



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.

Petition for Order Awarding Attorneys Fees

		<p>DAVID A. ROBERTS, Attorney for Former Conservator David J. St. Louis, and subsequently Former Successor Conservator Joan St. Louis, is Petitioner.</p>	<p>NEEDS/PROBLEMS/ COMMENTS:</p> <p><u>Note:</u> Page B is a status hearing re filing the final account of the former conservator (Petitioner's client). Pursuant to Cal. Rule of Court 7.752, the Court may require accounting prior to authorizing compensation.</p> <p><u>Note:</u> Deborah Boyett, Court appointed attorney for Conservatee, field Notice of Non-Opposition on 5/29/15.</p> <p>1. Petitioner requests compensation from the conservatorship estate for services in connection with the conservatee's trust. The Court may require clarification or payment from the trust rather than the conservatorship estate.</p>
Cont. from 050515, 060215		<p>Petitioner has previously requested and been paid a total of \$29,414.00 for work from October 2011 through December 2013.</p>	
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	9202		
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	FTB Notice	<p>Services include numerous attorney-client related personal and telephonic conferences with Mrs. St. Louis, Attorneys Deborah Boyett, Paul Chambers, Stefanie Krause, and Leigh Burnside, preparing and assisting in the accountings submitted, attendance at the hearing on that accounting and the objections thereto, evaluating and dealing with issues surrounding a failure to pay estimated taxes for the Conservatee, time spent on a conservatorship challenge, analyzing and evaluating the accounting prepared by Wells Fargo regarding the Bingham Administrative Trust, which appeared to subsume the Survivor's Trust, the Marital Exempt and Non-Exempt Trusts and the Exemption Trust.</p> <p>Petitioner's itemization includes 156.90 attorney hours @ \$300/hr and 27.30 paralegal hours @ \$100-120/hr.</p> <p>Costs include filing fees, certified letters, telephonic appearances, and photocopies.</p> <p>Petitioner states all cash assets of the Conservatee, \$110,708.97, held by Mrs. St. Louis as conservator were transferred to Randy Grace as conservator on 1/2/15.</p> <p>Objections were filed by Randy Grace, current Conservator of the Person and Estate on 6/2/15. See Page 2.</p>	
Reviewed by: skc			
Reviewed on: 6/9/15			
Updates:			
Recommendation:			
File 1A - Bingham			

Objections state Ms. St. Louis' tenure as conservator was fraught with issues. Rather than rehashing the issues herein, Objector directs the Court's attention to the Petition for Removal of Conservator filed 10/10/14, which sets forth the factual and legal issues that arose. Rather than voluntarily resigning, Ms. St. Louis refused to do so and required the petition to be brought. It was only after it became clear that the Court would remove her that she sought leave to resign. Despite numerous efforts over the past year, Ms. St. Louis and her counsel have yet to have any accounting approved. Notwithstanding this failure, Mr. Roberts seeks award of \$50,120 plus costs of \$2,097.10 in this petition. Objector refers to Probate Code §2430(a)(4) and Cal. Rule of Court 7.7565 as the legal standard for attorney fees in conservatorship, and states the request is premature and should be continued until the final account is filed because it is impossible to determine whether the request is reasonable. Mr. Roberts and his staff have already spent significant time attempting to have an accounting approved, which efforts have yielded no benefit to the estate. While Objector recognizes the accounting may be complex, he contends the time spent on the accountings is already excessive and the final account is yet to be completed.

Objector states the request seeks fees for opposing the removal action, and states the decision to oppose the removal petition could not have been motivated by a good-faith belief that it was in the conservatee's best interest to defeat the petition. Ms. St. Louis was unable to literally keep the lights on at the conservatee's home. She failed to pay bills, provide spending money, cancelled appointments, billed excessively for her travel time, sought excessive compensation, etc. Authority cited. She breached numerous fiduciary duties and neglected the Conservatee. The declarations in support of the petition for removal establish that any assertion that Ms. St. Louis believed her opposition was in the best interest of the Conservatee was not in fact objectively reasonable.

Objector states no sufficient detail is given to justify fees for dealing with taxes. Ms. St. Louis failed to pay taxes while acting as conservator, resulting in penalties. The billing memo has entries that deal with addressing Ms. St. Louis' negligence in this regard. Objector contends Ms. St. Louis should be personally responsible for these fees, as they were of no value to the conservatorship estate and were only incurred because of her negligence.

Objector requests:

- 1. The Court continue this matter until the date of the final accounting;**
- 2. No fees are allowed for services rendered in connection with the accountings which have yet to be approved and therefore the request is reduced by \$9,054;**
- 3. No fees are allowed for services rendered in connection with the petition for removal and therefore the request is reduced by \$12,120;**
- 4. No fees are allowed for services rendered in connection with the failure to pay taxes by Ms. St. Louis and therefore the request is reduced by \$2,400; and**
- 5. For all other order the court deems just and proper.**

	<p>JOAN ST. LOUIS, Former Conservator, filed her First Amended First Account on 7-31-14 for account period 4-25-12 through 12-31-13.</p> <p>At hearing on 11-19-14, the Court took the First Amended First Account under submission.</p> <p>Pursuant to Order Granting Conservator Leave to Resign as Conservator of the Person and Estate filed 12-4-14, Mrs. St. Louis' resignation would be effective at 12-31-14, and she was ordered to render a final account on or before 3-1-15.</p> <p>Subsequently, the Court's Order on First Amended First Account filed 2-10-15 denied the First Amended First Account and ordered that a Second Amended First Account be filed no later than 3-16-15.</p> <p>On 2-25-15, Mrs. St. Louis filed an Ex Parte Petition for Extension of Time to File Final Account, given that a Second Amended First Account is now required.</p> <p>On 3-2-15, the Court set status hearing regarding the filing of the Second Amended First Account for 5-15-15, and stated that it will address the Ex Parte Petition for Extension of Time to File Final Account at the 5-15-15 hearing as well.</p> <p>Minute Order 5-15-15: The Court agrees to 30 days, but then will look at imposing significant sanctions if the petition is not filed at that point. If the petition is filed at least two court days prior, then no appearance is necessary. However, if the petition is not filed, Mr. Roberts and Joan St. Louis are both ordered to be personally present in court on 6/12/15 and to file a verified Status Report at least two court days prior.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need Second Amended First Account (for account period 4-25-12 through 12-31-13). 2. Need Final Account (for account period 1-1-14 through 12-31-14).
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Citation		
FTB Notice		
		Reviewed by: skc
		Reviewed on: 6/9/15
		Updates:
		Recommendation:
		File 1B - Bingham

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

DOD: 2/24/14	<p>RACHELLE IRELAND, Daughter, was appointed Executor with Full IAEA without bond on 4/16/15. Letters issued 4/17/15.</p> <p>At the hearing on 4/16/15, the Court set this status hearing re filing the first account or petition for final distribution.</p> <p>Final I&A filed 5/16/14 indicates a total estate value of \$199,122.60.</p> <p>Supplemental I&A filed 7/29/14 indicates an additional asset valued at \$43,919.00.</p> <p>Various receipts have been filed in connection with distribution of misc. personal effects.</p> <p>Various creditor's claims have also been filed.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need First Account or Petition for Final Distribution or written status report pursuant to Local Rule 7.5.</p>
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	<p>Reviewed by: skc</p>	
	<p>Reviewed on: 6/9/15</p>	
	<p>Updates:</p>	
	<p>Recommendation:</p>	
	<p>File 3 - Stafford</p>	

Status RE: Filing of First Account or Petition for Final Distribution

		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p style="text-align: center;"><u>OFF CALENDAR</u></p> <p>Order for final distribution was entered 2/26/15.</p> <p><u>Note:</u> At the hearing on 2/26/15, a status hearing was set for 9/2/15 regarding the filing of an informal accounting of the \$5,000.00 closing reserve. Pursuant to Verified Status Report filed 5/18/15, no additional fees or costs were paid from the reserve and the reserve funds was transferred to the trustees of the trust pursuant to the decedent's will.</p> <p>Therefore, the status hearing set for 9/2/15 has also been taken off calendar.</p>
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		Reviewed by: skc
		Reviewed on: 6/9/15
		Updates:
		Recommendation:
		File 4 - Gray