



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.

Probate Status Hearing Re: Failure to File a First Account or Petition for Final Distribution

DOD: 4/7/96	LAVERN T. COELHO was appointed Executor and Letters issued on 2/11/97.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p style="text-align: center;"><u>OFF CALENDAR</u></p> <p>Petition for Final Distribution filed 6/8/15 is set for hearing on 7/14/15.</p>
	Inventory and Appraisal was filed 9/15/97.	
Cont from 051415	Executor's First Account was settled 7/10/98.	
Aff.Sub.Wit.	On 9/30/05, Executor filed a Petition for Instructions and Authorization to Transfer Real Property of the Estate Pursuant to the Terms of a Litigation Settlement Agreement, which was granted 11/28/05.	
Verified	On 12/1/08, Executor filed a Petition to Authorize Settlement and Compromise of Actions and Claims Against the Estate, which was granted 1/22/09.	
Inventory	Thereafter, nothing further was filed.	
PTC	The Court set this status hearing for failure to file a petition for final distribution and sent notice to Attorney Ted R. Frame on 4/6/15.	
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: skc
		Reviewed on: 6/8/15
		Updates:
		Recommendation:
		File 1 – Coelho

Probate Status Hearing Re: Failure to File First Account or Petition for Final Distribution

DOD: 4-15-05	JOEL MURILLO was appointed Executor with Full IAEA without bond and Letters issued on 2-22-06.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p style="text-align: center;"><u>OFF CALENDAR</u></p> <p>Motion to Terminate Further Proceedings filed 5/27/15 is set for hearing on 7/2/15</p> <p>1. A Petition to Determine Succession was filed in separate case 14CEPR00329 to pass the real property that was alleged to be an asset of the estate to Ms. Garcia outside of this probate estate.</p> <p>The petition was granted 6-9-14, and pursuant to the Order Determining Succession, the property passed to Ms. Garcia.</p> <p>On 6-25-14, a Final I&A was filed in this estate reflecting that property. However, the property has now been determined to have passed to Ms. Garcia pursuant to the Order Determining Succession. That means that the property is <u>no longer</u> an asset of this estate, and the I&A filed 6-25-14 is incorrect.</p> <p>Regardless, it appears that this estate, having been opened in 2005, still needs to be closed, with notice as appropriate. (Note: A Request for Special Notice was filed 7-3-06 by the California Department of Health Care Services.)</p> <p>Reviewed by: skc</p> <p>Reviewed on: 6-8-15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 2 – Rodriguez</p>
Cont from 051514	The Second Amended Petition for Probate filed 1-3-06 estimated the estate to contain real property valued at \$155,000; however, no Inventory and Appraisal was ever filed.	
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg	Dept. of Health Care Services filed two creditor's claims on 12-30-05 totaling \$297,816.16 as well as Requests for Special Notice.	
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen	Notice of Pendency of Action filed 10-16-08 indicates an action entitled "Sandra Shewry, Director of the Department of Health Care Services vs. Joel M. Murillo, as Personal Representative of the Estate of Elvira Rodriguez, Decedent; and Does 1 through 20, inclusive." The nature of the action is a Complaint to Enforce and Collect Money Due on a Medi-Cal Creditor's Claim for \$41,055.02 pursuant to W&I Code §14009.5.	
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order	The Court set status hearing re failure to file I&A and petition for final distribution for and sent notice of hearing to Attorney Joel Murillo on 11-22-13. Hearings were held on 2-28-14, 5-16-14, 6-9-14 and 8-11-14.	
Aff. Posting	I&A filed 6-25-14 indicates real property valued at \$130,000.00	
Status Rpt		
UCCJEA		
Citation	Minute Order 8-11-14 states Attorney Murillo will file documents to close this matter, and the status hearing was not continued. However, nothing further was filed.	
FTB Notice	The Court set this further status hearing for failure to file a petition for final distribution and sent notice to Attorney Murillo 4-6-15.	

DOD: 2-7-07	<p>LORENA GARCIA, Daughter is Administrator with limited IAEA without bond. Letters issued 7-21-08.</p> <p>On 7-14-09, the Court approved a settlement agreement between Administrator (daughter) and Omega Ochoa Garcia (surviving spouse) and allowed continuation of estate administration pending certain issues: 1) Retrial of the damages portion of Civil Case # 04CECG03607 Garcia v. Roberts; and 2) Receipt of proceeds due from an eminent domain matter</p> <p>On 10-4-11 (the 7th status hearing regarding retrial of the damages issue), Attorney Emerzian advised the Court that a motion for a new trial was denied and an appeal has been filed, and that deposits need to be made.</p> <p>Status Report filed 8-27-13 states the estate is currently in a holding pattern pending the outcome of the appeal of the civil matter which holds the bulk of the estate property. There have been no funds received into the estate from the \$184,798 awarded in 7/2011 due to the appeal on behalf of the Roberts. The personal property listed on the inventory is currently in the possession of Omega Garcia (spouse). Until the civil matter is decided, we do not know what the final I&A amount will be.</p> <p>Status Report filed 11-24-14 states an email from Attorney Littlewood of McComrick Barstow, who handled the civil litigation regarding the real property and is also handling enforcement of the judgment with the Sheriff's Dept., on 11-20-14 stated that the Writ of Execution and instructions have been submitted to the sheriff. To date, the Sheriff has not issued a Notice of Sale, and calls to the Sheriff's Dept. have gone unreturned. Attorney Littlewood's colleague, John Hastrup, will attend the hearing on 12-4-14 to give the Court information.</p> <p>Status Report filed 4-14-15 states Attorney John Hastrup is now handling enforcement of the judgment with the Sheriff's Department. The Court ordered the Roberts to appear 5-14-15 and show cause why their property should not be sold to satisfy the judgment. Nothing further can happen until after that date. Ms. LeVan therefore requests a 60 day continuance.</p> <p>Status Report filed 6-9-15 states the hearing on the OSC in 04CECG03607 was continued to 6-25-15. Therefore, a 60 day continuance is requested.</p>	NEEDS/PROBLEMS/COMMENTS:
Cont. from 042613, 083013, 013014, 050114, 100214, 120414, 041615		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
	Reviewed by: skc	
	Reviewed on: 6-8-15	
	Updates: 6-9-15	
	Recommendation:	
	File 3 - Garcia	

(1) Second and Final Account and Report of Conservator; (2) Petition for Allowance of Compensation to Conservator and Attorney; and (3) Distribution.

DOD: 8/22/14	PUBLIC GUARDIAN , Conservator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Update: Status Report filed 6/9/15 states the PG does not have an original copy of the will. Ms. Kruthers contacted Attorney Robyn Esraelian to request the original, who reported that she does not have the original. She is attempting to contact another family member to request the original. Therefore, PG needs a continuance to wait for the attorney to track down the will. The PG has requested an affidavit from the trustee and expects to have it before the continued date. Ms. Kruthers respectfully requests that this matter be continued for another six weeks. There is no harm to the estate for the delay because it is just two item of personal property that are secured.
	Account period: 10/2/12 – 8/22/14	
	Accounting: \$130,406.97	
	Beginning POH: \$78,134.32	
	Ending POH: \$12,318.82	
Cont from 043015		
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg	Account period: 8/23/14 – 9/30/14	
<input checked="" type="checkbox"/> Aff.Mail w	Accounting: \$14,208.26	
<input type="checkbox"/> Aff.Pub.	Beginning POH: \$12,318.82	
<input type="checkbox"/> Sp.Ntc.	Ending POH: \$ 9,312.90	
<input type="checkbox"/> Pers.Serv.	(\$7,903.37 cash plus personal property items)	
<input type="checkbox"/> Conf. Screen	Conservator: \$4,852.92 (for 36.04 Deputy hours @ \$96/hr and 18.33 Staff hours @ \$76/hr, itemized at Exhibit C)	
<input type="checkbox"/> Letters	Attorney: \$1,250.00 (Less than local rule)	The following issues remain noted:
<input type="checkbox"/> Duties/Supp	Bond fee: \$50.00 (minimum – ok)	1. Need Declaration pursuant to Probate Code §13100 from Kathleen Carlton, Successor Trustee of the Family Trust of Elmer M. Herman and Esther F. Herman.
<input type="checkbox"/> Objections	Costs: \$435.00	2. Need Declaration re trust from Kathleen Carlton, Successor Trustee, pursuant to Local Rule 7.12.5.
<input type="checkbox"/> Video Receipt	Petitioner states the Decedent's will is a pour-over will to her trust, so her assets consisting of \$1,315.45 plus personal property items should be distributed to the successor trustee, Kathleen Carlton. Copies of will and trust attached.	3. Need original will pursuant to Probate Code §8200.
<input type="checkbox"/> CI Report		
<input checked="" type="checkbox"/> 2620		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		Reviewed by: skc
<input type="checkbox"/> Status Rpt		Reviewed on: 6/8/15
<input type="checkbox"/> UCCJEA		Updates: 6/9/15
<input type="checkbox"/> Citation		Recommendation:
<input type="checkbox"/> FTB Notice		File 4 - Herman

DOD: 4/28/01	MAY ISSA LORAH , daughter, was appointed Executor with Full IAEA without bond on 4/2/12.	NEEDS/PROBLEMS/COMMENTS: <u>Note:</u> The Court will set a status hearing for the filing of a petition for final distribution as appropriate.
	On 5/30/12, Ms. Lorah filed a Petition to Determine Ownership of Estate Property and for Order Authorizing and Directing the Transfer of Estate property to Claimant under Probate Code §850, which requested confirmation of a 10% ownership interest in Quetico, LLC, an order confirming that the Estate of Murched “Mike” Issa, San Diego Superior Court Case 37-2011-00150022-PR-LS-NC (this decedent's post-deceased spouse) has no ownership interest in the LLC.	
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>JANE B. LORENZ, as Special Administrator for the ESTATE OF MURCHED MARK ISSA filed a motion to transfer the petition to be heard in San Diego Superior Court.</p> <p>On 10/29/12, the Court granted the motion and ordered the petition transferred to San Diego Superior Court.</p> <p>On 12/5/13, Ms. Lorah, as Executor, filed a Report of Status of Administration pursuant to Probate Code §12200, which was set for hearing on 1/23/14. The Report of Status stated that the estate is not in a condition to close, as the proceedings in San Diego Superior Court are still pending. Executor requested that administration continue until 4/30/15 and if not concluded by said date, a new Report of Status would be filed.</p> <p>The matter was continued to 4/30/15, and on 4/30/15, there were no appearances. The Court issued this Order to Show Cause to Raymond Feist and May Lorah as to why they should not be sanctioned for failing to submit a status report. Both are ordered to be personally present in court or appear by Court Call on 6/11/15.</p> <p>Executor filed a Report of Status on 5/13/15. See Page 2.</p>	
		Reviewed by: skc
		Reviewed on: 6/9/15
		Updates:
		Recommendation:
		File 5 – Issa

Page 2

Report of Status filed 5/13/15 states the estate is not in a condition to close. On 1/9/15, the Court ruled on stipulated facts that the Quetico asset was the community property of the marriage of decedent Olivia Issa and Murched Issa. Decedent's consent to the purchase agreement did not constitute a sufficient transmutation to change its community property characterization under Family Code §760.

Although the Court confirmed that Quetico was a community property of the decedent, the issue regarding whether the 10% remaining interest should be probated in Olivia's estate or Murched's estate has not yet been determined. **The matter has been continued to 8/17/15.**

Accordingly, it is hereby requested that the administration of this estate continue until 4/30/16, and if not concluded by said date, Petitioner submit a new Report of Status.

Petitioner Lee, Madeleine (pro per – daughter)

Petition for Instructions and Authorization Regarding Payment of Tuition for Conservatee's Daughter.

Age: 65	MADELINE LEE , daughter, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: <u>CONTINUED FROM 05/14/15</u> Note: The Court may require further information regarding the request at the hearing.
	Petitioner states the conservatee is currently incarcerated in Fresno County Jail. He was receiving monthly income prior to his arrest. Petitioner is unsure if he is still receiving a monthly allowance due to his incarceration. Petitioner believes the conservatee has \$131,849.97 cash on hand in his estate.	
Cont. from 051415	Petitioner is one of Mr. Lee's daughters and began college this year. Her annual expenses for school, including room and board and books, total \$34,161.00. Through scholarships, grants, she will be able to cover \$22,949.00 of that. She needs another \$11,212.00 to fully pay for her first year.	
<input type="checkbox"/> Aff.Sub.Wit.	Petitioner states that in the past, Mr. Lee has expressed his desire to provide assistance to his daughter for her education. Since Mr. Lee is currently estranged from his daughters due to his lifestyle and has pending charges against him, the court's instruction and authority are necessary.	
<input checked="" type="checkbox"/> Verified	Probate Code §2423 allows authorization, upon petition, for the conservator to pay and distribute surplus income of the estate to relatives within the second degree whom the Conservatee would, in the judgment of the court, have aided but for the existence of the conservatorship. The Court, in ordering payments under this section, may impose conditions if the court determines that the Conservatee would have imposed conditions if he had capacity to act.	
<input type="checkbox"/> Inventory	Petitioner states the Court can order payments by finding that the Conservatee would have aided his daughter but for the existence of the conservatorship of his estate. Mr. Lee stated that he would like to provide her with financial assistance for school.	
<input type="checkbox"/> PTC	Petitioner prays that the Court find that Mr. Lee would provide financial assistance to his daughter but for the existence of the conservatorship; and that the Court order a payment of \$11,212.00 to Madeleine Lee.	
<input type="checkbox"/> Not.Cred.	Letter from Conservatee to Petitioner in Support of Payment of Tuition filed 05/15/15.	
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail w/		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		

8 Adrian Rivera, Adriana Rivera, Francisco Rivera, Aracelie Rivera, Adolfo Rivera, Anthony Rivera (GUARD/P) Case No. 12CEPR00571

Petitioner Larios, Lidia (pro per – non-relative)

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

Adrian, 13	<u>TEMPORARY EXPIRES 06/11/15</u>		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>CONTINUED FROM 04/30/15</u> Minute Order from 04/30/15 states: The Court dispenses with notice as to the paternal grandparents. Ms. Valdovinos shows proof that she was served and that the maternal grandparents are Cirilio Valdovinos and Rosa Cervantes. The fathers of the minors as stated by Ms. Valdovinos are as follows: Miguel Rivera (Adrian and Adriana), Sergio Ramirez (Francisco), Jose Navarro (Aracelie), Abel Rivera (Adolfo), and Manuel Torres (Anthony). The remaining service defects are to be cured.</p> <ol style="list-style-type: none"> 1. Need proof of service at least 15 days before the hearing of Notice of Hearing with a copy of the Petition for Appointment of Guardian of the Person <u>or</u> Consent & Waiver of Notice <u>or</u> Declaration of Due Diligence for: <ol style="list-style-type: none"> a. Miguel Rivera (Adrian & Adriana's father) – <i>personal service required</i> b. Sergio Ramirez (Francisco's father) - <i>personal service required</i> c. Jose Navarro (Aracelie's father) – <i>personal service required</i> d. Abel Rivera (Adolfo's father) – <i>personal service required</i> e. Manuel Torres (Anthony's father) – <i>personal service required</i>
Adriana, 12	LIDIA LARIOS, non-relative, is Petitioner.		
Francisco, 11	Father (Adrian and Adriana): MIGUEL RIVERA		
Aracelie, 8	Father (Francisco): SERGIO RAMIREZ		
Adolfo, 7	Father (Aracelie): JOSE NAVARRO		
Anthony, 5	Father (Adolfo): ABEL RIVERA		
	Father (Anthony): MANUEL TORRES		
	Mother: ANGIE VALDOVINOS – <i>represented that she was served at the hearing on 04/30/15</i>		
Cont. from 043015	<i>Paternal grandparents: UNKNOWN - Declarations of Due Diligence filed 04/02/15 states all fathers and paternal relatives are unknown; Court dispensed with Notice on 04/30/15</i>		
<input type="checkbox"/> Aff.Sub.Wit.	<p>Maternal grandfather: CIRILIO VALDOVINOS – <i>served by mail on 04/02/15</i></p> <p>Maternal grandmother: ROSA CERVANTES – <i>served by mail on 04/02/15</i></p> <p>Petitioner states [see Petition for details].</p> <p>DSS Social Worker Irma Ramirez filed a report on 04/20/15.</p>		
<input checked="" type="checkbox"/> Verified			
<input type="checkbox"/> Inventory			
<input type="checkbox"/> PTC			
<input type="checkbox"/> Not.Cred.			
<input checked="" type="checkbox"/> Notice of Hrg			
<input checked="" type="checkbox"/> Aff.Mail			w/
<input type="checkbox"/> Aff.Pub.			
<input type="checkbox"/> Sp.Ntc.			
<input type="checkbox"/> Pers.Serv.			x
<input checked="" type="checkbox"/> Conf. Screen			
<input checked="" type="checkbox"/> Letters			
<input checked="" type="checkbox"/> Duties/Supp			
<input type="checkbox"/> Objections			
<input type="checkbox"/> Video Receipt			
<input checked="" type="checkbox"/> CI Report			
<input type="checkbox"/> 9202			
<input checked="" type="checkbox"/> Order			
<input type="checkbox"/> Aff. Posting			
<input type="checkbox"/> Status Rpt			
<input checked="" type="checkbox"/> UCCJEA			
<input type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice			
Reviewed by: JF			
Reviewed on: 06/09/15			
Updates:			
Recommendation:			
File 8 – Rivera			

Probate Status Hearing Re: Filing 2nd Account

	<p>CHRISTINA TOLMAN, Daughter, is Conservator.</p> <p>Pursuant to Order Settling Conservator's First Account filed 7/17/14, the Second account is due 5/14/15.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need Second Account current or status report pursuant to Local Rule 7.5.</p>
Cont from 051415		
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>Reviewed by: skc</p>	
	<p>Reviewed on: 6/8/15</p>	
	<p>Updates:</p>	
	<p>Recommendation:</p>	
	<p>File 9 - Tolman</p>	

Status Hearing Re: Filing of the First Account and/or Petition for Final Distribution

DOD: 08/21/2012	<p>GILDA N. WALKER, daughter, was appointed Administrator with Limited IAEA authority without bond on 08/16/2013. \$75,700.00 ordered to be placed in a Blocked account.</p> <p>Letters issued on 08/30/2013.</p> <p>Receipt for Blocked account in the amount of \$75,700.00 was filed on 09/24/2013.</p> <p>Inventory & Appraisal filed 10/30/2013 showing a value of \$191,350.00.</p> <p>Minute Order of 07/18/2013 set this status hearing for the filing of the First Account and/or Petition for Final Distribution.</p> <p>Status Report filed 06/09/2015 states an Order Confirming Sale of Real Property was filed by the Court on 05/14/2015. A certified copy of the order and letters were delivered to Chicago Title Company. The Receipt from Wells Fargo Bank for the deposit of the net sale proceeds into the estate's blocked account has not yet been received for filing. The status hearing for the filing of the Receipt is 06/23/2015, and the Receipt should be filed prior to that date. The First and Final Account will be prepared and filed once the Receipt is filed. A 60 day continuance is requested.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Minute Order of 04/02/2015: Counsel requests 60 days.</p> <p>1. Need First Account or Petition for Final Distribution.</p>
Cont. from 091914, 100214, 010815, 040215		
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: LV
		Reviewed on: 06/09/2015
		Updates:
		Recommendation:
		File 10 - Miles

Petitioner: Rosemary Raymundo (pro per)

Petition for Appointment of Temporary Guardian of the Person

		<u>TEMPORARY EXPIRES 6/11/15</u>	NEEDS/PROBLEMS/COMMENTS:
		<u>GENERAL HEARING 8/3/15</u>	
		ROSEMARY RAYMUNDO, maternal grandmother, is petitioner.	
		Please see petition for details.	
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg	N/A	
<input type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input checked="" type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order	X	
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input checked="" type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: KT
			Reviewed on: 6/9/15
			Updates:
			Recommendation:
			File 11 - Morales

Atty Kremer, Anton (Pro Per – Trustee – Petitioner) (Formerly represented by Lisa Horton)
 Atty Russo, Peter (for Kevin Lee Tracy – Objector/Respondent)
 Notice of Motion and Motion for Order to Enforce Settlement Agreement; Memorandum of Points and Authorities; Declaration of Anton R. Kremer; Exhibits A through C

		<p>ANTON KREMER, Trustee of the GLORIA E. ZSIBA REVOCABLE TRUST AGREEMENT dated 04/05/05 as Restated on 08/24/06 and Amended on 01/14/09, and intestate heir of GLORIA E. ZSIBA, filed a Petition to Invalidate Trust Dated October 1, 2013 and any amendments on the Grounds of Undue Influence and Incapacity, etc., on 1/14/14.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Petitioner cites CCP §664.6, which allows the Court to <u>enter judgment</u> on a stipulation for settlement, and to retain jurisdiction for enforcement.</p> <p>Here, the settlement agreement was never brought before the Court for judgment. Rather, the Court was informed of various terms of the settlement by status report of Petitioner’s attorney only.</p> <p>Petitioner has now filed this motion to enforce the settlement, with an <u>unsigned</u> agreement attached.</p> <p>The Court may require authority to enforce settlement absent a signed settlement and Court judgment on the settlement itself, or any judgment on the original petition.</p> <p>Otherwise, it appears that the original petition is still outstanding.</p> <p>2. This motion was filed with a fee waiver. Given the circumstances and the apparent recovery of assets pursuant to this action, the \$60 filing fee for this motion may be due.</p> <p>3. If this motion goes forward, need Notice of Hearing (<u>mandatory</u> Judicial Council Form) and proof of service on all interested persons at least 30 days prior to the hearing pursuant to Probate Code §17203. (See list in original petition of persons entitled to notice of proceedings.)</p>
<p>Cont. from 043015</p>			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg	x	<p>On 10/16/14, the Court was advised by Lisa Horton (attorney for Anton Kremer) that an agreement was reached, and the Court set a status hearing re Acceptance of Terms and Conditions of the Proposed Agreement.</p> <p>Note: It does not appear that any petition for approval of settlement or signed settlement agreement was ever presented to the Court.</p> <p>On 3/19/15, a Substitution of Attorney was filed that reflects that Anton Kremer is now self-represented.</p> <p>Mr. Kremer concurrently filed this Notice of Motion and Motion for Order to Enforce Settlement Agreement, along with Memorandum of Points and Authorities, requesting a judgment against Kevin L. Tracy requiring him to fulfill the terms of the Settlement Agreement.</p> <p>Attached to the motion is an <u>unsigned</u> settlement agreement, along with various photos and lists of personal property items.</p>
	Aff.Mail	x	
	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><u>SEE ADDITIONAL PAGES</u></p>			<p>Reviewed by: skc</p> <p>Reviewed on: 6/9/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 12 – Zsiba</p>

Page 2

Petitioner's Memorandum of Points and Authorities states Kevin L. Tracy has failed to fulfill the terms of the 10/15/14 Settlement Agreement which represents a mutually agreed, legally binding, contract. Both parties agreed, on the record, in open court and signed a written agreement covering all issues involved in the pending litigation. Petitioner requests the Court enter a judgment to enforce the settlement agreement pursuant to Code of Civil Procedure § 664.6 which states that if parties stipulate in a writing signed outside the presence of the court or orally before the court for settlement of the case, or part thereof, the court, upon motion, may enter judgment pursuant to the terms of the settlement, and may retain jurisdiction to enforce the settlement. Additional authority also cited. Petitioner describes various personal property items at issue and asks the Court to enforce the settlement agreement.

On 4/13/15, Kevin Lee Tracy filed Memorandum of Points and Authorities in Opposition to Petitioner's Motion to Enforce Settlement Agreement. Objector states he has fulfilled his end of the settlement agreement. Petitioner alleges that the items were delivered in poor condition. Objector states items were delivered in the condition in which they were found, and made good faith effort to find all items listed and deliver same to Petitioner. See description of circumstances. Attached is an unsigned settlement agreement. Objector respectfully asks the court for dismissal of Petitioner's motion for enforcement.

First and Final Report and Petition for Final Distribution on Waiver of Account and for Allowance of Compensation for Ordinary Services for Petitioner and Petitioner's Attorney.

DOD: 11/6/13	DIANA MEDINA , Administrator, is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> Petition does not include anything in writing from the Department of Health Service stating they agree to distribution of the property subject to a lien on the real property. The Court may require agreement from Michelle Alvarado indicating she agrees to take distribution of the real property subject to a lien in favor of the Department of Health Services. Department of Health Services filed a Request for Special Notice. The notice was not sent with a copy of petition as required by Probate Code §1252.
	Accounting is waived.	
Cont. from	I & A - \$65,000.00	
<input type="checkbox"/> Aff.Sub.Wit.	POH - \$65,000.00	
<input checked="" type="checkbox"/> Verified	Administrator - waives	
<input checked="" type="checkbox"/> Inventory	Attorney (statutory) - \$2,600.00	
<input checked="" type="checkbox"/> PTC	<p>Petitioner states the Department of Health Care Services filed a creditor's claim in the amount of \$30,447.33. The claim was resolved by way of voluntary stipulation for voluntary post distribution lien on the distributed real property of the estate to be paid with interest at 7% per annum beginning at the date of distribution, including monthly payments of \$300.00, due by the 5th of each month, until the entire amount is paid in full. The entire remaining balance,, including all interest accrued, becomes due and payable upon: (1) the death of the distributes, or (2) the sale, refinance, or transfer of the real property, or (3) any changes in title, or (4) default in payments.</p> <p>Distribution, pursuant to intestate succession, and subject to the lien as outlined above, is to:</p> <p>Diana Medina - 50% interest in real property located at 511 E. Cortland, Fresno</p> <p>Michelle Alvarado - 50% interest in real property located at 511 E. Cortland, Fresno</p>	
<input checked="" type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail W/O		
<input type="checkbox"/> Aff.Pub.		
<input checked="" type="checkbox"/> Sp.Ntc. W/O		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input checked="" type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order 7/8/14		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input checked="" type="checkbox"/> FTB Notice		
		<p>Reviewed by: KT</p> <p>Reviewed on: 6/9/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 16 - Medina</p>

Probate Status Hearing re: Filing Inventory and Appraisal

	PUBLIC GUARDIAN was appointed as Conservator of the estate on 1/15/15.	NEEDS/PROBLEMS/COMMENTS: 1. Need inventory and appraisal.
	Order appointing Public Guardian as Conservator of the estate was signed on 1/20/15.	
	Letters issued on 2/3/15.	
Cont. from	Minute Order dated 1/15/15 set this status hearing for the filing of the inventory and appraisal.	
Aff.Sub.Wit.	Status Report filed on 6/9/15 states the Public Guardian has been unable to marshal the bank account, thus unable to file an Inventory and appraisal. For several weeks Union Bank was requiring the Deputy PG to provide her personal identification to access the account. Union Bank has agreed to abide by the law and allow the PG to access the account using the conservatee's identification. However, Union Bank is now requiring a court order instructing it how to make distribution. It was always understood by the PG that her appointment as conservator of the estate was solely to marshal that account. Therefore, the PG intends to request a lump sum payment of the annuity. County Counsel is in the process of preparing a petition requesting that Union Bank be so directed.	
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	Given the resistance the PG has come across thus far, she requests that this matter not be heard for another 60 days.	
		Reviewed by: KT
		Reviewed on: 6/9/15
		Updates:
		Recommendation:
		File 17 - Skopec

Petitioner Lao, Jeanette Galleto (Pro Per, daughter)

Petition for Letters of Administration (Prob. C. 8002)

DOD: 12/30/1998	JEANETTE GALLETTO LAO , daughter, is Petitioner and requests appointment as Administrator [<i>bond not addressed.</i>]	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Page 19 is the related Estate of Josefina DeManuel Galleto, Case 15CEPR00255.</p> <p>Continued from 4/23/2015. <i>Minute Order</i> states examiner notes provided in open court. Ms. Lao writes down the correct court date and recites it to the Court; she is admonished that failing to appear could result in her petition being dismissed.</p> <p>Note: <i>Petition</i> requests neither full nor limited <i>Independent Administration of Estates Act (IAEA)</i> authority. <i>Declaration of Publication</i> has not yet been filed to assist in confirming whether Petitioner in fact does not seek the grant of any IAEA authority. Probate Code §§ 9610 et seq., and §§ 9650 et seq., require court supervision of specific administrative transactions and actions taken where no IAEA authority has been granted. Pursuant to Probate Code § 10401, judicial orders, authorization, approval, confirmation or instructions are required for many actions during administration, which might otherwise be accomplished without Court authorization for a personal representative with full or limited IAEA authority. Petitioner would need to file an amended petition if Petitioner decides to seek full or limited IAEA authority for greater ease of estate administration.</p> <p align="center">~Please see additional page~</p> <p>Reviewed by: LEG</p> <p>Reviewed on: 6/9/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 18 - Galleto</p>
Cont. from 042315	Full IAEA — Need publication	
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified	Decedent died intestate.	
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.	Residence — Fresno	
<input type="checkbox"/> Notice of Hrg	Publication — Need	
<input type="checkbox"/> Aff.Mail	Estimated value of the Estate:	
<input type="checkbox"/> Aff.Pub.	Personal property - \$ 500.00	
<input type="checkbox"/> Sp.Ntc.	Real property - \$130,000.00	
<input type="checkbox"/> Pers.Serv.	<hr/>	
<input type="checkbox"/> Conf. Screen	Total - \$130,500.00	
<input checked="" type="checkbox"/> Letters	Probate Referee: Steven Diebert*	
<input checked="" type="checkbox"/> Duties/Supp	*Steven Diebert may be appointed for case No. 15CEPR00254 and also for 15CEPR00255 for consistency and convenience.	
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		

NEEDS/PROBLEMS/COMMENTS, continued:

The following issues from the last hearing remain:

1. Need *Affidavit of Publication* pursuant to Probate Code §§ 8120 – 8124, and Local Rule 7.9.
2. Need *Notice of Petition to Administer Estate* and proof of mailed notice pursuant to Probate Code § 8110 for the following person:
 - **DOMINADOR PeMANUEL GALLETO**, son.
3. Item 2(d) is incomplete re: bond. Bond is required in the sum of **\$130,500.00** pursuant to Probate Code § 8480 et seq. Need bond to be posted and proof of bond filed with the Court, or waivers of bond from all beneficiaries of the estate pursuant to Probate Code § 8481(a)(1).
4. Item 3(e) of the *Petition* is incomplete re: whether Decedent was intestate or testate, and if testate, a copy of Decedent's Will must be attached to the *Petition*.
5. Item 5(a)(2)(b) of the *Petition* states Decedent's spouse is deceased. Item 8 of the *Petition* does not include the name and date of death of deceased spouse pursuant to Local Rule 7.1.1(D).
6. Item 5(a) of the *Petition* is incomplete as to (3) or (4) re: registered domestic partner, and as to (7) or (8) re: issue of a predeceased child.

Petitioner Lao, Jeanette Galleto (Pro Per, daughter)

Petition for Letters of Administration (Prob. C. 8002)

DOD: 12/30/1998	JEANETTE GALLETTO LAO , daughter, is Petitioner and requests appointment as Administrator [<i>bond not addressed.</i>]		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Page 18 is the related Estate of Ignacio Tehano Galleto, Case 15CEPR00254.</p> <p>Continued from 4/23/2015. <i>Minute Order</i> states examiner notes provided in open court. Ms. Lao writes down the correct court date and recites it to the Court; she is admonished that failing to appear could result in her petition being dismissed.</p> <p>Note: <i>Petition</i> requests neither full nor limited <i>Independent Administration of Estates Act (IAEA)</i> authority. <i>Declaration of Publication</i> has not yet been filed to assist in confirming whether Petitioner in fact does not seek the grant of any IAEA authority. Probate Code §§ 9610 et seq., and §§ 9650 et seq., require court supervision of specific administrative transactions and actions taken where no IAEA authority has been granted. Pursuant to Probate Code § 10401, judicial orders, authorization, approval, confirmation or instructions are required for many actions during administration, which might otherwise be accomplished without Court authorization for a personal representative with full or limited IAEA authority. Petitioner would need to file an amended petition if Petitioner decides to seek full or limited IAEA authority for greater ease of estate administration.</p> <p align="center">~Please see additional page~</p> <p>Reviewed by: LEG</p> <p>Reviewed on: 6/9/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 19 – J. Galleto</p>
Cont. from 042315	Full IAEA	— Need publication	
<input type="checkbox"/> Aff.Sub.Wit.			
<input checked="" type="checkbox"/> Verified	Decedent died intestate.		
<input type="checkbox"/> Inventory			
<input type="checkbox"/> PTC			
<input type="checkbox"/> Not.Cred.	Residence	— Fresno	
<input type="checkbox"/> Notice of Hrg	Publication	— Need	
<input type="checkbox"/> Aff.Mail		X	
<input type="checkbox"/> Aff.Pub.		X	
<input type="checkbox"/> Sp.Ntc.			
<input type="checkbox"/> Pers.Serv.			
<input type="checkbox"/> Conf. Screen	<p>Estimated value of the Estate:</p> <p>Personal property - \$ 47,000.00</p> <p>Real property - \$130,000.00</p> <hr/> <p>Total - \$177,000.00</p>		
<input checked="" type="checkbox"/> Letters			
<input checked="" type="checkbox"/> Duties/Supp	Probate Referee: Steven Diebert*		
<input type="checkbox"/> Objections	*Steven Diebert may be appointed for case No. 15CEPR00254 and also for 15CEPR00255 for consistency and convenience.		
<input type="checkbox"/> Video Receipt			
<input type="checkbox"/> CI Report			
<input type="checkbox"/> 9202			
<input checked="" type="checkbox"/> Order			
<input type="checkbox"/> Aff. Posting			
<input type="checkbox"/> Status Rpt			
<input type="checkbox"/> UCCJEA			
<input type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice			

NEEDS/PROBLEMS/COMMENTS, continued:

The following issues from the last hearing remain:

7. Need *Affidavit of Publication* pursuant to Probate Code §§ 8120 – 8124, and Local Rule 7.9.
8. Need *Notice of Petition to Administer Estate* and proof of mailed notice pursuant to Probate Code § 8110 for the following person:
 - **DOMINADOR PeMANUEL GALLETO**, son.
9. Item 2(d) is incomplete re: bond. Bond is required in the sum of **\$130,500.00** pursuant to Probate Code § 8480 et seq. Need bond to be posted and proof of bond filed with the Court, or waivers of bond from all beneficiaries of the estate pursuant to Probate Code § 8481(a)(1).
10. Item 3(e) of the *Petition* is incomplete re: whether Decedent was intestate or testate, and if testate, a copy of Decedent's Will must be attached to the *Petition*.
11. Item 5(a)(2)(b) of the *Petition* states Decedent's spouse is deceased. Item 8 of the *Petition* does not include the name and date of death of deceased spouse pursuant to Local Rule 7.1.1(D).

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

See petition for details.			<p>NEEDS/PROBLEMS/ COMMENTS:</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing per Probate Code §1511 <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence on: <ul style="list-style-type: none"> - Unknown father - Unknown paternal grandparents - Unknown maternal grandfather - Maternal Grandmother Teresa Ortega
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg	X	
	Aff.Mail	X	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.	X	
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
✓	DSS Report		
✓	Clearances		
✓	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: skc
			Reviewed on: 6/9/15
			Updates:
			Recommendation:
			File 21 - Sanchez

23 Ernestina Ybarra (Estate)

Case No. 15CEPR00453

Attorney Shepard, Jeff S. (for Rosie Flores Ybarra and Lupe Flores Ybarra – Petitioners – Daughters)

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

DOD: 11/06/1981	ROSE FLORES YBARRA, and LUPE FLORES YBARRA , daughters, are petitioners and are requesting to be appointed at Administrators with bond set at \$200,000.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: A receipt of Bond was filed in the amount of \$200,000.00 on 06/08/2015.</p> <p>Note: If the petition is granted status hearings will be set as follows:</p> <ul style="list-style-type: none"> • Thursday, 11/12/2015 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal <u>and</u> • Thursday, 08/11/2016 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution. <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.</p>
Cont. from	Full IAEA – o.k.	
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified	Decedent died intestate	
<input type="checkbox"/> Inventory	Residence: Fresno	
<input type="checkbox"/> PTC	Publication: The Business Journal	
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg	Estimated value of the Estate: Real property - \$200,000.00	
<input checked="" type="checkbox"/> Aff.Mail	Probate Referee: Rick Smith	
<input checked="" type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters		
<input checked="" type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: LV
		Reviewed on: 06/09/2015
		Updates:
		Recommendation: Submitted
		File 23 - Ybarra

Attorney: Randolph Krbechek (for Petitioner Sylvia Tuttle-Martinez)

Attorney: Stanley J. Teixeira (Court appointed for conservatee)

Petition for Appointment of Probate Conservator

		<p>There is no temporary. No temporary was requested.</p> <p>SYLVIA TUTTLE-MARTINEZ, spouse, is petitioner and requests appointment as Conservator of the person and of the estate without bond.</p> <p>Please see petition for details.</p> <p>Court Investigator Report filed on 6/4/15</p> <p>Note: If the petition is granted, status hearings will be set as follows:</p> <ul style="list-style-type: none"> • Wednesday, July 15, 2015 at 9:00 a.m. in Department 303, for the filing of the bond, if required. • Wednesday, October 21, 2015 at 9:00 a.m. in Department 303, for the filing of the inventory and appraisal. • Wednesday, August 24, 2016 at 9:00 a.m. in Department 303, for the filing of the first account or petition for final distribution. <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>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Court Investigator Advised Rights on 5/13/15.</p> <ol style="list-style-type: none"> 1. Need Citation. (Note: proof of service of the citation was filed however the actual citation was not.) 2. Petition requests that bond be waived. Probate Code §2320 states that except as otherwise provided by statute, every person appointed as conservator shall, before letters are issued, give a bond approved by the court. If bond is required it should be set at \$58,455.00 	
Cont. from				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail			W/
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
✓	Video Receipt			
✓	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			X
	FTB Notice			
				<p>Reviewed by: KT</p> <p>Reviewed on: 6/9/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 25 - Martinez</p>

Attorney: Gregory J. Roberts, for Kandis Bragg, sister
 Petition to Establish Special Needs Trust

	KANDIS BRAGG , sister, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> Proposed order to establish the SNT contains terms such as authority of the Trustee to purchase and maintain real property, designation of successor trustees, and several other terms regarding investments and trustee powers that appear to be inappropriate for a special needs trust established in accordance with this Court's practice pursuant to the Local Rules, the California Rules of Court, and the Probate Code. Court records do not reflect that a proof of service of <i>the First Amendment to the Petition to Establish Special Needs Trust</i> has been filed for the following persons: <ol style="list-style-type: none"> Gary Charles Allen (beneficiary); Larry Allen (father). <p>~Please see additional page~</p>
	Petitioner requests establishment of the GARY CHARLES ALLEN SPECIAL NEEDS TRUST pursuant to 42 USC § 1382(c)(a)(3), and Probate Code §§ 3604 and 3611, based upon the following:	
	<ul style="list-style-type: none"> The proposed Beneficiary of the GARY CHARLES ALLEN SPECIAL NEEDS TRUST (SNT) has had Delaney Syndrome since birth, is developmentally disabled, and has medical conditions that constitute a disability that substantially impairs the proposed Beneficiary's ability to provide for his own care and custody; his condition is permanent and he is not expected to experience significant improvement; The proposed Beneficiary receives income monthly from Social Security and Social Security Disability Insurance, and is the beneficiary, pursuant to the death of his mother, DONNA ALLEN (DOD 3/12/2014), of retirement income benefits of ~\$500.00 per month from CALPERS; Accumulated payments of these benefits since the death of the Beneficiary's mother are held by CALPERS pending the establishment of a special needs trust for the Beneficiary, so as not to adversely affect his public benefits; Petitioner believes it would be in the best interest of the Beneficiary to establish a special needs trust so that the accumulated CALPERS funds and the future CALPERS payments can be distributed monthly to the SNT to assist with the Beneficiary's special needs that are not met by his public benefits (<i>copy of proposed SNT attached as Exhibit A</i>); <p>~Please see additional page~</p>	
	Cont. from 050715, 060415	
	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
✓	Notice of Hrg	
✓	Aff.Mail	
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/S	
	Objections	
	Video Receipt	
	CI Report	
	9202	
✓	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	
		<p>Reviewed by: LEG</p> <p>Reviewed on: 6/9/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 28 – Allen</p>

Petitioner states, continued:

- The proposed Beneficiary lives in Fresno with his father, **LARRY ALLEN**, who is his primary caregiver; because of the proposed Beneficiary's physical disabilities, and will probably require substantial assistance and medical care for the remainder of his life;
- The proposed Beneficiary is likely to have special needs related to his disability that will not be met without the Trust, and the trust estate will not exceed the amount that appears reasonably necessary to meet the proposed Beneficiary's special needs;
- The purposed of this SNT is supplement, not supplant, the public benefits that would be available to the Beneficiary if the Trust did not exist;
- The proposed Beneficiary has basic living needs such as special programs and equipment that public benefits may not provide; the Beneficiary must receive these services to live with dignity;
- If the Trust is invaded by creditors, subjected to liens or encumbrances, or causes public benefits to be terminated, the Trust corpus would likely be depleted long before the Beneficiary's death, especially because the cost of care for disabled persons, not including any emergency needs, is high; there would be no coverage for emergencies or to supplement Beneficiary's basic needs
- Petitioner is informed that the living expenses for the proposed Beneficiary require the use of all his income from public benefits; if the funds received from **CALPERS** are placed in the SNT, Petitioner believes that the funds can provide for proposed Beneficiary's special needs which his public benefits do not cover;
- The proposed action will have no adverse effect on the proposed Beneficiary's estate remaining after the action is taken, as Petitioner believes that the benefits will cease upon the proposed Beneficiary's death;
- Petitioner, who lives in Colorado, is the proposed Beneficiary's sole sibling, and should she survive the Beneficiary and the Beneficiary's father, she will be the proposed Beneficiary's sole heir at law;
- Petitioner **KANDIS BRAGG** is willing to serve as Trustee of the SNT.

Petitioner prays for an Order:

1. Authorizing the establishment of the **GARY CHARLES ALLEN SPECIAL NEEDS TRUST** and naming **KANDIS BRAGG** as Trustee;
2. Authorizing the **GARY CHARLES ALLEN SPECIAL NEEDS TRUST** to be funded with **CALPERS** retirement income benefits accrued since the death of **DONNA ALLEN**, and with the future payments of **~\$500.00** per month from the **CALPERS** account.

Amendment to Petition to Establish Special Needs Trust filed on 5/26/15. Petitioner states she has been informed by the court that the court intends the Trust to comply with the provisions of CA Rule of Court 7.903. Petitioner believes that the Trust qualifies under CA Rule of Court 7.903(d) as a smaller trust which will have total assets of \$20,000 or less after receipt of property ordered by the court. Rule 7.903 (d) exempts smaller trusts, absent a court order for good cash shown , from (1) the posting of a bond by the trustee, (2) court accountings by trustee, (3) court approval of changes in trustee and a court order appointing any successor trustee, (4) court approval of the compensation of the trustee and the attorney for the trustee. Accordingly, in accordance with Rule 7.903(d), Petitioner requests the court to waive the requirements of compliance with Rule 7.903 (c)(5)-(8) by the trust and trustee.

~Please see additional page~

NEEDS/PROBLEMS/COMMENTS, continued:

Notes for background:

- **Minute Order dated 2/5/2015** states the Court advises Mr. Roberts that bond or a blocked account would be required as well as compliance with the California Rules of Court.
- **Attorney's Status Declaration filed 2/25/2015 states:** The amount accumulated by CALPERS on behalf of the SNT Beneficiary since the death of Donna Allen on 3/12/2014 is **~\$5,749.04**, based on **\$522.64** per month for 11 months; monthly payments of this amount will continue to accrue until the establishment of the SNT, which is necessary for the preservation of the Beneficiary's public benefits; the annual income would amount to **\$6,271.68**; in consideration of the Court's indication that a bond would be required of the trustee; that the trustee would be required to regularly account to the Court for the use of funds; and the cost to the trust of bond and accountings, Petitioner is in the process of investigating other, less expensive options which might protect the Beneficiary's benefits without Court involvement.
- **Minute Order dated 6/4/2015** states the Court is willing to consider a blocked account instead of bond, but that the Trust must comply with CRC 7.903. The Court will consider signing the order after review by the Examiner so that 6/11/2015 can come off calendar. Matter continued to 6/11/2015.

Note: If petition is granted, Court will set status hearings as follows:

- **Monday, July 13, 2015 at 9:00 a.m. in Dept. 303** for filing of (the bond or) proof of deposit in blocked account; and
- **Thursday, August 18, 2016 at 9:00 a.m. in Dept. 303** for filing of the first account of the SNT.

Pursuant Local Rule 7.5, if the documents noted above are filed 10 days prior to the dates listed, the hearings will be taken off calendar and no appearance will be required.