



## 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 Wade J. Barrett (Estate)**

**Case No. 02CEPR00294**

**Atty LeVan, Nancy J. (for Wayne Barrett – Administrator/Petitioner)**

**(1) Amended Report of Administration of Administrator and Petition for Settlement thereof and (2) Allowance of Statutory Compensation for Administrator and Statutory and Extraordinary Attorney Fees and (3) for Final Distribution**

DOD: 9-23-01			NEEDS/PROBLEMS/COMMENTS:	
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail			W
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			06/10/03
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
✓	9202			
	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
			<b>OFF CALENDAR</b>	
			Second Amended Petition filed 6-12-14 is set for hearing on 7-24-14.	
			Reviewed by: skc	
			Reviewed on: 6-12-14	
			Updates:	
			Recommendation:	
			File 1 – Barrett	

Age: 63 years DOB: 9/21/50	PUBLIC GUARDIAN is conservator.	NEEDS/PROBLEMS/COMMENTS:
	The thirteenth account for the account period ending 2/28/13 was approved on 5/13/13 showing and ending property on hand of \$718,577.80.	<b>OFF CALENDAR.</b> Fourteenth Account filed and set for hearing on 7/3/14.
Cont. from 050914	Minute order dated 5/13/13 set this status hearing for the filing of the fourteenth account.	
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: KT
		Reviewed on: 6/11/14
		Updates:
		Recommendation:
		File 2 - Olguin

**Petition for Termination of Further Proceedings and Discharging Personal Representative**

<b>DOD: 06/09/99</b>	<b>JUDITH A. WHITE</b> , Executor, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
<b>Cont. from 051214</b>		
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>		
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<input type="checkbox"/> <b>Conf. Screen</b>		
<input type="checkbox"/> <b>Letters</b>	09/08/04	
<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>		
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<input checked="" type="checkbox"/> <b>Order</b>		
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<input type="checkbox"/> <b>Status Rpt</b>		
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		
	<p><b>Petitioner states:</b></p> <ol style="list-style-type: none"> <li>In her Petition for Probate filed 06/23/04, Petitioner alleged that the value of the assets of the estate was over \$100,000.00. This allegation was based on the fact that prior to the issuance of letters, petitioner concluded from the best evidence available that decedent died possessed of property consisting of real and personal property, which was separate property of decedent and subject to administration.</li> <li>It appears now that there is no property subject to administration. Investigation after letters were issued revealed that all of decedent's known assets were either transferred, or not subject to the jurisdiction of the probate court. The real property and titled personal property was given to his sister prior to his death. The bank and investment accounts either were given to his sister during decedent's lifetime, or were transferred by reason of named beneficiaries on the originating documentation.</li> <li>On or about 02/01/07, Petitioner filed a motion to compel an accounting by Decedent's attorney in fact. It was learned from through this that all assets subject to probate administration were transferred to decedent's sister.</li> <li>Petitioner has diligently searched for all assets but has failed to discover any property of any kind belonging to the estate that is subject to administration.</li> </ol> <p><b>Petitioner prays for an Order:</b></p> <ol style="list-style-type: none"> <li>Terminating further proceedings for the administration of the estate;</li> <li>Discharging petitioner as the personal representative of the estate.</li> </ol>	<p><b>Reviewed by:</b> JF</p> <p><b>Reviewed on:</b> 6-12-14 (skc)</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 3 - Kachadoorian</b></p>

**Amended Waiver of Accounting and Petition for Final Distribution and for Allowance of Compensation**

<b>DOD: 11-17-07</b>		<b>BRENT WISE</b> , Son, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		<b>JACK WISE</b> , Spouse, was appointed as Administrator with Full IAEA without bond on 3-25-08.	Continued from 2-19-14, 3-27-14, 4-14-14, 5-19-14. As of 6-11-14, nothing further has been filed. The following issues remain:
<b>Cont. from 021914, 032714, 041414, 051914</b>			
	<b>Aff.Sub.Wit.</b>	Petitioner states the former Administrator died 4-18-13.	1. Petitioner Brent Wise has not been appointed as Successor Administrator and therefore has no standing to bring this petition. Brent Wise will first need to be appointed as Successor Personal Representative.
✓	<b>Verified</b>		
✓	<b>Inventory</b>	X	2. The original petition for probate alleged \$13,033.80 in personal property assets. However, I&A filed 3-14-08 indicated "various household furnishings and personal effects" valued at \$500.00 by the Administrator Jack Wise, rather than by the Probate Referee as required by Probate Code §8900. The Court may require clarification regarding the discrepancy in the amounts, and may require amended appraisal in accordance with applicable law.
✓	<b>PTC</b>		
	<b>Not.Cred.</b>	I&A: \$500.00 (See #2) POH: \$500.00 (personal property items)	3. Petitioner requests distribution to himself as the heir of both this decedent and the former Administrator/spouse of the decedent, who is entitled to a 1/2 share of this estate. However, Pursuant to Probate Code §11802, distribution to a post-deceased heir must be made to the personal representative of his estate. Court records show that Petitioner was appointed as Executor of his father's estate on 10-2-13 in 13CEPR00643. <u>Therefore, need amended distribution.</u>
	<b>Notice of Hrg</b>		
	<b>Aff.Mail</b>	Petitioner states he is the son of the decedent and the sole heir of the Wise family upon the death of Administrator Jack Wise, and has waived accounting.	4. Petitioner includes a fee computation of \$20.00 based on the Administrator's value assigned to personal property assets in the I&A. Petitioner does not appear to request payment, but does appear to reduce the proposed distribution by \$20. <u>Need clarification:</u> If the assets on hand consist solely of personal property items rather than cash, as stated, how is the distribution reduced by \$20? Who is \$20 to be paid to? Pursuant to Probate Code §12205, compensation may be reduced due to delay in closing the estate.
	<b>Aff.Pub.</b>		
	<b>Sp.Ntc.</b>	Petitioner provides a fee computation, but does not appear to request payment of fees.	5. <u>Need order.</u>
	<b>Pers.Serv.</b>		
	<b>Conf. Screen</b>	Petitioner requests distribution to himself as the sole heir of the Wise family.	<b>Reviewed by:</b> skc
	<b>Letters</b>		
	<b>Duties/Supp</b>	Brent Wise: \$480.00 (Personal property items?)	<b>Reviewed on:</b> 6-11-14
	<b>Objections</b>		
	<b>Video Receipt</b>		<b>Updates:</b>
	<b>CI Report</b>		
	<b>9202</b>		<b>Recommendation:</b>
	<b>Order</b>		
	<b>Aff. Posting</b>		<b>File 4 – Wise</b>
	<b>Status Rpt</b>		
	<b>UCCJEA</b>		
	<b>Citation</b>		
N/A	<b>FTB Notice</b>		

Atty Wall, Jeffrey L (for Former Administrator Kirk Hagopian)

(1) First and Final Account and Report of Administrator and Petition for its

Settlement and (2) Approval

<b>DOD: 12/7/11</b>	<b>KIRK HAGOPIAN</b> , former Administrator, is petitioner.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <ol style="list-style-type: none"> <li>The beginning property on hand should be the total of all inventory and appraisals filed. Inventory and appraisals filed total \$213,363.08 and not \$191,433.29 as listed for the beginning property on hand. A difference of \$21,929.79.</li> <li>Petition does not state the status of the litigation against Gaylene Bolanos and her confederates. \$9,500.00 was paid to attorney Jeff Hammerschmidt as a retainer for his services. Court may require more information as to the litigation and the status of the retainer paid to attorney Hammerschmidt.</li> <li>Disbursement schedule shows a disbursement of \$10,900 to repay the loan to Rich Curll however the receipt schedule does not show that the \$10,900 was received into the estate. Therefore the accounting does not balance.</li> <li>Itemization for costs advanced by Petitioner includes payment of \$18.00 to DMV to file non-operational on vehicle. However, no vehicle was ever inventoried into the estate. Need clarification.</li> <li>Order does not comply with Local Rule 7.6.1C.</li> </ol>
<b>Cont. from</b>	<b>Kirk Hagopian</b> resigned as Administrator and <b>Gloria Hagopian</b> was appointed Successor Administrator on 5/27/14.	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	Account period: 8/12/12 – 5/5/14	
<input checked="" type="checkbox"/> <b>Verified</b>	Accounting - <b>\$216,592.73</b>	
<input checked="" type="checkbox"/> <b>Inventory</b>	Beginning POH- <b>\$191,433.29</b>	
<input checked="" type="checkbox"/> <b>PTC</b>	Ending POH - <b>\$166,207.96</b>	
<input checked="" type="checkbox"/> <b>Not.Cred.</b>	<b>Petitioner states</b> that certain cash assets at the time of decedent's death were wrongfully taken by Gaylene Bolanos and her confederates. Petitioner is represented by Fresno attorney Leigh Burnside in a pending action against Gaylene Bolanos and others to recover the wrongfully taken property. Inventory and appraisal, partial no. 1 shows a bank account totaling \$10,268.71 at the time of decedent's death. Petitioner believes that Gaylene Bolanos misappropriated all of the money in the account, because the account was empty when Petitioner presented Letters to the bank after the opening of the estate. Petitioner believes there were other accounts taken by Gaylene Bolanos, but Petitioner did not inventory them because he lacks records that would show the balances.	
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>		
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<input type="checkbox"/> <b>Conf. Screen</b>		
<input checked="" type="checkbox"/> <b>Letters</b>		
<input type="checkbox"/> <b>Duties/Supp</b>		
<input type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>		
<input type="checkbox"/> <b>CI Report</b>		
<input type="checkbox"/> <b>9202</b>		
<input checked="" type="checkbox"/> <b>Order</b>		
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>		
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		
	<b>Please see additional page</b>	<p><b>Reviewed by: KT</b></p> <p><b>Reviewed on: 6/12/14</b></p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 6 - Smart</b></p>

Petitioner states prior to mid-January 2013 the estate had no cash for payment of decedent's funeral expenses, the expenses to maintain decedent's real property prior to sale, and the retainer requested by the attorney Petitioner hired to take action against Gaylene Bolanos and her confederates. Petitioner borrowed \$10,900.00 from a friend named Rich Cull, to pay those expenses (itemization included in the accounting).

**Petitioner prays for an Order:**

1. The first and final account and report of Petitioner as Administrator be settled, allowed and approved as filed;
2. All acts and proceedings of Petitioner during his tenure as Administrator of the Decedent's estate be confirmed and approved;
3. Such further order as the Court considers proper.

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

6. Letters issued to Gloria Hagopian without the \$10,000.00 bond being filed. Examiner has stricken the letters. Gloria Hagopian should destroy and not use any letters that may have inadvertently been given to her. When the bond is filed new letters will need to be submitted.

**Amended Waiver of Accounting and Petition for Final Distribution and for (2)  
 Allowance of Compensation (PC 16100)**

<b>DOD: 3/31/12</b>	<b>GREGORY TAYLOR</b> , Executor, is petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b><u>OFF CALENDAR.</u> Amended petition filed and set for hearing on 7/15/14.</b>  <b>Petition includes but is not limited to the following deficiencies:</b>  1. Need property tax certificate.  2. Inventory and Appraisal does not indicate whether or not the property is separate, community or quasi-community. Probate Code §8850(c). This is an issue because the will confirms ½ of the community property to the surviving spouse, Joseph Mason.  3. Property on hand schedule includes real property. Proposed distribution distributes only cash. Distribution must include the actual property on hand, which includes the real property.  4. Petition requests distribution of the estate to petitioner, Gregory Taylor, Christopher Taylor, Jeffery Taylor and Nicole Taylor. Will devised the estate to the Mason Family Trust. Proposed distribution request distribution to the Trust with instructions to distribute pursuant to the Will.  5. Proposed order includes instructions on how to distribute the property after it is distributed to the trust. Need new order eliminating said instructions.	
	Accounting is waived.		
<b>Cont. from 030314, 041414, 051914</b>	I & A - \$504,522.95 POH - \$504,522.95		
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	Executor - waives		
<input checked="" type="checkbox"/> <b>Verified</b>	Attorney - \$13,090.46		
<input checked="" type="checkbox"/> <b>Inventory</b>	Proposed distribution is to:		
<input type="checkbox"/> <b>PTC</b>			
<input type="checkbox"/> <b>Not.Cred.</b>	Gregory Taylor - \$471,432.49		
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>	Christopher Taylor- \$ 10,000.00		
<input checked="" type="checkbox"/> <b>Aff.Mail</b>	Jeffrey Taylor - \$ 5,000.00		
<input type="checkbox"/> <b>Aff.Pub.</b>	Nicole Taylor - \$ 5,000.00		
<input type="checkbox"/> <b>Sp.Ntc.</b>			
<input type="checkbox"/> <b>Pers.Serv.</b>			
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<input type="checkbox"/> <b>Citation</b>			
<input checked="" type="checkbox"/> <b>FTB Notice</b>			
			<b>Reviewed by: KT</b>
			<b>Reviewed on: 6/11/14</b>
		<b>Updates:</b>	
		<b>Recommendation:</b>	
		<b>File 7 – Mason</b>	

**8A**      **Stephan & Debra Winter Revocable Trust 2/16/94 Case No. 13CEPR00564**  
**Atty**      **Pape, Jeffrey B. (for Dennis Freeman – Successor Trustee under Amendment/Petitioner)**  
**Atty**      **Shahbazian, Steven L. (for Christopher Lull – son of Debra Winter/Respondent-Objector)**  
**Petition to Determine Title to and Require Transfer of Property to Trust [Prob. C.**  
**850(a)(2)(3), 855, 17200(b)(6)]**

<b>Stephan DOD:</b> 08/09/05	<p><b>DENNIS FREEMAN</b>, successor trustee, is Petitioner.</p> <p><b>Petitioner states:</b></p> <ol style="list-style-type: none"> <li>Stephan F. Winter and Debra L. Winter ("Settlers") executed the Stephan F. Winter and Debra L. Winter Revocable Trust (the "Trust") on 02/16/94 in their capacity as Settlers and initial Trustees. The Trust was amended on 09/14/02.</li> <li>Petitioner is the currently acting successor trustee of the Trust.</li> <li>This petition concerns the ownership of the original Trust documents which Christopher Lull ("Respondent") or his agents have taken possession of and refused to deliver to the trustee.</li> <li>The Settlor's maintained the original trust documents in a binder. Shortly before her death, Debra delivered the binder to real estate agent Michele Lane in connection with a real estate transaction. The real estate agent had possession of the binder when Debra died and maintained possession of it, refusing to deliver it to anyone without a court order. Thereafter, Respondent's attorney, Sue Campbell, represented to Michele Lane that the family agreed that it was ok that Ms. Lane release the binder to Respondent in care of attorney Sue Campbell.</li> <li>This was not acceptable to Petitioner because (1) Petitioner was the trustee and not respondent, and (2) Respondent, Debra's son, had been intentionally omitted from the Trust due to a long standing estranged relationship.</li> <li>Petitioner has demanded the release of the trust binder from Respondent's former attorney, Sue Campbell; however, initially Sue Campbell's assistant professed no knowledge of a binder being picked up by her office and later Sue Campbell professed no knowledge of a binder being picked up from Michele Lane. Petitioner's demands that Respondent deliver the binder to Petitioner's attorney have been ignored.</li> </ol> <p><b>Petitioner prays for an Order:</b></p> <ol style="list-style-type: none"> <li>Declaring that Petitioner is the sole owner of the original trust documents and that Respondent has no interest in the original trust documents.</li> <li>Directing Respondent to immediately deliver possession to Petitioner of any and all trust documents including but not limited to the original Trust, original Trust amendment, and the estate planning binder.</li> </ol> <p style="text-align: center;">Continued on Page 2</p>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
<b>Debra DOD:</b> 05/13/13		
<b>Cont. from 081213, 102113, 112013, 120913, 010614, 012814, 031014, 041514</b>		
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>		
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<input type="checkbox"/> <b>Citation</b>		
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		<b>Reviewed by:</b> JF
		<b>Reviewed on:</b> 04/11/14
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 8A – Winter</b>

**Objection filed 08/07/13** by Christopher Lull, Respondent, states:

1. Petitioner does not have standing to bring this Petition. Petitioner is not the trustee because the amendment naming him as trustee was revoked. Morgan Quail witnessed the destruction of the amendment (see *Declaration of Morgan Quail*). Without the amendment, Petitioner is not the trustee or a beneficiary of the Trust and has no vested interest in the Trust.
2. Petitioner is not a relative or heir of Debra L. Winter.
3. Michele Lane, the real estate agent described in the Petition, was in possession of the original estate planning binder at the time of Debra Winter's death. Ms. Lane turned over the binder to Respondent because she found his name in the estate documents, and could not locate Petitioner's name in the binder. Because Ms. Lane could not find Petitioner's name in the documents and didn't know who he was, she refused to turn the binder over to him. Respondent's attorney has spoken to Ms. Lane and anticipates that she will be a witness in this matter. Ms. Lane stated to Respondent's attorney that Petitioner admitted to her that he never even met Debra Winter. This information supports the fact that the amendment was destroyed and not in the original estate planning binder.
4. In the absence of the original, there is a legal presumption that the document was revoked. Additionally, pursuant to Probate Code § 6120(b), we have an act of destruction consistent with the intent to revoke. This presumption cannot be overcome based on the Declaration of Morgan Quail and the expected testimony of Michele Lane.
5. Respondent, Christopher Lull, is the successor trustee of the Trust dated 07/16/94 and the primary beneficiary. He had every right to withdraw the money from Bank of America, as Trustee.

**Objector prays for an Order:**

1. Denying the Petition to Determine Title to and Require Transfer of Property to Trust Regarding Bank Account; and
2. Denying the Petition to Determine Title to and Require Transfer of Property to Trust.

**Declaration of Morgan Quail in Support of Objection** filed 08/07/13 states:

1. He is Debra Winter's nephew and probably one of her closest family members. Debra felt like a bit of an outsider in their family and felt left out. Declarant always tried to include her in his life events and she always seemed grateful to be included.
2. Their family has a lot of drama. Declarant states that he has tried to stay out of it and remain neutral. He believes that this is why Debra confided in him and spoke to him about things she might not talk about with others.
3. Approximately 2 years ago on Father's Day, Debra pulled Declarant aside and asked to talk to him. During their conversation, she removed a document titled amendment to trust from her purse and proceeded to tear it up in front of him. She stated that she wanted to keep her money in the family. Declarant also believes she was having conversations with her sister Catherine and father Stanton about this issue as well.
4. At Christmastime later that year, Declarant received a card from Debra thanking him for the talk on Father's Day.

**Joint Status Report** filed 12/18/13 provides an outline/summary of the petitions filed in this matter.

**First Amended Objection to Petition to Determine Title to and Require Transfer of Property to Trust** filed 01/07/14 states:

1. Objector, Christopher Lull, is the son of Debra L. Winter, deceased, who is the co-settlor and the successor trustee of the STEPHAN F. WINTER and DEBRA L. WINTER REVOCABLE TRUST (the "Trust") dated 02/16/94.
2. Decedent, Debra Winter ("Debra") and her husband Stephan F. Winter ("Stephan") created the Trust dated 02/16/94 in which they were both named as settlors and co-trustees. A purported Amendment to the Trust was executed on 09/14/02.
3. Under the terms of the Amendment, the successor trustee, upon the death of the first of Stephan and Debra, was named as Dennis Freeman. Further, on the death of the surviving spouse/settlor, the estate was to be distributed to Dennis Freeman, if living, and if not, to Morgan Quail.

**Continued on Page 3**

4. The purported Amendment to the Trust was not a true and voluntary expression of testamentary intent of the co-settlor and co-trustee, Debra Winter, but was a result of the control, demands, and undue influence of Stephan F. Winter, Debra's spouse.
5. Stephan, taking advantage of the confidential and fiduciary relationship between him and his spouse, Debra, and by reason of the trust and confidence so reposed in Stephan by Debra, was able to and did influence and control the mind and actions of Debra and induce her to sign the purported Amendment to the trust which provided, among other things, that all of the assets of the Trust be distributed upon the death of the surviving spouse to Dennis Freeman, who is unrelated to Debra, and is a cousin of Stephan.
6. Prior to signing the Amendment, Stephan exhibited animosity and opposition to Objector, who is the only child and natural heir of Debra, and attempted to, and did, alienate Debra from Objector and induced her to sign the purported Amendment to the Trust excluding Objector as a beneficiary of the Trust, contrary to the terms of the initial Trust dated 02/16/94. As a result of the undue influence, pressure, and control by Stephan, and the alienation that he induced between Debra and Objector, the Amendment dated 09/14/02, was not the true intent and testamentary wish of Debra, but was that of her husband, Stephan.
7. After Stephan's death in 2005, Debra stated her wish, and as so expressed to her family members, including her nephew, Morgan Quail, and her sister, Catherine Quail, that she did not intend to leave her estate, or any part of it, to Dennis Freeman; however, she was unaware of how and what manner to change the disposition and the purported Amendment to the Trust. Debra was under the mistaken belief that the mere destruction of the Amendment, by tearing it up, resulted in the revocation of the Amendment and would therefore result in the original Trust agreement expressing her true intentions, which included her plan to bequeath and devise all of her trust assets to her direct heirs, including her son, Objector, Christopher Lull. Debra was unable to do so at the time she signed the Amendment because she was wholly under the influence of Stephan, who proposed and dictated to Debra the purported Amendment to the Trust. As a result, the Amendment was not the true and voluntary act of Debra, but was procured as the result of the undue and unreasonable influence and control of Stephan and the mistaken belief thereafter of Debra that she had taken appropriate actions to restore her true testamentary intent, as expressed in the initial Trust Agreement dated 02/16/94.

**Objector, Christopher Lull prays for an Order:**

1. Denying the Petition; determining that the purported Amendment to the Trust dated 09/14/02 is not the true testamentary intent of Debra Winter; and that the terms and conditions of the trust are those set forth in the original testamentary instrument designated the "Trust Agreement" signed 02/16/94.



**Objection filed 08/07/13** by Christopher Lull, Respondent, states:

6. Petitioner does not have standing to bring this Petition. Petitioner is not the trustee because the amendment naming him as trustee was revoked. Morgan Quail witnessed the destruction of the amendment (see *Declaration of Morgan Quail*). Without the amendment, Petitioner is not the trustee or a beneficiary of the Trust and has no vested interest in the Trust.
7. Petitioner is not a relative or heir of Debra L. Winter.
8. Michele Lane, the real estate agent described in the Petition, was in possession of the original estate planning binder at the time of Debra Winter's death. Ms. Lane turned over the binder to Respondent because she found his name in the estate documents, and could not locate Petitioner's name in the binder. Because Ms. Lane could not find Petitioner's name in the documents and didn't know who he was, she refused to turn the binder over to him. Respondent's attorney has spoken to Ms. Lane and anticipates that she will be a witness in this matter. Ms. Lane stated to Respondent's attorney that Petitioner admitted to her that he never even met Debra Winter. This information supports the fact that the amendment was destroyed and not in the original estate planning binder.
9. In the absence of the original, there is a legal presumption that the document was revoked. Additionally, pursuant to Probate Code § 6120(b), we have an act of destruction consistent with the intent to revoke. This presumption cannot be overcome based on the Declaration of Morgan Quail and the expected testimony of Michele Lane.
10. Respondent, Christopher Lull, is the successor trustee of the Trust dated 07/16/94 and the primary beneficiary. He had every right to withdraw the money from Bank of America, as Trustee.

**Objector prays for an Order:**

3. Denying the Petition to Determine Title to and Require Transfer of Property to Trust Regarding Bank Account; and
4. Denying the Petition to Determine Title to and Require Transfer of Property to Trust.

**Declaration of Morgan Quail in Support of Objection** filed 08/07/13 states:

5. He is Debra Winter's nephew and probably one of her closest family members. Debra felt like a bit of an outsider in their family and felt left out. Declarant always tried to include her in his life events and she always seemed grateful to be included.
6. Their family has a lot of drama. Declarant states that he has tried to stay out of it and remain neutral. He believes that this is why Debra confided in him and spoke to him about things she might not talk about with others.
7. Approximately 2 years ago on Father's Day, Debra pulled Declarant aside and asked to talk to him. During their conversation, she removed a document titled amendment to trust from her purse and proceeded to tear it up in front of him. She stated that she wanted to keep her money in the family. Declarant also believes she was having conversations with her sister Catherine and father Stanton about this issue as well.
8. At Christmastime later that year, Declarant received a card from Debra thanking him for the talk on Father's Day.

**Petition to Determine Title to; Require Transfer to and Impose Constructive Trust Over Property [Prob. C. 850(a)(2), (3), 855, 17200(b)(6)]**

Stephan DOD: 08/09/05	<b>DENNIS FREEMAN</b> , successor Trustee, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
Debra DOD: 05/13/13	<b>Petitioner states:</b>	
	1. Stephan F. Winter and Debra L. Winter ("Settlers") executed the Stephan F. Winter and Debra L. Winter Revocable Trust (the "Trust") on 02/16/94 in their capacity as Settlers and initial Trustees. The Trust was amended on 09/14/02.	
<b>Cont. from 120913, 010614, 012814, 031014, 041514</b>	2. Stephan Winter died 08/09/05 and Debra Winter died 05/13/13. Petitioner is the named successor trustee of the Trust. On 08/30/13, the Court appointed Bruce Bickel as temporary trustee of the Trust.	
Aff.Sub.Wit.	3. This Petition concerns the conversion of Bank of America account ending in 3919 with a balance of over \$565,000.00 which was an asset of the Trust. Petitioner alleges that Respondent, Christopher Lull, removed the entire balance of the Bank of America account on or about 06/26/13 and transferred it to his personal account. Petitioner alleges that, among other things, Christopher Lull used \$125,000.00 of the wrongfully obtained funds to pay down a promissory note and deed of trust on his personal residence. These funds were paid to First Northern Bank of Dixon, California on or about 01/27/13.	
✓ Verified	4. <u>Constructive Trust</u> . The real property which was subject to the promissory note and deed of trust that Christopher Lull applied \$125,000.00 in payment is located on Ophir Road in Auburn, CA (legal description provided).	
Inventory	<b>Petitioner prays for an Order:</b>	
PTC	1. Declaring that Respondent Christopher Lull holds in constructive trust the real property on Ophir Road in Auburn, CA, described in the Petition;	
Not.Cred.	2. Authorizing the temporary trustee to take possession of and sell the real property described above to recover the \$125,000.00 plus attorneys' fees and costs in so doing;	
✓ Notice of Hrg	3. Directing Respondent to pay Petitioner his attorneys' fees and costs; and	
✓ Aff.Mail w/	4. Awarding Petitioner with exemplary damages against Respondent according to proof.	
Aff.Pub.	<b>Continued on Page 2</b>	
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		Reviewed by: JF
Duties/Supp		Reviewed on: 04/11/14
✓ Response		Updates:
Video Receipt		Recommendation:
CI Report		File 8C – Winter
9202		
✓ Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		

**Response to Petition to Determine Title To, Require Transfer to and Impose Constructive Trust Over Property** filed 12/06/13 by Respondent, Christopher Lull, states:

1. Respondent admits that the STEPHAN F. WINTER AND DEBBRA L. WINTER REVOCABLE TRUST was created on 02/16/94 by Stephan and Debra Winter.
2. Respondent denies that the Amendment dated 09/14/02 is a valid and effective trust document, or "Amendment" and that said Amendment does not reflect the true intent of the co-settlor and trustee, Debra Winter.
3. Respondent denies the validity of the purported "Amendment" and, therefore, denies that Dennis Freeman is a successor trustee of the Trust.
4. Respondent denies that Fresno County is the proper venue for this action. And states that as successor trustee of the Trust the appropriate venue for this action should be in Sacramento County pursuant to Probate Code § 17002(b)(1).
5. Respondent admits that the Bank of America account described in the Petition was an asset of the Trust. Respondent denies that he has "wrongfully" taken or converted any sums from said account, or any other asset of the alleged trust, as said Amendment to the Trust is invalid and ineffective, and that the Trust, therefore, provides that Respondent is the sole successor trustee and beneficiary of the Trust.
6. Respondent admits that he has an interest in real property in Auburn, CA described in the Petition, but denies that there is any wrongful application of funds for any payment on that real property.

**Affirmative Defenses:**

1. The Petition fails to state facts sufficient to constitute a valid cause or causes of action against Respondent.
2. There is no basis for a "constructive trust" over the real property described in the Petition in that said real property is not, and was not, an asset of the Trust and thereby the remedy of "constructive trust" is not available under Civil Code §§ 2223 and 2224 as the Trust has not right, title, claim, or interest in the real property. (Citation provided)
3. The Petition has no ground to assert, nor is it alleged, that there is any basis for a claim of "exemplary damages".
4. The Petitioner fails to allege any statutory grounds, or any other legal right, for attorney's fees in the filing of this Petition and that attorney's fees are not recoverable to the Petitioner pursuant to Civil Code § 1021 and 1026.

**Respondent prays for an Order:**

1. That the Petition and each claim therein be dismissed against Respondent and that Petitioner take nothing by reason of his complaint; and
2. For costs incurred herein.

<b>Stephan</b> <b>DOD: 08/09/05</b>	<b>Dennis Freeman filed his original Petition to Determine Title To and Require Transfer of Property to Trust on 6-25-13 (Page A).</b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>				
<b>Debra</b> <b>DOD: 05/13/13</b>	At the hearing on that petition on 12-9-13, the Court continued the matter and also set this Status Hearing.					
	Since the filing of Mr. Freeman's original petition, numerous additional petitions have come before the Court.					
<b>Cont. from</b> <b>010614, 012814,</b> <b>031014, 041514</b>	<b>At this time, the following matters are pending on this calendar:</b>					
<table border="1"> <tr><td><b>Aff.Sub.Wit.</b></td><td></td></tr> </table>	<b>Aff.Sub.Wit.</b>		<b>A. Dennis Freeman's Petition to Determine Title To and Require Transfer of Property to Trust (filed 6-25-13)</b>			
<b>Aff.Sub.Wit.</b>						
<table border="1"> <tr><td><b>Verified</b></td><td></td></tr> </table>	<b>Verified</b>		<b>B. Dennis Freeman's Petition to Determine Title To and Require Transfer of Property to Trust re Bank Account (filed 7-2-13)</b>			
<b>Verified</b>						
<table border="1"> <tr><td><b>Inventory</b></td><td></td></tr> </table>	<b>Inventory</b>		<b>C. Dennis Freeman's Petition to Determine Title To; Require Transfer To and Impose Constructive Trust Over Property (filed 10-21-13)</b>			
<b>Inventory</b>						
<table border="1"> <tr><td><b>PTC</b></td><td></td></tr> </table>	<b>PTC</b>		<b>D. This Status Hearing set by the Court per Minute Order 12-9-13 at the hearing on Dennis Freeman's Petition to Determine Title to and Require Transfer of Property to Trust (Page A).</b>			
<b>PTC</b>						
<table border="1"> <tr><td><b>Not.Cred.</b></td><td></td></tr> </table>	<b>Not.Cred.</b>		<b>E. Dennis Freeman's Petition to Compel Christopher Lull to Redress Breach of Trust by Payment of Money or Otherwise and for Double Damages (filed 11-26-13)</b>			
<b>Not.Cred.</b>						
<table border="1"> <tr><td><b>Notice of Hrg</b></td><td></td></tr> </table>	<b>Notice of Hrg</b>		<b>F. Dennis Freeman's Petition for Order Confirming Trust Assets (filed 5-1-14)</b>			
<b>Notice of Hrg</b>						
<table border="1"> <tr><td><b>Aff.Mail</b></td><td></td></tr> </table>	<b>Aff.Mail</b>		<b>G. Dennis Freeman's Notice of Motion for an Order Compelling Responses to Form Interrogatories (filed 2-26-14)</b>			
<b>Aff.Mail</b>						
<table border="1"> <tr><td><b>Aff.Pub.</b></td><td></td></tr> </table>	<b>Aff.Pub.</b>		<b>H. Christopher Lull's First Amended Petition to Determine Validity of Purported Trust, for Order Determining Interest in Trust Property and for Revocation of Trust Amendment (filed 4-3-14)</b>	<table border="1"> <tr><td><b>Reviewed by:</b></td><td>JF / skc</td></tr> </table>	<b>Reviewed by:</b>	JF / skc
<b>Aff.Pub.</b>						
<b>Reviewed by:</b>	JF / skc					
<table border="1"> <tr><td><b>Sp.Ntc.</b></td><td></td></tr> </table>	<b>Sp.Ntc.</b>		<b>I. Dennis Freeman's Notice of Motion and Motion for Monetary and Terminating Sanctions and Attorneys' Fees for Misuse of the Discovery Process, Memorandum of Points and Authorities, Declaration of Jeffrey B. Pape and Order (filed 5-20-14)</b>	<table border="1"> <tr><td><b>Reviewed on:</b></td><td>6-12-14</td></tr> </table>	<b>Reviewed on:</b>	6-12-14
<b>Sp.Ntc.</b>						
<b>Reviewed on:</b>	6-12-14					
<table border="1"> <tr><td><b>Pers.Serv.</b></td><td></td></tr> </table>	<b>Pers.Serv.</b>		<b>The following additional matter also remains pending:</b>	<table border="1"> <tr><td><b>Updates:</b></td><td></td></tr> </table>	<b>Updates:</b>	
<b>Pers.Serv.</b>						
<b>Updates:</b>						
<table border="1"> <tr><td><b>Conf. Screen</b></td><td></td></tr> </table>	<b>Conf. Screen</b>		<ul style="list-style-type: none"> <li><b>Dennis Freeman's Order to Show Cause Re Contempt (filed 2-4-14)</b></li> </ul>	<table border="1"> <tr><td><b>Recommendation:</b></td><td>File 8D – Winter</td></tr> </table>	<b>Recommendation:</b>	File 8D – Winter
<b>Conf. Screen</b>						
<b>Recommendation:</b>	File 8D – Winter					
<table border="1"> <tr><td><b>Letters</b></td><td></td></tr> </table>	<b>Letters</b>					
<b>Letters</b>						
<table border="1"> <tr><td><b>Duties/Supp</b></td><td></td></tr> </table>	<b>Duties/Supp</b>					
<b>Duties/Supp</b>						
<table border="1"> <tr><td><b>Objections</b></td><td></td></tr> </table>	<b>Objections</b>					
<b>Objections</b>						
<table border="1"> <tr><td><b>Video Receipt</b></td><td></td></tr> </table>	<b>Video Receipt</b>					
<b>Video Receipt</b>						
<table border="1"> <tr><td><b>CI Report</b></td><td></td></tr> </table>	<b>CI Report</b>					
<b>CI Report</b>						
<table border="1"> <tr><td><b>9202</b></td><td></td></tr> </table>	<b>9202</b>					
<b>9202</b>						
<table border="1"> <tr><td><b>Order</b></td><td></td></tr> </table>	<b>Order</b>					
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<table border="1"> <tr><td><b>Aff. Posting</b></td><td></td></tr> </table>	<b>Aff. Posting</b>					
<b>Aff. Posting</b>						
<table border="1"> <tr><td><b>Status Rpt</b></td><td></td></tr> </table>	<b>Status Rpt</b>					
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<table border="1"> <tr><td><b>UCCJEA</b></td><td></td></tr> </table>	<b>UCCJEA</b>					
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<table border="1"> <tr><td><b>Citation</b></td><td></td></tr> </table>	<b>Citation</b>					
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<table border="1"> <tr><td><b>FTB Notice</b></td><td></td></tr> </table>	<b>FTB Notice</b>					
<b>FTB Notice</b>						

**8E Stephan & Debra Winter Revocable Trust**

**Case No. 13CEPR00564**

**Atty Pape, Jeffrey B. (for Dennis Freeman – Successor Trustee – Petitioner)**

**Atty Shahbazian, Steven L. (for Christopher Lull – Respondent and Objector)**

**Petition to Compel Christopher Lull to Redress Breach of Trust by Payment of Money or Otherwise and for Double Damages**

Stephan Winter DOD: 8-9-05	<b>DENNIS FREEMAN</b> , Successor Trustee, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
Debra Winter DOD: 5-13-13	<p><b>Petitioner states:</b> Petitioner Dennis Freeman is the sole beneficiary and named successor trustee of the trust pursuant to the 9-14-02 amendment. However, Respondent <b>CHRISTOPHER LULL</b>, with full knowledge of said trust amendment, wrongfully exercised powers under the trust instrument as the purported trustee as described below. On 8-30-13, the Court appointed <b>BRUCE BICKEL</b> as temporary trustee pending resolution of these matters.</p>	
Cont. from 012814, 031014, 041514	<p>Petitioner states Respondent wrongfully procured Bank of America account xx3919 with a balance of over \$565,000, which was an asset of the trust, removed the entire balance on or about 6-26-13, and transferred it to a new trust account at Bank of America naming himself as trustee, without including the 9-14-02 amendment for the bank, in furtherance of his scheme. Petitioner states Respondent then transferred the money belonging to the trust to a personal bank accounts at Bank of America, Chase Bank, and/or business accounts at First Northern Bank of Dixon, California and paid a number of personal debts and/or non-trust related expenditures all to benefit himself. See list provided in petition.</p>	Reviewed by: JF
<input type="checkbox"/> Aff.Sub.Wit.	<p>Petitioner states on or about 8-8-13, this Court ordered Respondent to preserve the assets of the trust. On 10-15-13, Respondent testified that all of the trust assets have been spent, based on his name is the only one in the trust. Petitioner states that as of 8-8-13, Respondent still had at least \$377,500 of trust funds on deposit in his personal and business accounts. These sums were still trust assets despite his efforts to conceal these monies. This was an egregious and intentional violation of the Court's order and was done for the sole purpose of defeating the recovery of the trust assets from him.</p>	Reviewed on: 04/11/14
<input checked="" type="checkbox"/> Verified	<p align="center"><b><u>SEE ADDITIONAL PAGES</u></b></p>	Updates:
<input type="checkbox"/> Inventory	Recommendation:	File 8E - Winter
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail <span style="float:right">w</span>		
<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 checked="" 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		

Page 2

**Petitioner states** Respondent was ordered on 8-30-13 to provide an accounting of the expenditure of the trust funds by him. He has refused and continues to refuse to do so consistent with his efforts to abscond with the trust funds.

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

1. **Ordering Christopher Lull to redress the breaches of trust described above by payment of all sums wrongfully misappropriated from the trust and reimbursing the trust for all losses occasioned by his wrongful actions;**
2. **Surcharging Christopher Lull twice the value of the property wrongfully misappropriated from the trust according to proof pursuant to Probate Code §859;**
3. **For attorneys' fees;**
4. **For costs herein;**
5. **For such orders as the Court deems necessary and proper.**

---

**Response and Objection filed 1-17-14 by Christopher Lull states:**

Respondent denies that Petitioner is the successor trustee of the trust and denies that he "wrongfully exercised" the powers under the trust instrument identified as the "Winter Trust dated February 16, 1994." Respondent is the rightful successor trustee of said trust.

Respondent further denies that Fresno County is the appropriate venue for this proceeding and that the appropriate venue is the County of Placer.

Respondent denies that he has wrongfully procured any funds from the trust and that under the terms of the trust he is the rightful successor trustee and beneficiary. Further the allegations in Paragraph 6 are defective and should be stricken as material matters alleged on hearsay information not within Petitioner's personal knowledge. Authority provided.

Respondent denies he has "wrongfully" taken or "absconded" with assets of the trust and alleges that he is the successor trustee and beneficiary. Further, any said claims of violation of the trust, or wrongful misappropriation of trust funds pursuant to §850(a)(3) are insufficient and premature. Objection and a request to strike is hereby made to the recitation of testimony at a prior hearing by the respondent as the Court has made no final judgment or order in these matters; therefore, such testimony should not be considered by the Court, or receive judicial notice under Evidence Code §452, as such testimony is not an order, finding of fact or judgment of the court. Authority provided.

Respondent alleges there are not sufficient grounds for "surcharging" the responding party herein for "double damages" as there has not been any "bad faith" wrongful taking by this responding party.

Respondent further objects to any claim for "attorney's fees." There are no grounds alleged to claim same and this action is subject to the provisions of Civil Code §1021.

**Respondent prays that the petition to "redress breach of trust" be dismissed; that none of the relief as requested therein be granted; for costs of suit incurred.**



7. On or about 04/18/13, Settlor Debra L. Winter sold San Jose residence and purchased another residence located at 26321 Golf Links Drive, Pioneer, CA. Petitioner alleges that a portion of the Trust's cash proceeds from the sale was used in the down payment for the new residence and within 30 days of acquiring the residence, Debra Winter passed away which prevented her from making a formal transfer to the Trust. Given these circumstances, Petitioner requests the Court to confirm that the real property commonly known as 26321 Golf Links Drive, Pioneer, CA is an asset of the Trust and is subject to the management and control of Bruce Bickel as temporary trustee.
8. Pursuant to the terms of the Trust, Debra Winter's Will, and Transmutation of Separate Property to Community Property, Petitioner believes that it was never Debra Winter's intent to defeat the purpose of the Trust by holding the real property in her individual name thus subjecting said assets to the jurisdiction of the Probate Court at her death.

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

1. The Stephan F. Winter and Debra L. Winter Revocable Trust is valid;
2. The personal property at 26321 Golf Links Drive, Pioneer, CA are assets of the Stephan F. Winter and Debra L. Winter Revocable Trust;
3. The real property commonly known as 26321 Golf Links Drive, Pioneer, CA is an asset of the Stephan F. Winter and Debra L. Winter Revocable Trust and is subject to the management and control of Bruce Bickel as temporary trustee;
4. For costs herein; and
5. For other such orders as the court deems proper.

**Objections filed 6-12-14 by Christopher Lull states** the proposed petition to confirm and transfer certain personal and real property to the trust represents an attempt by the petitioner to transfer certain assets, including the decedent's residence in Amador County, to the trust. Title to said residence is held at the date of Debra Winter's death, in her name individually and not as a trustee of the trust. The application under Heggstad authority is premature in that the purported will that the petitioner is proposing to use as a "pour-over" instrument is only a copy, and the original will has not been produced or proven. There is evidence that the will may have been in Debra Winter's possession at her death, and therefore there is a rebuttable presumption that it was destroyed with intent to revoke. Without a valid and proven will, the presumption arises that the decedent died intestate and therefore under §6400 her "estate" would devolve to intestate heir, Christopher Lull. Petitioner would not qualify under any circumstances as an heir of the decedent, as he was a cousin of the decedent's predeceased spouse.

**Objector prays that the petition be denied and that said real and personal properties which are the subject matter of said petition not be transferred to, or identified as an asset of the trust; for costs of suit incurred; and for such other orders as the Court deems just and proper.**

**Notice of Motion for an Order Compelling Responses to Form Interrogatories**

		<b>DENNIS FREEMAN</b> , Successor Trustee, is Petitioner.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. Notice of Hearing was personally served on the Law Office of Steven Shahbazian. Also need proof of service by mail on the Respondent directly.</p>
		<b>Petitioner states</b> Respondent <b>CHRISTOPHER LULL</b> has failed to file a timely response to Form Interrogatories and no extension of time has been requested or granted.	
<b>Cont. from 040814, 041514</b>		Petitioner moves the Court pursuant to CCP §§ 2030.290(a), 2030.290(b) for an order compelling Respondent to provide responses without objection to Form Interrogatories.	
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/>	<b>Verified</b>		
<input type="checkbox"/>	<b>Inventory</b>		
<input type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>		
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>		
<input type="checkbox"/>	<b>Aff.Mail</b>		
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input checked="" type="checkbox"/>	<b>Pers.Serv.</b>	w/	
<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> JF
			<b>Reviewed on:</b> 04/11/14
			<b>Updates:</b>
			<b>Recommendation:</b>
			<b>File 8H – Winter</b>



**Notice of Motion and Motion for Monetary and Terminating Sanctions and  
 Attorneys' Fees for Misuse of the Discovery Process, Memorandum of Points and  
 Authorities, Declaration of Jeffrey B. Pape and Order**

	<b>DENNIS FREEMAN</b> , Successor Trustee, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
	<b>Petitioner moves the Court</b> for an order imposing sanctions in the form of monetary and terminating sanctions against <b>CHRISTOPHER LULL</b> for misuse of the discovery process during this litigation and for violating Court order regarding discovery.	
	See Memorandum of Points and Authorities and Declaration of Jeffrey B. Pape in support of Motion.	
	<b>On 6-11-14, Attorney Shahbazian filed "Respondent Christopher Lull's Memorandum of Points and Authorities in Opposition to Notice of Motion and Motion for Monetary and Terminating Sanctions and Attorney's Fees for Misuse of the Discovery Process."</b>	
<input type="checkbox"/>	Aff.Sub.Wit.	
<input 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	
<input type="checkbox"/>	Aff.Pub.	
<input type="checkbox"/>	Sp.Ntc.	
<input type="checkbox"/>	Pers.Serv.	
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<input type="checkbox"/>	UCCJEA	
<input type="checkbox"/>	Citation	
<input type="checkbox"/>	FTB Notice	
		Reviewed by: skc
		Reviewed on: 6-12-14
		Updates:
		Recommendation:
		File 8J - Winter

(1) Waiver of Accounting and (2) Petition for Final Distribution and for (3) Allowance of Statutory Fees and Commissions

<b>DOD: 9/21/13</b>	<b>MARK VERNAVA</b> , Administrator, is petitioner.		<b>NEEDS/PROBLEMS/COMMENTS:</b>	
	Accounting is waived.			
<b>Cont. from</b>	I & A	- \$303,913.00		
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	POH	- \$299,887.62		
<input checked="" type="checkbox"/> <b>Verified</b>	Administrator (statutory)	- \$9,078.26		
<input checked="" type="checkbox"/> <b>Inventory</b>	Attorney (statutory)	- \$9,078.26		
<input checked="" type="checkbox"/> <b>PTC</b>	Closing	- \$2,500.00		
<input checked="" type="checkbox"/> <b>Not.Cred.</b>	<b>Distribution, pursuant to intestate succession and assignments of interest, is to:</b>			
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>	Steven Vernava – 1000 shares of ABM Industries Inc.			
<input checked="" type="checkbox"/> <b>Aff.Mail</b>	W/O	Grace Robinson - 1000 shares of ABM Industries Inc.		
<input type="checkbox"/> <b>Aff.Pub.</b>	Andrew Vernava - 1000 shares of ABM Industries Inc.			
<input type="checkbox"/> <b>Sp.Ntc.</b>	Mark Vernava – 1700 shares of ABM Industries Inc. and \$55,431.55			
<input type="checkbox"/> <b>Pers.Serv.</b>	Michael Vernava - 1700 shares of ABM Industries Inc. and \$55,431.55			
<input type="checkbox"/> <b>Conf. Screen</b>				
<input checked="" type="checkbox"/> <b>Letters</b>	12/17/13			
<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> KT
				<b>Reviewed on:</b> 6/12/14
			<b>Updates:</b>	
			<b>Recommendation:</b> SUBMITTED	
			<b>File 9 - Vernava</b>	

**14 Kaylee & Jizelle Denington (GUARD/P)**

**Atty Carrasco, Denise (Pro Per – Mother – Petitioner)**

**Atty Fonseca, Sandra (Pro Per – Paternal Grandmother)**

**Petition for Termination of Guardianship**

**Case No. 12CEPR00663**

		<b>DENISE CARRASCO</b> , Mother, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		<b>SANDRA FONSECA</b> , Paternal Grandmother, was appointed guardian of Kaylee on 9-27-12.	
<b>Cont. from 102813</b>			<b>Note:</b> This petition pertains to the minor Kaylee only. The petition for guardianship of the minor Jizelle was dismissed per minute order 12-5-12.
	<b>Aff.Sub.Wit.</b>	Father: <b>JAMES R. DENNINGTON</b>	
✓	<b>Verified</b>	Paternal grandfather: James Dennington	<b>Continued from 10-28-13. As of 6-11-14, nothing further has been filed. The following issues remain noted:</b>
	<b>Inventory</b>	Maternal grandfather: Mr. Carrasco	
	<b>PTC</b>	Maternal grandmother: Maria Garcia	
	<b>Not.Cred.</b>		
✓	<b>Notice of Hrg</b>	<b>Petitioner states</b> she has a stable job and place to live. She has been picking up Kaylee on the days she has visitation and she feels like her daughter causes too much stress for the guardian, resulting in putting her in the room for hours at a time and throwing her against the wall. Petitioner states she has followed the visitation plan since guardianship was granted, she has a stable job and place to live, and it would be in her daughter's best interest for the guardianship to be terminated. Kaylee recently came to her and said she doesn't want to go to her nana's because they always put her in the room and she cries until she falls asleep. Kaylee told Petitioner that her aunt threw her against the wall for making too much noise when she was trying to sleep when the aunt was babysitting. Petitioner's other daughter Jizelle says she doesn't like going to visit because they are mean to her sister. Petitioner states she has a video of her daughter showing her how she was thrown against the wall.	<ol style="list-style-type: none"> <li><b>Need proof of service of Notice of Hearing at least 15 days prior to the hearing per Probate Code §1460(e) on the guardian and all relatives:</b> <ul style="list-style-type: none"> <li>- James R. Dennington (Father)</li> <li>- James Dennington (Paternal Grandfather)</li> <li>- Mr. Carrasco (Maternal Grandfather)</li> <li>- Maria Garcia (Maternal Grandmother)</li> </ul> </li> </ol>
	<b>Aff.Mail</b>	X	
	<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>Court Investigator Jo Ann Morris filed a report on 10-18-13.</b>	<b>Reviewed by:</b> skc <b>Reviewed on:</b> 6-11-14 <b>Updates:</b> <b>Recommendation:</b> <b>File 14 – Denington</b>

**Status Hearing Re: Filing of the Inventory and Appraisal**

<b>Age: 15 years</b>	<p><b>VIOLETA BACHICHA</b>, mother, was appointed as Guardian of the Estate on 10/17/13.</p> <p>Letters issued on 11/7/13.</p> <p>Inventory and appraisal is now due.</p> <p>Petition for appointment of guardian stated that the father died and left a home in Texas to his minor children. There is no value in the home. The home needs repairs and is in foreclosure. The proposed guardian has found a potential buyer for the home however she needed a guardianship in order to have authority to sell the real property.</p> <p><b>Minute order dated 11/7/13 states</b> the Petitioner was to file a status report as to the status of the real property and receipt for blocked account for proceeds of any sale.</p> <p><b>Minute order dated 3/7/14</b> states no appearances. The Court will expect the inventory and appraisal, or a status report to be filed before the next hearing. Failure to file said document(s) will result in the issuance of an order to show cause regarding contempt. Violeta Bachicha is ordered to be personally present on 5/9/14. A copy of the Minute order was mailed to Violeta Bachicha on 3/7/14.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Continued from 5/9/14.</b> Minute order states no appearances. The court sets the matter for an Order to Show Cause (see page 16B). The Court orders Violeta Bachicha to be personally present on 6/16/14.</p> <p>1. <b>Need inventory and appraisal or current written status report</b> pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.</p>
<b>Cont. from 030714, 050914</b>		
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
		<b>Reviewed by: KT</b>
		<b>Reviewed on: 6/12/14</b>
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 16A – Day</b>

**Order to Show Cause Re: Contempt; Failure to Appear**

<b>Age: 15 years</b>	<p><b>VIOLETA BACHICHA</b>, mother, was appointed as Guardian of the Estate on 10/17/13.</p> <p>Letters issued on 11/7/13.</p> <p>Minute order dated 5/9/14 set this Order to Show Cause hearing regarding contempt and failure to appear. Violeta Bachicha was ordered to be personally present at the hearing on 6/12/14. – Copy of the Order to Show Cause was mailed to Violeta Bachicha on 5/16/14.</p>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
<b>Cont. from</b>		
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
		<b>Reviewed by:</b> KT
		<b>Reviewed on:</b> 6/12/14
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 16B - Day</b>

**Status Hearing Re: Filing of the Inventory and Appraisal**

<b>Age: 14 years</b>	<p><b>VIOLETA BACHICHA</b>, mother, was appointed as Guardian of the Estate on 10/17/13.</p> <p>Letters issued on 11/7/13.</p> <p>Inventory and appraisal is now due.</p> <p>Petition for appointment of guardian stated that the father died and left a home in Texas to his minor children. There is no value in the home. The home needs repairs and is in foreclosure. The proposed guardian has found a potential buyer for the home however she needed a guardianship in order to have authority to sell the real property.</p> <p><b>Minute order dated 11/7/13 states</b> the Petitioner was to file a status report as to the status of the real property and receipt for blocked account for proceeds of any sale.</p> <p><b>Minute order dated 3/7/14</b> states no appearances. The Court will expect the inventory and appraisal, or a status report to be filed before the next hearing. Failure to file said document(s) will result in the issuance of an order to show cause regarding contempt. Violeta Bachicha is ordered to be personally present on 5/9/14. A copy of the Minute order was mailed to Violeta Bachicha on 3/7/14.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Continued from 5/9/14.</b> Minute order states no appearances. The court sets the matter for an Order to Show Cause (see page 17B). The Court orders Violeta Bachicha to be personally present on 6/16/14.</p> <p>2. <b>Need inventory and appraisal or current written status report</b> pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.</p>
<b>Cont. from 030714, 050914</b>		
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
		<b>Reviewed by: KT</b>
		<b>Reviewed on: 6/12/14</b>
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 17A – Day</b>

**Status Hearing Re: Filing of the Inventory and Appraisal**

<b>Age: 14 years</b>	<p><b>VIOLETA BACHICHA</b>, mother, was appointed as Guardian of the Estate on 10/17/13.</p> <p>Letters issued on 11/7/13.</p> <p>Minute order dated 5/9/14 set this Order to Show Cause hearing regarding contempt and failure to appear. Violeta Bachicha was ordered to be personally present at the hearing on 6/12/14. – Copy of the Order to Show Cause was mailed to Violeta Bachicha on 5/16/14.</p>	<b>NEEDS/PROBLEMS/COMMENTS:</b>	
<b>Cont. from</b>			
<b>Aff.Sub.Wit.</b>			
<b>Verified</b>			
<b>Inventory</b>			
<b>PTC</b>			
<b>Not.Cred.</b>			
<b>Notice of Hrg</b>			
<b>Aff.Mail</b>			
<b>Aff.Pub.</b>			
<b>Sp.Ntc.</b>			
<b>Pers.Serv.</b>			
<b>Conf. Screen</b>			
<b>Letters</b>			
<b>Duties/Supp</b>			
<b>Objections</b>			
<b>Video Receipt</b>			
<b>CI Report</b>			
<b>9202</b>			
<b>Order</b>			
<b>Aff. Posting</b>			
<b>Status Rpt</b>			
<b>UCCJEA</b>			
<b>Citation</b>			
<b>FTB Notice</b>			
			<b>Reviewed by:</b> KT
			<b>Reviewed on:</b> 6/12/14
	<b>Updates:</b>		
	<b>Recommendation:</b>		
	<b>File 17B - Day</b>		

<b>DOD: 8-27-13</b>		<p><b>BRENDA LONG SUTA</b>, Sister and Named Alternate Executor without bond, is Petitioner.</p> <p>Petitioner is a resident of Salt Lake City, UT.</p> <p>Named Executor Patricia Carr declines to act.</p> <p>Limited IAEA – ok</p> <p>Will dated 6-12-05</p> <p>Residence: Fresno          Publication: Fresno Business Journal</p> <p>Estimated value of the estate:          Personal property: \$163,000.00</p> <p>Probate Referee: Steven Diebert</p> <p><b>Note:</b> If the petition is granted, status hearings will be set as follows:</p> <ul style="list-style-type: none"> <li>• <b>Wednesday, October 15, 2014</b> at 9:00 a.m. in Department 303, for the filing of the inventory and appraisal.</li> <li>• <b>Wednesday, July 15, 2015</b> at 9:00 a.m. in Department 303, for the filing of the first account or petition for final distribution.</li> </ul> <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. <b>Petitioner is a resident of Salt Lake City, UT. The court may require bond if the proposed personal representative resides outside California or for other good cause, even if the will waives bond, pursuant to California Rules of Court 7.201(b) and Probate Code §8571.</b></p> <p><b>Note:</b> Petitioner estimates \$163,000.00 in <u>personal property</u>. Limited authority does not mitigate these circumstances. The Court may require bond of \$163,000.00.</p>	
<b>Cont from 051514</b>				
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b> S/P			
<input checked="" type="checkbox"/>	<b>Verified</b>			
<input type="checkbox"/>	<b>Inventory</b>			
<input type="checkbox"/>	<b>PTC</b>			
<input type="checkbox"/>	<b>Not.Cred.</b>			
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>			
<input checked="" type="checkbox"/>	<b>Aff.Mail</b> w/o			
<input checked="" 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 checked="" type="checkbox"/>	<b>Letters</b>			
<input checked="" type="checkbox"/>	<b>Duties/Supp</b>			
<input type="checkbox"/>	<b>Objections</b>			
<input type="checkbox"/>	<b>Video Receipt</b>			
<input type="checkbox"/>	<b>CI Report</b>			
<input type="checkbox"/>	<b>9202</b>			
<input checked="" type="checkbox"/>	<b>Order</b>			
<input type="checkbox"/>	<b>Aff. Posting</b>			
<input type="checkbox"/>	<b>Status Rpt</b>			
<input type="checkbox"/>	<b>UCCJEA</b>			
<input type="checkbox"/>	<b>Citation</b>			
<input type="checkbox"/>	<b>FTB Notice</b>			
				<p><b>Reviewed by:</b> skc</p> <p><b>Reviewed on:</b> 6-11-14</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 18 - Long</b></p>