



## 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.

**1 Amelia Massoumi (Estate)**

**Case No. 0232459**

**Atty Capata, Julian Eli (for Anna Noriega Chavez, fka Anna M. Noriega – Executor/Petitioner)**

**Atty Moore, Susan L. (for Maria J. Noriega de Torres, Jose Noriega, Jr. and Barbara Juarez – Objectors)**

**(1) First and Final Account and Report of Executor of the Estate for the Time Period of September 19, 1978 to March 31, 2013; (2) Petition for Final Distribution; (3) for Statutory Executor's Commission; (4) for Statutory Attorney's Fees for Ordinary and Extraordinary Services; (5) for Setoff of Monies Owed by Maria J. Noriega De Torres and Jose Noriega, Jr. for Past Due Rent to Estate; (6) for Order to Withhold Amount for Taxes and Closing Expenses; and Disclosures 1064(a)(1) to 1064(a)(5) of the Probate Code**

<b>DOD: 08/02/78</b>		<b>ANNA NORIEGA CHAVEZ, fka ANNA M. NORIEGA</b> , Executor, is Petitioner.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <ol style="list-style-type: none"> <li>The Petition does not state that proposed amount to be distributed to each beneficiary after the payment of requested fees and setoffs.</li> <li>Need Order that complies with Local Rule 7.6.1.</li> <li>The extraordinary fee request is not accompanied by an itemized list of work performed. Further, the request is 4 times the amount allowed by this court without further justification, pursuant to Local Rule 7.18(A)(1), which allows \$1,000.00 for Court confirmed sales of real property. The Court may require more information.</li> </ol>
		Account period: <b>09/19/78 – 03/31/13</b>	
<b>Cont. from</b>		Accounting - <b>\$66,447.19</b>	
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>	Beginning POH - <b>\$40,000.00</b>	
<input checked="" type="checkbox"/>	<b>Verified</b>	Ending POH - <b>\$58,932.88</b> (all cash)	
<input checked="" type="checkbox"/>	<b>Inventory</b>	Executor (statutory) - <b>\$2,657.89</b>	
<input checked="" type="checkbox"/>	<b>PTC</b>	Attorney (statutory) - <b>\$2,657.89</b>	
<input checked="" type="checkbox"/>	<b>Not.Cred.</b>	Attorney x/o - <b>\$4,000.00</b> (For work performed re the sale of real property. No itemization provided; attorney states he spent in excess of 10 hours and his hourly rate is \$400 - \$450/hr.)	
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>	Closing - <b>\$4,500.00</b>	
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>	Petitioner states that beneficiary Jose Noriega, Jr. owes \$1,500.00 in rent to the estate and beneficiary Maria Torres owes \$35,975.00 in rent and \$2,371.29 for payment of past due property taxes to the estate. Petitioner requests that said rents/taxes owing be deducted from each beneficiaries' share and if there are insufficient funds remaining in their respective shares to pay the rent owed, that the debt become a public record owing to the estate by an Abstract of Judgment.	
	<b>Aff.Pub.</b>		
	<b>Sp.Ntc.</b>		
	<b>Pers.Serv.</b>		
	<b>Conf. Screen</b>		
	<b>Letters</b> 09/19/78		
	<b>Duties/Supp</b>		
	<b>Objections</b>		
	<b>Video Receipt</b>		
	<b>CI Report</b>		
<input checked="" type="checkbox"/>	<b>9202</b>		
	<b>Order</b>	x	
	<b>Aff. Posting</b>		
	<b>Status Rpt</b>		
	<b>UCCJEA</b>		
	<b>Citation</b>		
<input checked="" type="checkbox"/>	<b>FTB Notice</b>		

Continued on Page 2

**Distribution, pursuant to Decedent's Will, is to:**

Anna Noriega Chavez  
Maria Torres  
Barbara Juarez  
Jose Noriega, Jr.

**Objection to Petition for Final Distribution; For Setoffs; For Compensation for Extraordinary Services; and to Allow \$4,500.00 to be Held in Reserve; and Request to Setoff Compensation for Loss to Estate filed 05/24/13** by Maria Noriega de Torres, Jose Noriega, Jr. and Barbara Juarez states: Objectors are beneficiaries of the estate along with Petitioner Anna Noriega Chavez. For more than 30 years, Anna took no action to administer the Estate which consisted solely of the house which was their mother's residence. Since their mother's death, the house was considered a family home and the residence of Jose and then Maria. For more than 20 years, Maria has maintained and improved the property as she was able to do so within her means. No rents have been collected by Anna since their mother passed away in 1978 and the estate has incurred no expenses attributable to the property other than those that were paid through escrow when the property was sold to Maria. Maria and Jose deny that there were any agreements for the payment of rent to Anna as the personal representative of the estate. There is no evidence of any monetary judgment in the amount of \$1,500.00, or any amount owed to the Estate by Jose. Even if Anna had obtained a monetary judgment against Jose in favor of the Estate in 1981, such judgment would now be unenforceable. Any rental value Maria received from the property is full offset by payment of expenses attributable to the property and Maria's efforts to preserve the family home to the benefit of the Estate. But for Maria's efforts in retaining an attorney to force a sale to Maria at market value, no action has been taken to administer the estate. It is also believed the Anna was taking steps to evict Maria from the property. Had the property been vacated, it would have remained vacant being unrentable in its current condition. The Estate had no money to improve or maintain the property and the property could have been vandalized all to the detriment of the Estate. Maria, Jose and Barbara, being all the remaining beneficiaries except for Anna, request the court deny Anna's request for setoff against Maria and Jose and respectfully request the court order distribution of the remaining balance of the Estate to all beneficiaries in equal shares.

Objectors request the Court deny the request for extraordinary compensation to Petitioner's attorney in the amount of \$4,500.00 claimed for time spent in connection with the sale of property for the following reasons:

- a. The amount requested exceeds the amount allowable under Local Rule 7.18(A)(1).
- b. Maria made a good faith offer to purchase the property on 01/06/12, through Mr. Capata, such offer being rejected with no counter offer or attempt to negotiate a sale.
- c. Rather than negotiate in good faith to the benefit to the estate, Mr. Capata utilized his time helping Anna oppose the sale to Maria.
- d. Extraordinary services for which additional compensation is requested was for time spent listing the property with a realtor in direct contradiction to the court's instructions in open court on 06/12/12 to notice the sale to Maria and allowing for potential overbids.
- e. The listing agreement negotiated by Mr. Capata failed to exclude any sale to Maria, a known buyer and bidder for the property, as would have been standard practice, to the detriment of the estate.

Continued on Page 3

Anna should be charged for the loss to the Estate. On 12/05/11, Maria was in a position to purchase the home from the Estate, hired an appraiser to determine the fair market value for the property and obtained a written appraisal indicating the fair market value to be \$64,000.00. On 01/06/12, Maria submitted a written offer to Anna through Mr. Capata to purchase the property for \$55,000.00 in "as-is condition" with no realtor's commissions having to be paid on the sale. Anna refused to negotiate with Maria for the sale of the property. There was no counter offer to Maria's offer, her offer being flatly rejected and Maria was thereafter threatened with eviction. Maria alleges that Anna's actions were not in the best interest of the Estate but were based on personal bias to keep Maria from buying the property at any price. Maria was forced to hire an attorney to file a Petition for Order Directing Personal Representative to Act (filed in this matter on 04/06/12) at great expense in order to negotiate for the purchase of the property. At the hearing on Maria's Petition on 06/12/12, Anna requested she be allowed to list the property for sale through a realtor rather than selling to Maria. In response, the Court ordered Anna to notice a sale of the subject property for \$55,000.00 to Maria in the appropriate format setting forth overbids. Contrary to the Court's instruction, Anna enlisted a family friend, Irma Soltero, an agent at Century 21 Real Estate to list the property for sale. The listing agreement failed to specifically exclude any sale of the property to Maria, a known bidder, only excluding a sale to Maria if there were no overbids to the detriment of the estate. At the confirmation hearing, the property was ultimately sold to Maria and the issue of the realtor's commission was discussed. After discussion wherein the Court was hesitant to allow any commissions whatsoever because a sale to Maria should have been excluded from commission, it was agreed that the realtor would receive a commission of \$330.00, being 6% of the sales price over and above the initial bid (see minute Order from hearing on 08/07/12). Contrary to the Court's order, Anna, through her attorney, submitted an Order Confirming Sale allowing for a commission of \$3,300.00, rather than the \$330.00 as ordered, without noticing the matter for further proceedings to allow for a proper objection. The Estate was not required to pay a commission of \$3,300.00. The order as submitted to the Court allowing for a commission of \$3,300.00 resulted in a loss to the Estate of \$3,000.00. Petitioners therefore request Anna's compensation be reduced by the loss to the Estate.

Objector's further request that only a reasonable amount be established for a reserve account, that amount being the amount necessary for the preparation of a first and final fiduciary tax return as any tax liability should have already been determined.

**Objectors, therefore, pray:**

1. Anna Noriega Chavez's request for setoff of alleged unpaid rents be denied and the court order distribution of the remaining balance of the estate after reservation of a reasonable amount for preparation of a first and final fiduciary return be in equal shares to all four beneficiaries without offset;
2. The request for extraordinary compensation to Anna Noriega Chavez's attorney be denied;
3. Anna Noriega Chavez's statutory fee be reduced by \$3,000.00 for the loss to the estate in wrongful commissions paid to the real estate agent; and
4. Attorney's fees and costs against Anna Noriega Chavez's share of the distributable estate as the Court deems appropriate.

Atty Arthur, Susan K.

Atty Frazer, Glen Maura

Report of Sale and Petition for Order Confirming Sale of Real Property

Age:		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><b><u>OFF CALENDAR</u></b>  <b>Amended Petition filed</b>  <b>05/16/13 and set for hearing</b>  <b>on 07/08/13</b></p>
DOD:		
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: JF
		Reviewed on: 06/05/13
		Updates:
		Recommendation:
		File 2 – Frazer

DOD: 08/31/2012		DIANNA RODRIGUEZ-MIRZAI, sister/named executor without bond, is petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. Need proof of service of Notice of Petition to Administer Estate on the decedent's mother, Elitania Rodriguez, pursuant to Probate Code §8110(b).  <b>Note: If the petition is granted status hearings will be set as follows:</b>  <ul style="list-style-type: none"> <li>• Friday, 11/08/2013 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal <u>and</u></li> <li>• Friday, 08/08/2014 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution.</li> </ul> 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.
Cont. from 042913		Full IAEA – o.k.	
	Aff.Sub.Wit.	s/p	
✓	Verified	Will Dated: 08/20/2012	
	Inventory		
	PTC	Residence: Fresno	
	Not.Cred.	Publication: The Business Journal	
✓	Notice of Hrg		
✓	Aff.Mail	<b>Estimated value of the Estate:</b> Personal property - \$9,738.00	
✓	Aff.Pub.		
	Sp.Ntc.	Probate Referee: Steven Diebert	
	Pers.Serv.		
	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			<b>Reviewed by:</b> LV <b>Reviewed on:</b> 06/04/2013 <b>Updates:</b> <b>Recommendation:</b> <b>File 3 – Rodriguez</b>

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

<b>DOD: 03/29/13</b>	<b>MARK REIFF</b> , named Executor, is Petitioner, and requests appointment as Executor with bond set at \$120,000.00.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><u>CONTINUED FROM 05/20/13</u> Minute Order from 05/20/13 states: Later and off the record, Bill Zanovitch, Colleen Zanovitch, and Marilyn Lungren appear in court and object to the petition. The Court rescinds its previous order approving the petition and sets the matter for further hearing on 06/10/13. The Court extends the letters of special administration to 06/10/13.</p> <p>As of 06/04/13, no written objection has been filed.</p> <p>1. Need Order.</p> <p><u>Note:</u> Request for Special Notice was filed 05/29/13 by Colleen Zanovitch and a Request for Special Notice was filed on 06/04/13 by J. Stanley Teixeira on behalf of his client, Scott Raven.</p> <p><u>Note:</u> If the Petition is granted, status hearings will be set as follows:</p> <ul style="list-style-type: none"> <li>• <b>Friday July 19, 2013 at 9:00 am in Dept. 303</b> for filing of bond;</li> <li>• <b>Friday, October 25, 2013 at 9:00 am in Dept. 303</b> for filing of the Inventory &amp; Appraisal; and</li> <li>• <b>Friday, July 25, 2014 at 9:00 am in Dept. 303</b> for filing of the Accounting/Petition for Distribution.</li> </ul> <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> <p><b>Reviewed by:</b> JF</p> <p><b>Reviewed on:</b> 06/04/13</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 4 – Carlson</b></p>
<b>Cont. from 052013</b>	Full IAEA – OK	
<input checked="" type="checkbox"/> <b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/> <b>Verified</b>		
<b>Inventory</b>	Will dated 10/24/74	
<b>PTC</b>	Codicil dated 03/25/13	
<b>Not.Cred.</b>	Codicil dated 03/28/13	
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>	Residence – Kingsburg	
<input checked="" type="checkbox"/> <b>Aff.Mail</b>	Publication – Selma Enterprise & Kingsburg Recorder	
<input checked="" type="checkbox"/> <b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>	<b>Estimated Value of the Estate:</b>	
<b>Pers.Serv.</b>	Personal property - \$ 43,000.00	
<b>Conf. Screen</b>	Annual income - 73,000.00	
<input checked="" type="checkbox"/> <b>Letters</b>	<b>Total - \$116,000.00</b>	
<input checked="" type="checkbox"/> <b>Duties/Supp</b>	Probate Referee: <b>STEVEN DIEBERT</b>	
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>	X	
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		

<b>DOD: 10/17/2012</b>		<b>ROBERT M. BEILAGE</b> , Successor Trustee of the Robert and Irene Beilage Family Trust, is petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		40 days since DOD	1. Need Declaration pursuant to Local Rule 7.12.5.
<b>Cont. from</b>		I&A - <b>\$108,000.00</b>	2. The <i>Statement About the Bond</i> portion of the Inventory and Appraisal was not completed.
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		3. Attorney did not sign the Inventory and Appraisal.
<input checked="" type="checkbox"/>	<b>Verified</b>		
<input checked="" type="checkbox"/>	<b>Inventory</b>	Will dated: 02/25/2009 devises all property to the Robert and Irene Beilage Family Trust.	
<input type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>		
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>	Petitioner requests Court determination that decedent's 1/4 interest in real property located at 1049 Sycamore Drive, Arroyo Grande, Ca. pass to the Robert and Irene Beilage Family Trust.	
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>	w/	
<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 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>		
			<b>Reviewed by:</b> LV
			<b>Reviewed on:</b> 06/04/2013
			<b>Updates:</b>
			<b>Recommendation:</b>
			<b>File 5 – Beilage</b>

<b>DOD: 12/14/1995</b>		<b>VALERIE LYNN CHATO</b> , sister, is petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. The order is incomplete at #9b regarding petitioner's name and specific property interest. Need new Order.
		40 days since DOD	
		No other proceedings.	
<b>Cont. from</b>			
	<b>Aff.Sub.Wit.</b>	I&A - \$80,000.00	
✓	<b>Verified</b>		
✓	<b>Inventory</b>	Decedent died intestate.	
	<b>PTC</b>		
	<b>Not.Cred.</b>		
✓	<b>Notice of Hrg</b>	Petitioner requests Court determination that decedent's ½ interest in property located at 4565 E. Garland Ave, Fresno, Ca. pass to Valerie Lynn Chato pursuant to intestate succession.	
✓	<b>Aff.Mail</b>	w/	
	<b>Aff.Pub.</b>		
	<b>Sp.Ntc.</b>		
	<b>Pers.Serv.</b>		
	<b>Conf. Screen</b>		
	<b>Letters</b>		
	<b>Duties/Supp</b>		
	<b>Objections</b>		
	<b>Video Receipt</b>		
	<b>CI Report</b>		
	<b>9202</b>		
✓	<b>Order</b>		
	<b>Aff. Posting</b>		
	<b>Status Rpt</b>		
	<b>UCCJEA</b>		
	<b>Citation</b>		
	<b>FTB Notice</b>		
			<b>Reviewed by:</b> LV
			<b>Reviewed on:</b> 06/04/2013
			<b>Updates:</b>
			<b>Recommendation:</b>
			<b>File 6 – Bradford</b>

Justin Quintero (3)	<p align="center"><b>TEMPORARY EXPIRES 6-10-13</b></p> <p><b>MARY JOHNSTON</b>, Paternal Grandmother, is Petitioner.</p> <p>Father: <b>JOSE QUINTERO</b> Mother: <b>CHRISTINA RODRIGUEZ</b></p> <p>Paternal Grandfather: Victor Quintero Maternal grandfather: Ricardo Rodriguez Maternal Grandmother: Sarah Rodriguez</p> <p>Siblings: Angel Rodriguez (12), Luis Levato (8)</p> <p><b>Petitioner states</b> the mother is using drugs and Petitioner has had the kids for over a month. CPS placed the kids with Petitioner. Also the mother has been in illegal activity. Walked out of West Care with Petitioner's son. She at this time is endangering the children and has no lights at her home. Petitioner attached the Team Decision-Making Summary Report from 3-15-13 indicating placement with Petitioner.</p> <p><b>Court Investigator Julie Negrete's report filed 06/03/2013.</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Note: This petition is for minors Justin Quintero, Matthew Quintero, and Jazlin Quintero only. Guardianship of siblings Angel Rodriguez and Luis Levato was granted to maternal grandparents Sarah and Ricardo Rodriguez on 4-16-07.</b></p> <p><b>Minute Order of 04/23/2013: The Court is informed that father is in custody. Mother is in favor of the petition. The Court authorizes third party visits between mother and the children at the maternal grandparents' home as agreed upon by the parties.</b></p> <ol style="list-style-type: none"> <li>1. Need Notice of Hearing.</li> <li>2. Need proof of personal service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for:                     <ul style="list-style-type: none"> <li>- Jose Quintero (Father)</li> <li>- Christina Rodriguez (Mother)</li> </ul> </li> </ol> <p><b>Note:</b> Petitioner's general petition requests to be excused from giving notice to the parents because they are both in agreement at this time. The father is in jail. Both were stopped by the cops and found high on meth.</p> <p align="center"><b>Please see additional page</b></p>	
Matthew Quintero (1)			
Jazlin Quintero (5 mos.)			
Cont. from			
Aff.Sub.Wit.			
✓ Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			✓
Aff.Mail			✓
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			✓
✓ Conf. Screen			
✓ Letters			
✓ Duties/Supp			
Objections			
Video Receipt			
✓ CI Report			
9202			
✓ Order			
Aff. Posting			
Status Rpt			
✓ UCCJEA			
Citation			
FTB Notice			
<p><b>Reviewed by:</b> LV</p> <p><b>Reviewed on:</b> 06/05/2013</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 7 – Rodriguez, Levato &amp; Quintero</b></p>			

**Needs/Problems/Comments (continued)**

3. Need proof of service fifteen (15) 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:
  - Victor Quintero (Paternal Grandfather)
  - Ricardo Rodriguez (Maternal Grandfather)
  - Sarah Rodriguez (Maternal Grandmother)
  - Angel Rodriguez (Sibling)
  
4. Need corrected UCCJEA (GC-120). The form filed 4-10-13 is incomplete.

**(1) First and Final Account and Report of Executor, Petition for Its Settlement, and  
 (2) Petition for Final Distribution [Prob. C. 1060 et seq. & 11640 et seq.]**

<b>DOD: 09/22/12</b>	<b>CECILIA SIBLEY</b> , Executor, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. Need <i>Notice of Hearing</i> .  2. Need proof of service by mail at least 15 days before the hearing of <i>Notice of Hearing</i> or Waiver of Notice for: - Anthony Rago - Kathleen Rago - Amy Sibley - Pamela Rago - Eugene Sibley
	Account period: <b>09/22/12 – 04/24/13</b>	
	Accounting - <b>\$64,853.20</b>	
	Beginning POH - <b>\$60,188.11</b>	
	Ending POH - <b>\$60,857.20</b>	
<b>Cont. from</b>	Executor - <b>waived</b>	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	Closing - <b>\$500.00</b>	
<input checked="" type="checkbox"/> <b>Verified</b>	<b>Distribution, pursuant to Decedent's Will, is to:</b>	
<input checked="" type="checkbox"/> <b>Inventory</b>	Anthony Rago - <b>\$30,178.60</b>	
<input checked="" type="checkbox"/> <b>PTC</b>	Cecilia Sibley - <b>\$30,178.60</b>	
<input checked="" type="checkbox"/> <b>Not.Cred.</b>		
<input type="checkbox"/> <b>Notice of Hrg</b> x		
<input type="checkbox"/> <b>Aff.Mail</b> x		
<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> 12/12/12		
<input type="checkbox"/> <b>Duties/Supp</b>		
<input type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>		
<input type="checkbox"/> <b>CI Report</b>		
<input checked="" type="checkbox"/> <b>9202</b>		
<input checked="" type="checkbox"/> <b>Order</b>		
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>		
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input checked="" type="checkbox"/> <b>FTB Notice</b>		
		<b>Reviewed by:</b> JF
		<b>Reviewed on:</b> 06/05/13
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 8 – Rago</b>

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

Age: 7 years	<b><u>TEMPORARY EXPIRES 6/10/2013</u></b>		<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>A Competing Petition filed on 4/13/13 by Michelle Maldonado (Dad's fiancé). Please see page 9B.</b></p> <ol style="list-style-type: none"> <li>1. Need proof of personal service of the Notice of Hearing along with a copy of the Petition or Consent and Waiver of Notice on:             <ol style="list-style-type: none"> <li>a. Tonika Gonzalez (mother) – unless the court dispenses with notice.</li> </ol> </li> <li>2. Need proof of service of the Notice of Hearing along with a copy of the Petition or Consent and Waiver on:             <ol style="list-style-type: none"> <li>a. Maternal grandparents – unless the court dispenses with notice.</li> </ol> </li> </ol>
	<p><b>HERMINIA PACHECO</b>, paternal grandmother, is petitioner.</p> <p>Father: <b>ADAM V. PACHECO, Sr.</b> – personally served on 2/13/13.</p> <p>Mother: <b>TOKINA GONZALEZ</b> – Declaration of Due Diligence filed on 2/13/13.</p> <p>Paternal grandfather: Ramon Ortiz Pacheco – Deceased.</p> <p>Maternal grandfather: Unknown – Declaration of Due Diligence filed on 4/10/13.</p> <p>Maternal grandmother: Unknown - Declaration of Due Diligence filed on 4/10/13.</p> <p><b>Petitioner states</b> the father is currently in jail. Father left the child in the care of his girlfriend who is abusing drugs and alcohol.</p> <p><b>Objections of Michelle Maldonado, step-mother, filed on 2/15/13.</b> Objector states she believes that the grandmother is not capable of caring for the child. Objector states Herminia has epilepsy. She is also concerned that Ramon Pacheco is also living in the home. Objector states Ramon has threatened her life and is verbally abusive. Objector believes the only reason Herminia wants to have the minor is to receive money for her. Objector states she wants the minor to be in a home where she is taken care of properly and where she is the number one priority.</p> <p><b>Court Investigator Jennifer Daniel's Report filed on 4/2/13.</b></p>		
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<p><b>Reviewed by: KT</b></p> <p><b>Reviewed on: 6/6/13</b></p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 9A - Pacheco</b></p>			

Age: 7 years		<p><b><u>TEMPORARY (granted to Paternal Grandmother, Herminia Pacheco)</u></b>  <b><u>Expires on 6/6/2013</u></b></p> <p><b>MICHELLE MALDONADO</b>, step-mother, is petitioner.</p> <p>Father: <b>ADAN (Adam) V. PACHECO, Sr.</b> – consents and waives notice</p> <p>Mother: <b>NOT LISTED (TOKINA GONZALEZ)</b> – Declaration of Due Diligence filed on 4/8/13.</p> <p>Paternal grandfather: Ramon Ortiz Pacheco – Deceased.                  Paternal grandmother: Herminia Pacheco – personally served on 5/20/2013.                  Maternal grandfather: Unknown                  Maternal grandmother: Unknown</p> <p><b>Petitioner states</b> the father of the minor gave her temporary custody and the Angelina told her father she wanted to live with her. Petitioner states she would be able to tend to the minor's every need and she will be very well taken care of.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <ol style="list-style-type: none"> <li>1. Need Notice of Hearing.</li> <li>2. Need proof of personal service of the Notice of Hearing along with a copy of the Petition or Consent and Waiver of Notice on:                         <ol style="list-style-type: none"> <li>a. Tokina Gonzalez (mother) – unless the court dispenses with notice.</li> </ol> </li> <li>3. Need proof of service of the Notice of Hearing along with a copy of the Petition or Consent and waiver of Notice or Declaration of Due Diligence on:                         <ol style="list-style-type: none"> <li>a. Maternal grandparents.</li> </ol> </li> <li>4. UCCJEA is incomplete. Need residence information for the minor for 2/2008 – 2/2013.</li> </ol> <p><b>Court Investigator (DSS) to provide:</b></p> <ol style="list-style-type: none"> <li>1. Court Investigation Report</li> <li>2. Clearances</li> </ol>	
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		<p><b>Reviewed by: KT</b></p> <p><b>Reviewed on: 6/6/2013</b></p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 9B – Pacheco</b></p>		

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

Age: 2		<p align="center"><b>TEMPORARY EXPIRES 06/10/13</b></p> <p><b>LAURA LONGHAT</b>, maternal grandmother, is Petitioner.</p> <p>Father: <b>UNKNOWN</b> – Court dispensed with notice per minute order dated 04/22/2013.</p> <p>Mother: <b>VALERIE LONGHAT</b> – Consent &amp; Waiver of Notice filed 04/09/13</p> <p>Paternal grandparents: UNKNOWN – Declaration of Due Diligence filed 04/09/13</p> <p>Maternal grandfather: DOUGLAS LONGHAT, Consent &amp; Waiver filed 04/22/2013</p> <p><b>Petitioner alleges:</b> that Dhillan's mother is using meth and is unable to care for him. Petitioner states that the mother is homeless, a wanted fugitive and will soon be going to prison for a long time.</p> <p><b>Court Investigator Charlotte Bien's Report filed 05/30/2013.</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <ol style="list-style-type: none"> <li>Petitioner's Fee Waiver was denied on 04/12/2013 and on 04/26/2013. Filing fee of \$285 is due (\$60 for temporary and \$225 for the general petition).</li> <li>Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for: <ul style="list-style-type: none"> <li>Jose Chavez (Sibling)</li> <li>Paternal Grandparents (Unknown) - Unless the Court Dispenses with Notice as the child's father is unknown.</li> </ul> </li> </ol>
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		Reviewed by: LV	
		Reviewed on: 06/05/2013	
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		Recommendation:	
		File 10 – Longhat	

Atty James, Ruben (pro per – beneficiary/Petitioner)

Atty Cobb, Lee S.W. (for Karl Dewazien – co-trustee)

Petition to Compel Trustee to Account [PC 17200 (b) (7)]

<p>Vincent DOD: 05/13/07</p> <hr/> <p>Wadja DOD: 12/16/02</p> <hr/> <p>Cont. from</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="width:15%;"></td><td style="width:15%;">Aff.Sub.Wit.</td><td style="width:15%;"></td></tr> <tr><td><input checked="" type="checkbox"/></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><input checked="" type="checkbox"/></td><td>Notice of Hrg</td><td></td></tr> <tr><td><input checked="" type="checkbox"/></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.		<input checked="" type="checkbox"/>	Verified			Inventory			PTC			Not.Cred.		<input checked="" type="checkbox"/>	Notice of Hrg		<input checked="" type="checkbox"/>	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>RUBEN JAMES</b> aka <b>ALFRED DEWAZIEN</b>, is Petitioner.</p> <p><b>Petitioner states:</b></p> <ol style="list-style-type: none"> <li>1. He is the income beneficiary of the Vincent &amp; Wadja Dewazien Trust, dated 06/26/92 (the "Trust").</li> <li>2. Vincent Dewazien died on 05/13/17. Since then, Karl Dewazien has been the trustee of the Trust.</li> <li>3. The trustee has never provided Petitioner with an accounting of the Trust. On April 2, 3 and 9, Petitioner demanded that the trustee provide him an accounting. As of the filing of this Petition, the trustee has failed to prepare and provide Petitioner with an account or respond to the requests.</li> <li>4. The trustee did not divide assets according to the will and trust.</li> <li>5. The Trustee never provided Petitioner with a Notice of Proposed Action before he sold cars and other household property.</li> </ol> <p><b>Petitioner requests that:</b></p> <ol style="list-style-type: none"> <li>1. Karl Dewazien, trustee, be instructed to prepare and file with this Court an account of the Vincent and Wadja Dewazien Trust since 05/13/07;</li> <li>2. Karl Dewazien, trustee, be instructed to Petition this Court for the settlement of the account and give notice of hearing on the Petition.</li> <li>3. The Court order attorneys' fees and costs as allowed by law.</li> </ol> <p><b>Objection to Petition to Compel Trustee to Account filed 05/17/13 by Karl Dewazien states:</b></p> <ol style="list-style-type: none"> <li>1. The Trust was established by Vincent Dewazien and Wadja Dewazien, the parents of Petitioner and Objector, on or about 06/26/92 and they served as the initial co-trustees of the Trust.</li> </ol> <p style="text-align: center;">Continued on Page 2</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <ol style="list-style-type: none"> <li>1. The Petition does not list the names and addresses of all persons entitled to Notice. <b>Note:</b> The Petition does list the names of the beneficiaries of the Trust, however, this does not necessary include all persons who are entitled to notice. Need verification of all persons entitled to notice pursuant to Probate Code § 17201.</li> <li>2. Need Order.</li> </ol> <p><b>Note:</b> It appears that Petitioner may be referencing additional trust instruments in addition to The Vincent &amp; Wadja Dewazien Trust dated 06/26/92 (The Vincent Dewazien Living Trust). The matter presently before the court is only in regards to the Vincent &amp; Wadja Dewazien Trust dated 06/26/92. The Court may require clarification as to the existence of additional trusts.</p> <hr/> <p><b>Reviewed by:</b> JF</p> <hr/> <p><b>Reviewed on:</b> 06/06/13</p> <hr/> <p><b>Updates:</b></p> <hr/> <p><b>Recommendation:</b></p> <p><b>File 11 – Dewazien</b></p>
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3. Wadja died on 12/16/02 and Vincent died on 05/13/07. Under the terms of the Trust, Petitioner and Objector were nominated as the successor co-trustees of the Trust and acted as successor co-trustees of the Trust.
4. Despite being a co-trustee of the Trust along with Objector, Petitioner filed this Petition, in which he inexplicably neglects to mention that he was also a co-trustee of the Trust during the time period for which he now seeks an accounting.
5. The last remaining assets of the Trust were distributed in or about June 2008 and the administration of the Trust was brought to a close at that time.
6. Objector objects to the Petition on the grounds that
  1. There is no basis to compel an accounting because Petitioner was also acting as a Co-Trustee of the Trust. Pursuant to Probate Code § 16061, there is generally no duty to account when both the Co-Trustees and the beneficiaries are one in the same. Thus, given Petitioner's involvement as a trustee, there is no basis to compel an accounting.
  2. An account is barred by the statute of limitations. Petitioner brought this Petition roughly 6 years after the death of Vincent Dewazien and roughly 5 years after the final distribution of assets from the Trust. In light of this extended delay, Petitioner is now barred from compelling an account by the applicable statute of limitations. Probate Code § 16460(a)(2), a "claim is barred to that beneficiary unless a proceeding to assert the claim is commenced within three years after the beneficiary is discovered, or reasonably should have been discovered, the subject of the claim." Here, given that Petitioner was a co-trustee and involved in the administration of the Trust, he either was expressly aware of or should have been aware of the acts undertaken by Objector, then he had the ability as co-trustee, to immediately ascertain and investigate all pertinent facts related to the trust administration. Despite this ability, Petitioner unreasonably and inexplicably waited roughly 5 years to file this Petition. Thus, the Petition is barred by the applicable 3 year statute of limitations under Probate Code § 16460(a)(2).
  3. An account is barred by consent. Not only is the Petition untimely, it seeks an accounting of acts in which Petitioner previously consented. A beneficiary generally "may not hold the trustee liable for an act or omission of the trustee as a breach of trust if the beneficiary consented to the act or omission before or at the time of the act or omission." As co-trustee, Petitioner was involved in the administration of the Trust and the distribution of the Trust assets and the distribution of assets required the consent and signature of Petitioner as co-trustee.
  4. An account is barred by the doctrine of laches due to the unreasonable delay in filing the Petition. Preparing an account at this time would be unduly burdensome and expensive.

For all of the above reasons, the Court should deny the Petition in its entirety. In the alternative, if the Court is inclined to grant the Petition, then the costs of such accounting should be borne equally by both Petitioner and Objector who were the acting co-trustees of the Trust.

**Response to Objection to Petition to Compel Trustee to Account filed 06/03/13** states:

1. Although both he and Objector were named as co-trustees, only Karl acted as the actual trustee. Petitioner was a co-trustee in name only. In reality, the only function he ever performed was signing one document, the Shareholder Request Form, in July 2008, which he does not remember signing. He can only surmise that he was led to believe the document was a routine clerical form he needed to sign after his father died. No accompanying documentation was provided and all other information about the administration of the Trust was equally withheld by Objector. Petitioner states that he was continuously told by Karl that there were no assets left in the Trust.

Continued on Page 3

2. Petitioner is now seeking to find out what the remaining assets of the Trust were, how they were distributed, and why he didn't receive any of them, despite the Will and Trust specifying that the assets were to be divided equally between he and Karl. Petitioner was not aware that the administration of the Trust was brought to a close in June 2008. Karl did not inform Petitioner that he took all the remaining assets in the Trust and put them into a new trust (the Dewazien Family Trust), removing Petitioner as Co-Trustee and beneficiary, nor did he reveal the new trust's account number until it appeared in his Objection.
3. Petitioner further responds to the objection as follows:
  - a. Petitioner was a co-trustee in name only. Karl functioned as the acting trustee and maintained the Trust and withheld relevant information about the Trust, handled all of the Trust documentation, and evaded questions about the assets of the Trust. Petitioner was told repeatedly by Karl that there was nothing in the Trust. Petitioner also now believes that he was removed as a co-trustee without his knowledge or consent. Due to Petitioner's lack of access to function as a co-trustee, an accounting is necessary.
  - b. The statute of limitations has just begun. Although it has been 5 years since the reported distribution of assets of the Trust, Petitioner did not receive any distributions other than the title to his house, which he has not learned was not titled to him as believed, it is titled in such a way that Karl still has ownership. One asset Petitioner specifically requested was their father's truck. With full knowledge that Petitioner wanted the truck, Karl sold it instead and then kept all of the proceeds from the sale. Petitioner did not receive many of their parents assets that he was entitled to including, proceeds from the sale of Vincent's vehicles, investment funds, household effects, a bank account his mother kept for him, a diamond ring his mother promised him, nor any other assets that there may have been. Petitioner states that he is unsure of all of the assets. Petitioner states that he could not have reasonably discovered sufficient information because he was told there was nothing in the Trust accounts. He was never provided with the Trust account numbers, bank statements, or on-line login information. All of which were unreasonably withheld by Karl. Given that Karl withheld information about the Trust, maintained that the Trust had no assets, evaded questions, did not consult Petitioner, made all decisions unilaterally and did not communicate those decisions to Petitioner. Because of this Petitioner was unable to ascertain any facts related to the trust administration and only discovered that the Trust administration had been closed in 2008 when he received Karl's objection. Therefore Petitioner believes that the date he received the objection, 05/21/13, is when the statute of limitations begins.
  - c. Petitioner never consented. Petitioner maintains that he never functioned as a co-trustee and did not consent to any actions taken by Karl. In fact, Petitioner filed this petition in order to find out what Karl did in the administration of the Trust. The Objection states that distribution of assets required the consent and signature of the Petitioner, however, he ever gave consent to any distribution, other than the home he was living in, was not involved in any decisions about remaining distributions and never knowingly signed for any distributions. Karl could only produce one document with Petitioner's signature (the Shareholder Request Form) which appears to be a request to transfer investment funds to the Trust and not a distribution. Petitioner maintains that he did not believe this document to have anything to do with a distribution and signed it believing that it was for simple clerical purposes as had been stated to him by Karl.
  - d. Laches does not apply because any unreasonable delay in filing the Petition is due to Karl first claiming that there were no funds remaining in the Trust to distribute, then later claiming that there were additional outstanding expenses and he used all remaining Trust funds. When asked about the disposition of the Trust assets, Karl stopped communication entirely.

Continued on Page 4

Petitioner has waited patiently for years for information from Karl. When he refused to further discuss the matter or have any communication, Petitioner realized that something was undeniably amiss and is now asking for the court's assistance.

- e. The status of the Trust is in question. Since Petitioner did not knowingly consent to the closing of the account or sign any documentation to close the account, he does not believe that the Trust account is actually closed.
- f. Petitioner is also seeking to find out what became of the property mentioned in the Vincent Dewazien Living Trust, Schedule A, #4 – Note and Deed of Trust owned by D. Cooper.
- g. On 05/24/13, Petitioner called Franklin Templeton Investments to inquire about the Dewazien Family Trust. He was shocked to discover that his SSN is not longer associated with that trust, he is no longer co-trustee and that another co-trustee has been appointed. Petitioner had no knowledge of this until 05/24/13 and did not knowingly consent to or approve these changes.
- h. The Shareholder Request Form lacks the Stamp of Seal of Eligible Guarantor Institution and the name of the institution represented. Petitioner does not remember appearing before anyone to sign this documents and does not know the identity of the person. Without the required stamp or seal how can we know if this person is truly authorized and therefore know that this document is valid.

In conclusion, Petitioner states that his aim in filing this Petition is to find out what the Trust assets were, what happened to them and to recover his losses. Petitioner does not agree that the cost of an accounting should be split between them. He states that he is not able to pay for an accounting due to his current financial situation. Additionally, since Karl made all of the decisions and administered the Trust unilaterally, he should bear the cost of an accounting and be responsible for his actions.

**Supplemental Objection to Petition to Compel Trustee to Account filed 06/05/13** states:

1. Petitioner's response is filled with contradictory and nonsensical arguments, however, it is clear that he was a co-trustee of the Trust. While he now attempts to minimize his involvement as a co-trustee to executing a single Stock Transfer Form, that doesn't change the fact that he was a co-trustee during all relevant times and is now seeking an accounting. Importantly, Petitioner's evolving representations as to his involvement are not even accurate. First Petitioner neglected to mention in his Petition that he was a co-trustee, now in response he acknowledges that he was a co-trustee but states that the only function he every performed as co-trustee was signing one document which he does not even remember signing. This is not true. On 02/24/07, Petitioner executed a Grant Deed as Co-Trustee of the Trust that distributed certain property located in Rocklin, CA from the Trust to the Petitioner. Despite what Petitioner now claims, he was a co-trustee of the Trust at all times, therefore an accounting is not necessary. The fact that he now wishes he was more active in the administration of the Trust is irrelevant.
2. Further, both the initial petition and the response show that Petitioner is confused and has forgotten what transpired with the administration of the Trust. Petitioner admits that he does not remember signing the paperwork to distribute the Franklin Funds Account to Objector. While he doesn't remember signing the documents, he disingenuously and baselessly asserts that the Stock Transfer Form was somehow missing pertinent pages when he executed it. If he doesn't remember signing the document, then he surely has no recollection of the status of the document when he executed it. His lack of memory also doesn't stop him from "surmising" (Petitioner's own terminology) or simply making up that he was somehow improperly induced by Karl into signing the Stock Transfer Form. Stated differently, Petitioners allegations and representations of what Karl purportedly did and said roughly 5 years ago, by Petitioners own admissions, carry no credibility or weight and should be disregarded by the Court.

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3. The fact that Petitioner does not remember what transpired 5 years ago does not mean that he was not aware of what he was doing when he signed various distribution documents. Nor does his failed memory somehow entitle him to a belated accounting to refresh his memory. Petitioner's conduct evidences the very purpose of the doctrine of laches and why the law imposes certain time limitations on bringing actions: memories fade and documents are lost or destroyed.
4. Petitioner also asserts in his Response that he somehow was removed as a co-trustee of the Trust and the beneficiaries were changed. The Stock Transfer Form evidenced a distribution from the Trust to Karl. Rather than take title in his individual name, the account was transferred to Karl's personal revocable living trust, which Petitioner is not a Trustee or beneficiary of. Once again, Petitioner is trying to recreate history and create a dispute when none exists.
5. Finally, the issues raised about the vehicles and jewelry is really a red herring. First, those assets were not part of the trust estate. Rather, Karl asserts that those assets were held in the individual names of their parents and were disposed of during their parents lifetimes.
6. In the end, while many of the trust administration documents no longer exist or are not readily available, the primary distributions from the trust consisted of the distribution of the Rocklin, CA residence to Petitioner and cash and securities to Karl. Karl consented to each of these distributions as evidenced by his signature, a Co-Trustee on the distribution paperwork,
7. The Petition for an account is not really about the trust administration. Rather, as Petitioner acknowledges in his Response, he is experiencing financial difficulty. He is simply using the Petition to pursue ulterior motives against Karl because he blames Karl for his financial difficulties. The Court should not condone such conduct and for this reason, and the more substantive reasons set forth in the initial objection, the Court should deny the Petition in its entirety.