the items somewhere in their home and forget them. Because of these circumstances, Betty made it a common practice to call Petitioner whenever she brought something over to her house while Petitioner was at work. By doing so, Petitioner was able to find whatever Betty had brought over since in most instances, Mr. King had forgotten that Betty had come by or had forgotten where the item had been placed.
7. At no time did Betty contact Petitioner to let her know that she had filed a petition accusing Petitioner of fiduciary misconduct and requesting that the Court remove Petitioner as a Co-Trustee. Further, at no time did Betty notify Petitioner directly to let her know that a copy of the Petition had been mailed to Petitioner's home. Accordingly, Petitioner was unaware of the Petition, unaware of the allegations by Betty, and unaware of the December 4, 2012 hearing. Had Petitioner known of the proceedings, she would have retained counsel, filed an objection and appeared at the hearing to challenge the allegations of misconduct.
8. On or about 01/08/13, Petitioner was looking through some paperwork in a drawer in her home and discovered a manila envelope she had not previously seen. Inside she found a copy of Betty's petition and a Notice of Hearing for the 12/04/12 date. Petitioner thereafter met with and retained legal counsel to represent her interests as Co-Trustee.
9. To Petitioner's knowledge, she was never served with a copy of the 12/11/12 Order removing her as Co-Trustee and appointing Bruce Bickel as sole successor trustee. Petitioner's counsel obtained a copy of the Order from Mr. Bickel after calling him to discuss the matter.
10. Petitioner requests the Court set aside its 12/11/12 Order on the ground that its entry was the result of mistake, surprise, inadvertence or excusable neglect on Petitioner's part, and allow her the opportunity to challenge the allegations in the petition. Petitioner asserts that she has always made every effort to accommodate her mother's needs in regard to the administration of the Trust and wishes to maintain shared responsibility for Trust administration as Co-Trustee for Betty's benefit.

**Points & Authorities:**

1. There is no dispute that a copy of Betty's Petition was mailed to Petitioner along with a Notice of Hearing for the 12/04/12 hearing.
2. Petitioner respectfully submits that the circumstances of her husband's disability warrant additional consideration. As noted, both of the other Co-Trustees, Betty and Susan, are well aware that Petitioner needs direct notification when important papers or other such items are delivered to her home because, without such notification, she will not know of the paperwork or its delivery. Further Betty should have known that Petitioner had not received the petition when she did not appear at the hearing on 12/04/12, did not file an objection, and did not contact her mother (Betty) about the allegations of fiduciary misconduct.
3. CCP § 473(b) states that the Court is empowered to relieve a party "upon any terms as may be just...from a judgment, dismissal, order, or other proceeding taken against him or her through his mistake, inadvertence, surprise, or excusable neglect." The reference to "judgment...order, or other proceedings" includes any step taken in a case, whether by the Court or by one of the parties: "Anything done from the commencement to the termination is a proceeding." (Zellerino v. Brown (1991) 235Cap.App.3d 1097, 1105)

**Continued on Page 3**

4. Here, Petitioner, through no fault or negligence of her own, was unaware of the Petition or the hearing thereon. Petitioner thus submits the Order should be set aside on the ground of surprise. "Surprise" refers to "some condition or situation in which a party...is unexpectedly placed to his injury, without any default or negligence of his own, which ordinary prudence could not have guarded against." (Credit Managers Ass'n of So. Calif. v. National Independent Business Alliance (1984) 162 Cal.App.3d 1166, 1173.)
5. Likewise, the Court may set aside an order entered as a result of "excusable neglect." (Cal. Code of Civ. Proc. § 473(b).) In such instance, the Court's focus is on whether the moving party has shown a reasonable excuse for the default. (Shapiro v. Clark (2008) 164 Cal.App.4th 1128, 1141-1142.) In other words, the moving party must show that the neglect was excusable, i.e. that the default could not have been avoided through the exercise of ordinary care. (Jackson v. Bank of America (1983) 141 Cal.App.3d 55, 58 (holding "the acts which brought about the default must have been the acts of a reasonably prudent person under the same circumstances").)
6. In the matter of Kesselman v. Kesselmen (1963) 212 Cal.App.2d 196, 207-208, the Court held that evidence that the defendant was seriously ill, or feeble, or unable to understand that he was being served with process, is sufficient to justify discretionary relief under section 473(b). Similarly, evidence that the defendant mislaid or misfiled the papers, and as a result failed to contact an attorney in time, may show "excusable neglect." (Bernards v. Grey (1950) 97 Cal.App. 2d 679, 683-686.) Neglect by a third person is also a sufficient basis for setting aside a default or order on the basis of "excusable neglect." (See, e.g., Benjamin v. Dalmo Mfg. Co. (1948) 31 Cal.2d 523, 526-527 (relief granted after defendant's secretary misunderstood defendant's instruction to send complaint and summons to defendant's attorney and instead put them in defendant's file); Fasuyi v. Permatex, Inc. (2008) 167 Cal.App.4th 681, 694 (relief granted where insured defendant promptly turned summons and complaint over to its insurance broker, who forwarded it to the insurer who inexplicably misplaced it and failed to file a timely answer).)
7. Petitioner, through no fault of her own, had no knowledge of the Petition filed by Betty. Had she known of the Petition, she would have retained counsel, filed an objection and deny the allegations of misconduct. Further, even if the Court were to find that Petitioner's failure to discover or locate the Petition was negligent, she submits the neglect was excusable under the circumstances.
8. For these reasons, Petitioner respectfully requests the Court set aside its 12/11/12 Order pursuant to CCP 473(b) on the grounds of mistake, inadvertence, surprise, or excusable neglect, and allow Peggy the opportunity to defend the allegations of misconduct set forth in Betty's Petition. Petitioner further requests the Court reinstate her as a Co-Trustee of the Trust. [Petitioner's proposed objection attached].

**Petitioner prays for an Order as follows:**

1. Excusing her from the Order entered on 12/11/12, on the grounds of mistake, inadvertence, surprise and/or excusable neglect under CCP § 473(b).
2. Permitting Petitioner to file the proposed Objection attached to this Petition.
3. Reinstating Peggy as a co-trustee of the Trust until such time as the Court adjudicates the Petition and Petitioner's objection thereto; and
4. For reasonable costs incurred.

<b>Robert</b> <b>DOD: 05/16/07</b>	<p>On 10/17/12, <b>BETTY I. RODGERS</b>, sole surviving settlor and Co-Trustee of the ROBERT L. RODGERS AND BETTY I. RODGERS TRUST dated 05/17/95 (the "Trust"), filed a Petition to Remove Trustee and to Appoint Successor Trustee seeking to remove <b>PEGGY L. RODGERS</b>, daughter of the settlors, as a Co-Trustee of the Trust.</p>	<b>NEEDS/PROBLEMS/COMMENTS:</b>				
	<p>On 12/11/12, after receiving no objections, the Court granted the Petition to Remove Trustee and to Appoint Successor Trustee, which removed Peggy L. Rodgers as Co-Trustee and appointed Bruce Bickel as successor trustee. (Co-Trustees Betty I. Rodgers and Susan Rodgers MacDonald resigned).</p>	<p><b>As of 05/28/13, nothing further has been filed in this matter.</b></p>				
<b>Cont. from</b>	<p>On 02/19/13, <b>PEGGY L. RODGERS</b>, filed a Petition for Relief From Mistake, Inadvertence, Surprise or Excusable Neglect; for Reappointment as Co-Trustee that was set for hearing on 05/13/13.</p>					
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<b>Age: 18</b>	<p><b>ANNA GONZALEZ</b>, Mother, was appointed Guardian of the Estate on 2-20-03 with funds placed into a blocked account.</p> <p>On 4-8-13, the Court authorized withdrawal of the balance of \$89,450.00 for college tuition and purchase of a used car, and the Court also set this status hearing for the filing of a final account.</p> <p>On 4-29-13, a Waiver of Account and Release of Guardian was filed by Zachary Sanchez pursuant to Probate Code §2627.</p> <p>The Waiver states Zachary is familiar with the assets of his estate and is satisfied that the investments and disbursements were appropriate and that the balance is correct.</p> <p>Status Conference Statement filed 5-22-13 by Attorney Catherine Amador states the Ward has executed a waiver and will be present with the Guardian to assure the Court that the waiver was obtained fairly and without undue influence.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Note: The Waiver signed by Zachary Sanchez does not contain a verification.</b></p>
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	<p><b>Reviewed by:</b> skc</p> <p><b>Reviewed on:</b> 5-28-13</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 2 – Sanchez</b></p>	

**Status Hearing Re: Filing of Receipt for Blocked Account**

<b>DOD: 11-15-04</b>	<b>JOSE DELGADO</b> , Son, was appointed Administrator with Limited IAEA without bond on 6-21-05.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <ol style="list-style-type: none"> <li>The order and receipt forms used are dated 1996 and are not the current Judicial Council form. The Court may require Form MC-356.</li> <li>This estate was opened in 2005 and the residence was confirmed as an asset of the estate pursuant to Statement of Decision 5-18-06.</li> </ol> <p>However, prior to the Report of Sale confirmed 4-30-13, there had been no activity since 2007 except for a notice of intention to sell the property in 2009.</p> <p>According to file documents, the Decedent had 14 children that are beneficiaries of the estate.</p> <p>The Court may require a verified status report regarding the estate with reference to Probate Code §12200, including the reason for delay in selling the house (which appears to have resulted in a significant decline in value) and whether during that time the house was occupied or vacant. Was the estate receiving rent? Was there any benefit to the estate from this delay?</p> <p><u>Note:</u> The Court will set status hearing for the filing of the final account and petition for final distribution on Friday 6-28-13.</p>
	Final I&A filed 6-19-06 indicates the estate consisted of residential real property located at 431 N. Teilman Ave., in Fresno valued at \$135,000.00 as of date of death 11-15-04.	
<b>Aff.Sub.Wit.</b>	I&A Reappraisal filed 6-19-06 indicated a then-value of \$195,000.00; however, I&A Reappraisal filed 3-29-13 indicated a recent value of \$54,000.00.	
<b>Verified</b>	On 4-30-13, the Court confirmed the sale of the real property and set this status hearing for the filing of a receipt for blocked account.	
<b>Inventory</b>	On 4-30-13, Administrator filed "Acknowledgment and Receipt by Depository" indicating that the net proceeds from the sale of \$24,292.56 are held in a federally insured blocked account.	
<b>PTC</b>		
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<b>FTB Notice</b>		
	<b>Reviewed by:</b> skc	
	<b>Reviewed on:</b> 5-28-13	
	<b>Updates:</b>	
	<b>Recommendation:</b>	
	<b>File 3 – Delgado</b>	

<p><b>DOD: 3/8/2006</b></p>	<p><b>ARACELI SOTO GOMEZ</b> was appointed Administrator without bond with full IAEA authority on 7/27/2009.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p>
<p>Cont. from 110912, 121412, 020113, 031513, 041913</p>	<p>Letters issued on 7/27/2009. Inventory and appraisal was due 12/27/2009.</p>	<p><u>Continued from 11-9-12, 12-14-12, 2-1-13, 3-15-13, 4-19-13</u></p>
<p>Aff.Sub.Wit.</p>	<p>First Account or Petition for Final Distribution was due 7/27/2010.</p>	<p><u>Status Report filed 12-12-12</u> states Attorney Cross has only a few days ago learned of a title problem which he is in the process of addressing. Apparently after the decedent's divorce in 1983, the decedent was awarded the property; however, because the judgment does not contain a full property description or even the APN, there is no record of transfer to the decedent alone. It appears application will need to be made in the dissolution action to either modify the judgment or have the clerk sign a deed conveying title in accordance with the judgment. Attorney Cross is unable to attend the hearing on time, and requests the matter be trailed, or preferably, continued to any date between Jan 15-Feb 15, 2013.</p>
<p>Verified</p>	<p>Notice of Status Hearing was mailed to attorney Robert W.M. Cross and administrator Araceli Soto Gomez on 9/6/12.</p>	<p><u>Minute Order 2-1-13:</u> Counsel informs the Court that he is working on getting the title cleared. Counsel is directed to submit a status report.</p>
<p>Inventory</p>	<p>Status Report filed 11/8/12 states they are not yet able to furnish the court with an inventory and appraisal. They are requesting a continuance for at least a month to allow sufficient time to complete both the inventory and appraisal and to filing accounting report.</p>	<p><u>Minute Order 3-15-13:</u> Counsel informs the Court that title to the property has not been cleared. Counsel requests a continuance.</p>
<p>PTC</p>	<p>I&amp;A filed 12-4-12 reflects a total estate value of \$68,035.00 consisting of a 1/3 interest in real property, various personal property items, and three vehicles.</p>	<p><u>Minute Order 4-19-13:</u> Counsel requests a continuance.</p>
<p>Not.Cred.</p>	<p>Status Report (unverified) filed 3-14-13 requests continuance to at least 4-19-13 because clearance of title has not yet been completed.</p>	<p>1. Need first account or petition for final distribution or current written status report pursuant to Local Rule 7.5.</p>
<p>Notice of Hrg</p>	<p><b>Status Report (unverified) filed 4-18-13 requests continuance to a date on or after 5-29-13 due to unexpected delays in clearance of title.</b></p>	<p>Reviewed by: <b>KT / skc</b></p>
<p>Aff.Mail</p>		<p>Reviewed on: <b>5-28-13</b></p>
<p>Aff.Pub.</p>		<p>Updates:</p>
<p>Sp.Ntc.</p>		<p>Recommendation:</p>
<p>Pers.Serv.</p>		<p>File 4 - Soto</p>
<p>Conf. Screen</p>		
<p>Letters</p>		
<p>Duties/Supp</p>		
<p>Objections</p>		
<p>Video Receipt</p>		
<p>CI Report</p>		
<p>9202</p>		
<p>Order</p>		
<p>Aff. Posting</p>		
<p>Status Rpt</p>	<p>X</p>	
<p>UCCJEA</p>		
<p>Citation</p>		
<p>FTB Notice</p>		

<b>DOD: 12/21/2005</b>	<b>KAMLJIT K. ASHAT</b> , surviving spouse, was appointed as Administrator with full IAEA authority and without bond on 2/10/2009.	<p><b>NEEDS/PROBLEMS/ COMMENTS:</b></p> <p><b>Continued from 5/10/13. Minute order states</b> no appearances. The Court orders William Corwin to be personally present on 5/31/13. In addition, Mr. Corwin is ordered to file a verified status report. Copy of the minute order was mailed to Mr. Corwin on 5/10/13.</p> <p>1. Need Inventory and Appraisal, first account, petition for final distribution or current written status report pursuant to Local Rule 7.5 which states in all matter set for Status Hearing (unless inventory and appraisal <u>and</u> accounting or petition for final distribution has been filed) <b>verified Status Reports must be filed no later than ten (10) days before the hearing</b> and shall be served on all interested parties.</p>
	At the time of the filing of the Petition for Probate the estate was estimated to be \$2,761,000.00.	
	The decedent died intestate survived by his spouse and three children, one of which is a minor.	
<b>Cont. from 022213, 032213, 051013</b>	<b>Inventory and appraisal was due July 2009.</b>	
<b>Aff.Sub.Wit.</b>	<b>First account or a petition for final distribution was due April of 2010.</b>	
<b>Verified</b>	Notice of Status Hearing was mailed to attorney William Cowin on 12/19/2012.	
<b>Inventory</b>	<b>Preliminary Status Report filed on 2/21/13 states</b> but for several lawsuits that arose after the death of the decedent, this probate could have been finalized at an earlier date. With the exception of a parcel of real property located on Blackstone Avenue, all real and personal property assets on the estate are community property. The piece of property on Blackstone was purchased with community funds by the decedent when Mrs. Ashat was temporarily out of the country and title was taken in the name of the decedent temporarily. The above referenced litigation involved a case where Mrs. Ashat and the Estate brought an unlawful detainer action against tenants regarding a portion of the Blackstone property. That case was settled. The second case is a Federal case, case no. 1:121-CV-00224-AWI-SMS styled <i>Delgado v. Abdo Saleh, USA Gas &amp; Grocery and Kamaljit K. Ashat</i> . This issue is a man in a wheel chair who habitually files complaints against businesses whose bathrooms do not meet code standards. The estate attorney is of the opinion that the estate cannot be closed until this Federal case is concluded. The Federal case has finally been resolved and closed in late 2012 and the attorney's office was only recently informed that the Federal case has been concluded. They will now be moving forward with completing a final accounting, transfer of title to Mrs. Ashat and closing this estate.	
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		

Status Hearing Re: Filing of the Third Account

<b>Age:</b> 21 years	<p><b>TIMOTHY COLLINS</b>, father, was appointed conservator of the person and estate on 2/3/2010. Bond was set at \$218,009.92.</p> <p>The Second Account for the account period ending on 3/31/2012 was approved on 3/21/2013. The second account showed the ending property on hand in the estate at \$164,743.64.</p> <p><b>Minute Order dated 3/21/13</b> set this status hearing for the filing of the third account.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. Need third account or current verified status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.</p>
<b>Cont. from</b>		
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>		
<input type="checkbox"/> <b>Verified</b>		
<input type="checkbox"/> <b>Inventory</b>		
<input type="checkbox"/> <b>PTC</b>		
<input type="checkbox"/> <b>Not.Cred.</b>		
<input type="checkbox"/> <b>Notice of Hrg</b>		
<input type="checkbox"/> <b>Aff.Mail</b>		
<input type="checkbox"/> <b>Aff.Pub.</b>		
<input type="checkbox"/> <b>Sp.Ntc.</b>		
<input type="checkbox"/> <b>Pers.Serv.</b>		
<input type="checkbox"/> <b>Conf. Screen</b>		
<input type="checkbox"/> <b>Letters</b>		
<input type="checkbox"/> <b>Duties/Supp</b>		
<input type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>		
<input type="checkbox"/> <b>CI Report</b>		
<input type="checkbox"/> <b>9202</b>		
<input 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> KT</p> <p><b>Reviewed on:</b> 5/28/2013</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p>File 6 – Collins</p>	

Status Hearing Re: Filing of Receipt of Funds in the Blocked Account

<b>Age: 13 years</b>		<p><b>FRANCES GONZALES</b>, paternal grandmother, was appointed guardian of the estate on 4/29/2013.</p> <p><b>Minute order from 4/29/13</b> states the Court grants the petition with special 2590 powers. Frances Gonzales is authorized to sign whatever documents are necessary to sell the property. The Court directs that the funds are to be placed into a blocked account. The Court sets the matter for status hearing.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. Need receipt for blocked account for current verified status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.</p>	
<b>Cont. from</b>				
<b>Aff.Sub.Wit.</b>				
<b>Verified</b>				
<b>Inventory</b>				
<b>PTC</b>				
<b>Not.Cred.</b>				
<b>Notice of Hrg</b>				
<b>Aff.Mail</b>				
<b>Aff.Pub.</b>				
<b>Sp.Ntc.</b>				
<b>Pers.Serv.</b>				
<b>Conf. Screen</b>				
<b>Letters</b>				
<b>Duties/Supp</b>				
<b>Objections</b>				
<b>Video Receipt</b>				
<b>CI Report</b>				
<b>9202</b>				
<b>Order</b>				
<b>Aff. Posting</b>				
<b>Status Rpt</b>				
<b>UCCJEA</b>				
<b>Citation</b>				
<b>FTB Notice</b>				
				<p><b>Reviewed by: KT</b></p>
				<p><b>Reviewed on: 5/28/2013</b></p>
		<p><b>Updates:</b></p>		
		<p><b>Recommendation:</b></p>		
		<p><b>File 7 – Gonzales</b></p>		

**Probate Status Hearing Re: (1) Filing of an Inventory and Appraisal; (2) Filing of a First Accounting**

<b>Age: 63 years</b>	<p><b>MICHAEL K. HAYASHI</b>, brother, was appointed conservator of the estate without bond on 9/20/2011.</p> <p>Order appointing Michael K. Hayashi as conservator granted him the power to act as needed on the conservatee's behalf to represent her interests in the proceedings for dissolution from the Conservatee's husband, Travis Nishi.</p> <p>This status hearing was set for the filing of the inventory and appraisal and for the filing of the first account.</p> <p><b>Status Report filed on 5/23/13</b> states Carolyn Y. Nishi voluntarily petitioned the Court for the establishment of a conservatorship of her estate for the sole purpose of having the assistance of her brother, Michael K. Hayashi as conservator to protect her interests, as needed, in the proceedings for dissolution of her marriage.</p> <p>Since the Conservator had neither the power to, nor did he collect or hold assets, neither inventory nor an accounting is required.</p> <p>The marital settlement agreement between the Conservatee and her husband was executed earlier this month, settling all financial matters. The Judgment for Dissolution has not been filed but a filing is imminent.</p> <p>A Petition for Termination of the Conservatorship has been prepared and will be filed as soon as the Family Law matter has been concluded.</p> <p>Conservator and Conservatee respectfully request that no appearance be required at the Status Hearing.</p>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
<b>Cont. from</b>		
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
	<p><b>Reviewed by: KT</b></p> <p><b>Reviewed on: 5/28/13</b></p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 8 – Nishi</b></p>	

Status Hearing Re: Removal of Executor

DOD: 11/17/11	<p><b>JUDY TOLER</b>, daughter, was appointed Executor without bond on 08/02/12. Letters were issued on 08/23/12.</p> <p><b>Minute Order from 08/02/12</b> set the matter for status re: filing the Inventory &amp; Appraisal on 12/07/12. The status hearing regarding the Inventory &amp; Appraisal was continued 4 times to <b>03/01/13, 04/15/13, 05/06/13</b> and <b>05/24/13</b>.</p> <p>Inventory &amp; Appraisal filed 02/08/13 - \$62,465.69 was incomplete.</p> <p><b>Minute orders from 03/01/13, 04/15/2013</b> and <b>05/16/13</b> indicates that there were no appearances at any of these hearings.</p> <p><b>Minute Order from 05/06/13 states:</b> The Court notes for the minute order that the hour is 9:20 am and there are no appearances. The Court further notes that there was no appearance at the last two hearings. The Court imposes sanctions in the amount of \$500.00 against Myron F. Smith. The Court orders that the sanctions be personally paid by Myron Smith and not his client.</p> <p><b>Final Inventory &amp; Appraisal filed 05/09/13.</b></p> <p><b>Clerk’s Certificate of Mailing filed 05/10/13</b> indicates that copies of the Minute Orders from 05/06/13 were mailed to Myron F. Smith, Esq. on 05/10/13.</p> <p><b>Waiver of Accounting by Distributee filed 05/22/13</b> by Stephanie Chance, Annette Nichols, Terry Arnold &amp; Judy Toler.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>CONTINUED FROM 05/31/13</b>  <b>Minute Order from 05/31/13 states:</b>  <b>Counsel informs the Court that he has the final report done as well as the petition for distribution. Matter continued to 05/31/13. The Court vacates the order for sanctions.</b></p> <p>1. Need Report of Executor and/or Petition for Final Distribution.</p> <p>Note:          A Notice of Change of Address for Attorney Myron Smith was filed 05/08/13.</p>
Cont. from 052413		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
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Status Rpt		
UCCJEA		
Citation		
FTB Notice		
Reviewed by: JF		
Reviewed on: 05/28/13		
Updates:		
Recommendation:		
File 9 – Barnes		