



## 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) First Account and Report of Conservator, (2) Petition for Allowance of Fees for Attorney and (3) Petition for Waiver of Further Accounting (Prob. C. 2620, 2623, 2640, 2942)**

<b>DOD: 05/05/09</b>		<b>PAT MIRANDA</b> , Conservator, is Petitioner.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><u>CONTINUED FROM 05/07/12</u>          As of 06/11/12, no additional documents have been filed and following items remain:</p> <ol style="list-style-type: none"> <li>1. Need Order.</li> <li>2. Previous status reports filed in this matter indicate that the conservatee died on 05/05/09, this account only covers the period from 08/21/03 – 07/18/06. Need accounting for period of 07/19/06 – 05/05/09.</li> <li>3. Distributions reflect monthly payment to Conservator, Pat Miranda, of \$400.00 for <u>room and board</u>; however, there are multiple distributions to grocery stores as follows:            - 10/11/03 Food Maxx - \$186.09            - 10/28/03 Savemart - \$36.70            - 11/08/03 Savemart - \$89.47            - 01/05/03 Savemart - \$65.30            - 02/02/04 RN Market - \$70.31            - 05/12/04 Food 4 Less - \$87.06            - 06/24/04 Savemart - \$87.65            - 07/12/04 Savemart - \$86.83            - 08/02/04 RN Market - \$43.37            - 08/05/04 Food Maxx - \$88.14            - 09/16/04 Vons - \$59.64            - 01/12/05 RN Market \$58.40            Court may require clarification of charges at grocery stores, were these groceries purchased for the Conservatee? Was food not included in the <u>Room &amp; Board</u> charge? Also there are payments to PG&amp;E as follows:            - 01/15/04 \$200.00; 03/04/04 \$167.01; 08/20/04 \$150.00; 09/20/04 \$100.00; 12/17/05 \$150.00; 01/07/05 \$100.00; 02/08/05 \$150.00; 03/08/05 \$150.00; 04/05/05 \$100.00; 05/06/05 \$100.00; 07/11/05 \$155.45; 10/06/05 \$100.00. Was PG&amp;E not included in the room &amp; board payment, if not, why aren't payments made each month. The court may require more information. <p style="text-align: center;">Continued on Next Page</p> </li> </ol>
		Account period: <b>08/21/03 – 07/18/06</b>	
Cont. from 032712, 050712		Accounting - \$51,525.40 Beginning POH - \$22,168.18 Ending POH - \$381.16	
Aff.Sub.Wit.		Conservator - waives	
✓ Verified		Attorney - \$2,000.00 (ok per Local Rule)	
Inventory		Petitioner states that there are no assets remaining in the estate and requests that the Conservatorship be terminated.	
PTC		<b>Petitioner requests an Order:</b>	
Not.Cred.		1. Approving, allowing, and settling the first account; and	
✓ Notice of Hrg		2. Authorizing payment of attorney's fees;	
✓ Aff.Mail	w/		
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			
		Reviewed by: JF	
		Reviewed on: 06/11/12	
		Updates:	
		Recommendation:	
		File 1 - McCaslin	

4. Distributions schedule has several additional items that are unexplained and/or require more information showing how they benefited the conservatee, those items are as follows:
- 09/23/03 – Walgreens \$116.10
  - 10/11/03 – Simonian Farms \$14.08
  - 11/03/03 – SBC \$113.27
  - 11/03/03 – Target \$119.80
  - 11/03/03 – Sears \$87.31
  - 11/03/03 – Sears \$21.58
  - 11/13/03 – Walmart \$82.90
  - 12/22/03 – Target/Gift Cert. for x-mas \$167.30 – See CRC 7.1059 (b)(3)
  - 02/09/04 – Transfer to Acct. XXXXXX-8485 \$400.00 – Is this another account of the conservatee?
  - 04/17/04 – Walgreens \$72.36
  - 04/20/04 – Transfer to Acct. XXXXXX-8485 \$1,700.00 - Is this another account of the conservatee?
  - 04/26/04 – Sears \$228.31
  - 05/13/04 – Transfer to Acct. XXXXXX-8485 \$200.00 - Is this another account of the conservatee?
  - 05/22/04 – Down payment on El Camino \$1,000.00 – Did the Conservatee drive? Was this car for the conservatee?
  - 06/03/04 – Carol Howard \$35.00
  - 06/05/04 – Walmart \$246.24
  - 07/16/04 – Chapel of the Light \$450.00
  - 08/03/04 – Transfer to Acct. XXXXXX-8485 \$400.00 - Is this another account of the conservatee?
  - 09/01/04 – Savings Overdraft Fee \$10.00 – see CRC 7.1059(b)(1)
  - 10/10/04 – Walmart \$99.92
  - 10/21/04 – Wells Fargo Financial - \$70.00
  - 10/27/04 – Savings overdraft fee - \$10.00 - see CRC 7.1059(b)(1)
  - 11/02/04 – Savings overdraft fee - \$10.00 - see CRC 7.1059(b)(1)
  - 11/08/04 – Walter Clarke & Assoc. \$150.00
  - 11/08/04 – Transfer to Acct. XXXXXX-8485 \$400.00 - Is this another account of the conservatee?
  - 12/02/04 – Savings overdraft fee - \$10.00 - see CRC 7.1059(b)(1)
  - 12/15/04 – Transfer to Acct. XXXXXX-8485 \$1,200.00 - Is this another account of the conservatee?
  - 01/03/05 – Transfer to Acct. XXXXXX-8485 \$500.00 - Is this another account of the conservatee?
  - 01/12/05 – Walmart \$43.33
  - 01/14/05 – Rite Aid \$29.40
  - 01/14/05 – Transfer to Acct. XXXXXX-8485 \$150.00 - Is this another account of the conservatee?
  - 01/14/05 – Savings overdraft fees - \$10.00 - see CRC 7.1059(b)(1)
  - 01/21/05 – Overdraft charge - \$5.00 - see CRC 7.1059(b)(1)
  - 01/24/05 – Overdraft charge - \$5.00 - see CRC 7.1059(b)(1)
  - 01/25/05 – Overdraft charge - \$5.00 - see CRC 7.1059(b)(1)
  - 02/04/05 – Transfer to Acct. XXXXXX-8485 \$400.00 - Is this another account of the conservatee?
  - 02/15/05 – Transfer to Acct. XXXXXX-8485 \$400.00 - Is this another account of the conservatee?
  - 03/02/05 – Transfer to Acct. XXXXXX-8485 \$500.00 - Is this another account of the conservatee?
  - 03/02/05 – Transfer to Acct. XXXXXX-8485 \$200.00 - Is this another account of the conservatee?
  - 03/03/05 – Overdraft fee - \$22.00 - see CRC 7.1059(b)(1)
  - 03/04/05 – Check 1156 payee not listed \$50.00
  - 03/10/05 – Transfer to Acct. XXXXXX-8485 \$200.00 - Is this another account of the conservatee?
  - 03/14/05 – Check 1157 payee not listed \$25.00
  - 03/18/05 – Transfer to Acct. XXXXXX-8485 \$400.00 - Is this another account of the conservatee?
  - 04/05/05 – Transfer to Acct. XXXXXX-8485 \$200.00 - Is this another account of the conservatee?
  - 04/07/05 – Transfer to Acct. XXXXXX-8485 \$200.00 - Is this another account of the conservatee?
  - 04/08/05 – Check 1159 payee not listed \$507.25
  - 04/18/05 – Overdraft fee \$10.00 - see CRC 7.1059(b)(1)
  - 04/18/05 – Check 1160, payee not listed \$250.00

04/29/05 - Transfer to Acct. XXXXXX-8485 \$10.00 - Is this another account of the conservatee?  
05/05/05 - Transfer to Acct. XXXXXX-8485 \$400.00 - Is this another account of the conservatee?  
05/16/05 - Transfer to Acct. XXXXXX-8485 \$500.00 - Is this another account of the conservatee?  
06/03/05 - Check 1161, payee not listed \$500.00  
06/16/05 - Transfer to Acct. XXXXXX-8485 \$100.00 - Is this another account of the conservatee?  
06/16/05 - Check 1162, payee not listed \$505.50  
06/16/05 - Check 1163, payee not listed \$60.00  
07/01/05 - Share of Cost of IHSS - \$377.00  
07/12/05 - Check 1164, payee not listed \$20.00  
07/12/05 - Check 1165, payee not listed \$10.00  
07/11/05 - Check 1166, payee not listed \$10.00  
07/15/05 - Check 1167, payee not listed \$30.00  
07/21/05 - Transfer to Acct. XXXXXX-8485 \$60.00 - Is this another account of the conservatee?  
07/22/05 - Check 1168, payee not listed \$27.96  
07/26/05 - Check 1169, payee not listed \$25.00  
07/27/05 - Overdraft fee - \$22.00  
07/29/05 - Overdraft fee - \$5.00  
08/04/05 - Share of cost IHSS - \$377.00  
08/08/05 - Check 1170, payee not listed \$500.00  
08/16/05 - Transfer to Acct. XXXXXX-8485 \$200.00 - Is this another account of the conservatee?  
09/15/05 - Share of cost IHSS - \$377.00  
09/16/05 - Check 1171, payee not listed \$500.00  
09/28/05 - Transfer to Acct. XXXXXX-8485 \$100.00 - Is this another account of the conservatee?  
10/04/05 - Share of cost IHSS - \$377.00  
10/07/05 - Check 1172, payee not listed \$50.00  
10/11/05 - Check 1173, payee not listed \$150.00  
10/13/05 - Online transfer to Pat Miranda - \$100.00  
10/17/05 - Check 1174, payee not listed \$250.00  
11/17/05 - Online transfer, payee not listed \$589.00  
11/21/05 - Check 1301, payee not listed \$352.50  
11/22/05 - Check 1302, payee not listed \$65.00  
12/09/05 - Pat Miranda, IHSS \$589.00  
12/12/05 - Check 1303, payee not listed \$25.00  
12/29/05 - Transfer to Acct. XXXXXX-8485 \$150.00 - Is this another account of the conservatee?  
01/03/06 - Pat Miranda, Share of Cost IHSS - \$589.00  
01/10/06 - Arizona Mail Order - \$50.00  
01/20/06 - Check 1304, payee not listed \$25.00  
01/20/06 - Check 1305, payee not listed \$50.00  
01/31/06 - Check 1306, payee not listed \$6.94  
02/03/06 - Pat Miranda, Share of Costs IHSS - \$589.00  
02/07/06 - Transfer to Acct. XXXXXX-8485 \$200.00 - Is this another account of the conservatee?  
02/08/06 - Returned check fee \$30.00 - see CRC 7.1059(b)(1)  
02/14/06 - Bill Pay Arizona Mail order - \$10.00  
03/03/06 - Pat Miranda, share of costs IHSS - \$589.00  
03/06/06 - Transfer to Acct. XXXXXX-8485 \$150.00 - Is this another account of the conservatee?  
03/06/06 - Transfer to Acct. XXXXXX-8485 \$100.00 - Is this another account of the conservatee?  
03/07/06 - Returned check fee \$30.00 - see CRC 7.1059(b)(1)  
03/22/06 - Transfer to Acct. XXXXXX-8485 \$50.00 - Is this another account of the conservatee?  
04/03/06 - Pat Miranda, share of costs IHSS - \$589.00  
04/04/06 - Check 1308, payee not listed \$20.00  
04/05/06 - Transfer to Acct. XXXXXX-8485 \$75.00 - Is this another account of the conservatee?

04/19/06 – Check 1309, payee not listed \$25.00  
04/24/06 - Transfer to Acct. XXXXXX-8485 \$100.00 - Is this another account of the conservatee?  
04/24/06 – Bill Pay Arizona Mail Order \$10.00  
05/08/06 – Pat Miranda, Share of costs IHSS \$402.00  
05/11/06 – Merrick Bank Credit Card Payment \$310.76 – Is this the conservatee's credit card?  
05/24/06 – Check 1311, no payee listed \$15.00  
05/26/06 – Check 1312, no payee listed \$638.00  
06/13/06 – Check 1313, no payee listed \$638.00  
07/14/06 – Check 1315, no payee listed \$1,224.00  
07/14/06 – Transfer to Checking? \$350.00

<b>Age: 76 years</b>	<b>CONNIE RANA</b> , Conservator, is petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
<b>DOB: 2/11/1936</b>		
	Account period: 1/8/08 – 12/31/09	<b>Continued from 5/7/12.</b> As of 6/11/12 there have been no additional documents filed.
	Accounting - <b>\$782,889.76</b>	<p>1. <b>Order dated 3/16/05 allowed the Conservator to fix the residence of the Conservatee to Las Vegas Nevada. With a provision that a conservatorship or its equivalent be established in the new state (Nevada) within 4 months. However, no conservatorship has been established in Nevada. Court may want to inquire about the establishment of a conservatorship in Nevada. – A copy of the Petition for Appointment of Guardian of the Person and Estate filed in Clark County, Nevada on 1/20/12 has been presented to the court.</b></p> <p style="text-align: center;"><b>Please see additional page</b></p>
<b>Cont. from 102511, 120611, 012412, 030812, 050712</b>	Beginning POH- <b>\$642,039.07</b>	
<b>Aff.Sub.Wit.</b>	Ending POH - <b>\$496,754.10</b>	
<input checked="" type="checkbox"/> <b>Verified</b>	Conservator - <b>waives</b>	
<b>Inventory</b>	Attorney - <b>\$2,000.00</b> (per Local Rule)	
<b>PTC</b>	<b>Petitioner prays for an Order:</b>	
<b>Not.Cred.</b>	1. Settling and allowing the third account and report and approving and confirming the acts of petitioner as filed;	
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>	2. Authorizing Petitioner to pay her attorney the sum of \$2,000.00 for ordinary legal services provided to the conservator and the estate during the period of the account.	
<input checked="" type="checkbox"/> <b>Aff.Mail</b> W/		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<input checked="" type="checkbox"/> <b>2620(c)</b>		
<input checked="" type="checkbox"/> <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: 4/27/12</b>
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 2 - Parks</b>

- 2. Disbursement schedule shows payments bi-monthly of \$2,700 to Rana and Rana for rent. The court may require clarification regarding these rent payments and whether or not Rana and Rana has any relationship to the conservator. California Rules of Court 7.1059(a)(4) states the conservator must not engage his or her family members to provide services to the conservatee for a profit of fee when other alternatives are available. Where family members do provide services, their relationship must be fully disclosed to the court and their terms of engagement must be in the best interest of the conservatee compared with the terms available from other independent service providers.** – Declaration of Conservator filed on 11/30/11 states the rental property is owned by the conservator and her husband; however, the sub-market rent is not sufficient to pay the mortgage, property taxes, insurance and maintenance costs for the property. Conservator states she and her husband do not make any property from the conservatee's tenancy.
- 3. Disbursement schedule shows several months where it appears the conservatorship is paying the cell phone of the live in care provider Sandra Martin. Court may require clarification.** –Declaration of Conservator filed on 11/30/11 states the cell phone payments for Sandra Martin, live in care provider, because the care provider would often take the conservatee to various places and therefore, it was required that the care provider have a cell phone. Because it was a requirement for this care provider, it was agreed that the conservatorship would pay the costs.
- 4. Disbursement schedule shows several months where there are two payments per month for Las Vegas Valley Water (utilities), Pesky Pete's Pest control, Embarq (phone), Cox Enterprises (cable service), Southwest Gas (utilities), Republic Service (trash), Nevada Power (utilities). It appears the conservatorship may be paying for more than just the conservatee's expenses. Court may require clarification.** – Declaration of Conservator filed on 11/30/11 states some payment were made, on behalf of the care providers, as part of the "barter" agreement between the care providers and the conservator. The various utilities or cable services expenses would be paid, on occasion, for the conservatee at her residence and on occasion as the "barter" for services by a care provider.
- 5. Disbursement schedule shows items purchased that should be included on the property on hand schedule such as:**

  - a. 3/11/08 – TV Surround + patio furniture for \$1,723.65**
  - b. 4/22/08 – Washer and dryer for \$1,578.90**
  - c. 12/22/09 – firmer sofa(?) – for \$2,196.19** - Declaration of Conservator filed on 11/30/11 states the purchases were necessary.
- 6. Disbursement schedule shows gifts of cash on 12/28/09 to the conservatee's great nephews, Josh Rana - \$250.00 and Jacob Rana - \$200.00. California Rules of Court, Rule 7.1059(b)(3) states the conservator must refrain from making loans or gifts of estate property, except as authorized by the court after full disclosure.** – Declaration of Conservator filed on 11/30/11 states the cash gifts are minimal reflections of the conservatee's affection for her great nephews.

*Please see additional page*

## 2 (additional page 2 of 3) Darleen Joyce Parks (CONS/PE) Case No. 03CEPR01192

7. Disbursement schedule shows payments identified as Summerlin Dues (without stating the nature and purpose of the payment) as follows:
- 4/15/08 - \$271.00
  - 4/15/08 - \$271.00
  - 8/26/08 - \$271.00
  - 8/26/08 - \$271.00 - Declaration of Conservator filed on 11/30/11 states Summerlin is the name of the large planned development where the Conservatee (and conservator and her husband) reside. Because of the lower rental payments Conservator states she has paid (quarterly) the Summerlin assessment for the rental house. The four assessment payments are the only ones paid and the conservatorship has not been further charged for these homeowner assessments.
8. Disbursement schedule shows a transfer correction of \$250.00 on 12/22/08. Court may require clarification.
- Declaration of Conservator filed on 11/30/11 states the payment of \$250.00 was to the Nevada DMV to license Darlene's 2003 Jaguar.
9. Disbursement schedule shows a disbursement for "Home Warranty" in the amount of \$313.95 on 5/27/09. Court may require explanation as to why the conservatorship is paying for home warranty when renting (see item #2 above). - Declaration of Conservator filed on 11/30/11 states this is a 50-50 split for payment on the home warranty for the rental house.
10. Need Bank Statements as required by Probate Code 2620(c)(2).
11. This conservatorship was established in 2003. Property on hand schedule from the 2<sup>nd</sup> account ending on 12/31/2007 shows promissory notes (all apparently established during the 2<sup>nd</sup> account period) as follows:
- \$38,000 dated 6/27/05 from Aaron Wallace secured by a Deed of Trust with interest at 16% per annum
  - \$252,000.00 dated 7/19/05 from Aaron Wallace secured by a Deed of Trust with interest at 13% per annum.
  - \$60,000.00 dated 10/11/05 from John P. Rana and Kea Rana with interest at 4% per annum. (It appears that John P. Rana is the son of the petitioner.)
- Probate Code §2570 requires the Conservator to obtain prior court approval before investing money of the estate. There is nothing in the file to indicate the conservator obtained permission from the Court to invest money of the estate. - Declaration of Conservator filed on 11/30/11 states the promissory notes contained in the 2<sup>nd</sup> account were paid current, principal and interest included. All the notes were first trust deeds secured by real properties with sufficient equities. However, because the notes were of such a high rate of return (16% and 13% interest annum), the mortgagor was in danger of being unable to make further payments, which would have resulted in the requirement of the conservatorship to foreclose on the properties. To avoid foreclosure and subsequent costs incurred, and to avoid owning the properties, the conservator, through her husband who is a real estate investor, replaced these notes with other notes also secured by first trust deeds which are now paying at a more normal rate of return of 4%.

**Please see additional page**

12. Property on hand schedule for this (the 3<sup>rd</sup>) accounting shows two promissory notes as follows:

- \$95,000 secured by 1209 Coral Isle Way, Las Vegas, NV with interest at 4% per annum and an outstanding balance of \$95,000.00
- \$205,000 secured by 11464 Crimson Rock, Las Vegas, NV with interest at 4% per annum and an outstanding balance of \$191,286.22.

It appears that the promissory notes in the second account are not the same promissory notes in the third account. What happened to the promissory notes in the second account? Where they paid in full?

**Need clarification and need change in asset schedule.** – Declaration of Conservator filed on 11/30/11 states the questions raised herein are addressed in the answer above. All principal and interest payments and current interest rates and principal balances are recorded on the Third Account and Report are accurate.

**(1) First and Final Report of Administrator, (2) Petition for Final Distribution and (3) Allowance of Compensation for Statutory Commissions and for Statutory and Extraordinary Attorney's Fees**

<b>DOD: 9/9/2010</b>		<b>JEFFREY MARTIN</b> , Administrator, is petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		Accounting is waived.	<p><b>Continued from 5/14/12. As of 6/11/12 the following issues remain:</b></p> <ol style="list-style-type: none"> <li>1. Need property on hand schedule. California Rules of Court, Rule 7.651.</li> <li>2. Need statement re: Costs</li> <li>3. Need receipt for preliminary distribution.</li> <li>4. Petition does not contain a statement regarding Probate Code §216 and 9202(b) re: notice to the Director of Victims Compensation and Government Claims Board.</li> <li>5. Order does not comply with Local Rule 7.6.1. All orders in probate matters must be complete in themselves. Orders shall set forth all matters ruled on by the court, the relief granted, and the names of persons, descriptions of property and/or amounts of money affected with the same particularity as required of judgments in general civil matters. Monetary distributions must be stated in dollars, and not as percentages of the estate.</li> </ol>
<b>Cont. from 051412</b>		I & A - <b>\$98,827.23</b>	
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>	Administrator (statutory) - <b>\$3,953.08</b>	
<input checked="" type="checkbox"/>	<b>Verified</b>	Attorney (statutory) - <b>\$3,953.08</b>	
<input checked="" type="checkbox"/>	<b>Inventory</b>	Costs - <b>\$416.00</b>	
<input checked="" type="checkbox"/>	<b>PTC</b>	<b>Distribution, pursuant to intestate succession, is to:</b>	
<input checked="" type="checkbox"/>	<b>Not.Cred.</b>		
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>	Robert James Santopietro, Jr. - 100%	
<input checked="" type="checkbox"/>	<b>Aff.Mail</b> W/		
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input checked="" type="checkbox"/>	<b>Sp.Ntc.</b> W/		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input checked="" type="checkbox"/>	<b>Letters</b> 1/19/11		
<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: KT</b>
			<b>Reviewed on: 6/11/12</b>
			<b>Updates:</b>
			<b>Recommendation:</b>
			<b>File 3 – Santopietro</b>

Status Hearing Re: Accounting/ Petition for Final Distribution

DOD: 01/26/04	ANTONETTE FREGOSO, Daughter, was appointed Administrator with full IAEA without bond and Letters issued on <u>6-15-04</u> .	NEEDS/PROBLEMS/COMMENTS:  <u>CONTINUED FROM 05/07/12</u> Minute Order from 05/07/12 states: Counsel advises the Court that she is still waiting on the reappraisal from the referee.  <u>Note to Judge:</u> This is the 13 <sup>th</sup> status hearing on this matter. Please see timeline on Page 2 for reference.  The following issues remain:  <b>1. Need final account/petition for distribution.</b>
Cont. from 050712	Inventory and Appraisal (“Reappraisal Final Dist”) filed 1-3-11 reflects revised values for the real properties as follows: residence \$90,000.00; undivided one-half interest in business and real property \$70,000.00 (total: \$160,000.00).  Minute Order dated March 26, 2012 set this matter for status and states: Counsel advised the Court that due to the condition of the building, financing has been difficult. Counsel further advises that there is no money in the estate.  Inventory & Appraisal filed 06/05/12 - \$50,000.00.	
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		Reviewed by: JF
Status Rpt		Reviewed on: 06/11/12
UCCJEA		Updates:
Citation		Recommendation:
FTB Notice		File 12 - Canales

Note to Judge: Examiner has put together the following file history for your reference. The prior hearings on this subject are underlined.

DOD: 1-26-04, Petition lists relatives as five adult children. Petition states spouse was predeceased but does not provide date or further info.

6-15-04 Antonette Fregoso, daughter, was appointed Administrator with Full IAEA without bond.

8-13-04 I&A reflects \$250 cash from the restaurant register – “decedent’s one-half interest in business” – and real and personal property valued at \$264,000.00.

10-24-07 Atty Cynthia Arroyo subbed out, Atty Nancy LeVan subbed in.

*Examiner notes that there was no activity for 3 years (2004-2007), then Atty LeVan subbed in, and then there was still no activity for 3 more years (2007-2010).*

7-22-10 Court set status hearing for failure to file account/ptn for final distribution. Hearing set for 9-2-10.

9-1-10 Status Report stated estate is insolvent due to an EDD claim for \$444,816.51 against the estate; properties are being reappraised for sale. Atty LeVan requested 60 days.

9-2-10 Court continued matter to 11-4-10.

11-3-10 Status Report states the reappraisal isn’t completed yet; Atty LeVan is in discussions with EDD.

11-4-10 Court admonished Atty LeVan that the court is running out of patience on the issue; continued matter to 11-10-10.

11-10-10 Atty LeVan represents that Probate Referee Steven Diebert has destroyed his files re this matter; Atty LeVan is waiting for new I&A to send to EDD to see if they will drop their claim or foreclose. The court ordered Atty LeVan to file a written status report by 1-12-11 regarding these matters and advise EDD rep that the court wants to know their position for the 1-12-10 report. Matter continued to 1-19-11.

1-3-11 I&A Reappraisal reflects \$160,000.00 total for the two real properties (\$90,000.00 and \$70,000.00)

1-11-11 Status Report states that the EDD indicates that if the estate converts these to cash to pay admin fees and expenses, they will assert their claim against the estate, which will leave it insolvent. HOWEVER, there is a mortgage on the property in the amount of \$196,000.00, and the appraised value is only \$160,000.00.

*Examiner notes that this statement appears to treat the properties as one property instead of two separately appraised properties. Need clarification.*

1-19-11 Counsel advises court that they are waiting for financing and the sale to close; matter continued to 3-16-11.

3-16-11 Counsel advises the court that an offer was finally received; counsel requests a continuance. Matter continued to 5-4-11.

5-4-11 Counsel advises the Court that they are making progress, but will need a continuance.

7-6-11 Counsel advises the Court that progress is being made and the EDD matter should be resolved very soon.

8-31-11 Counsel advises the Court that papers are being signed today and escrow will be closing in 10 days.

11-2-11 Counsel advises the Court that all documents would be signed by 11-15-11.

1-25-12 Counsel advises the Court that they are waiting for financing for the purchaser and the appraisal should be done next week. Counsel requests a continuance. (Examiner notes that on 11-2-11, Counsel advised the Court that “all documents would be signed by 11-15-11.”)





Probate Status Hearing Re: Filing of Final Accounting

<p>DOD: 2/29/12</p>	<p>AMY IHDE, daughter, was appointed conservator of the person and estate on 1/27/11 with bond set at \$19,000.00</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p>
<p>Cont. from 041612</p>	<p>On 2/29/12 the conservatee died.</p>	<p><b>Continued from 4/16/12.</b></p>
<p>Aff.Sub.Wit.</p>	<p>This status hearing was set for the filing of the final account.</p>	<p>1. Need current status report</p>
<p>Verified</p>		
<p>Inventory</p>		
<p>PTC</p>		
<p>Not.Cred.</p>		
<p>Notice of Hrg</p>	<p><b>Status Report filed on 4/12/12</b> states the conservatorship estate owns a mobile home located in a mobile home park. After the conservatee's death there were no funds to pay the rent on the space at the mobile home park. Conservator attempted to sell the mobile home without success. On 3/13/12 the attorney filed an ex parte application to sell the mobile home to the mobile home park. The petitioner was granted. In March/April the real estate agent determined that a third party would purchase the mobile home at \$30,000. An escrow has been opened. If the sale is not consummated then the Conservatee will sell the mobile home to the mobile home park for \$8,000.00 as approved by the court in its prior order.</p>	
<p>Aff.Mail</p>		
<p>Aff.Pub.</p>		
<p>Sp.Ntc.</p>		
<p>Pers.Serv.</p>		
<p>Conf. Screen</p>		
<p>Letters</p>		
<p>Duties/Supp</p>		
<p>Objections</p>		
<p>Video Receipt</p>		
<p>CI Report</p>		
<p>9202</p>		
<p>Order</p>		
<p>Aff. Posting</p>		
<p>Status Rpt</p>		
<p>UCCJEA</p>		
<p>Citation</p>		
<p>FTB Notice</p>	<p>Given the above circumstances, Petitioner requests an additional 60 days to file the First and Final Account.</p>	
		<p><b>Reviewed by: KT</b></p>
		<p><b>Reviewed on: 6/11/12</b></p>
		<p><b>Updates:</b></p>
		<p><b>Recommendation:</b></p>
		<p><b>File 16 - Lewis</b></p>



**20B Jose and Roy Borjas (GUARD/P)**  
**Atty Borjas, Tania (pro per Petitioner/guardian/paternal aunt)**  
**Atty Ramirez, Sonia (pro per Mother)**  
**Atty Ramirez, Maria Aracely (pro per maternal grandmother)**

Case No. 09CEPR00838

**Status Hearing Re: Guardianship**

<p><b>Jose age:</b> 8 years  <b>DOB:</b> 3/21/03</p> <p><b>Roy age:</b> 7 years  <b>DOB:</b> 8/11/04</p> <p><b>Cont. from 050712</b></p> <p><b>Aff.Sub.Wit.</b></p> <p><b>Verified</b></p> <p><b>Inventory</b></p> <p><b>PTC</b></p> <p><b>Not.Cred.</b></p> <p><b>Notice of Hrg</b></p> <p><b>Aff.Mail</b></p> <p><b>Aff.Pub.</b></p> <p><b>Sp.Ntc.</b></p> <p><b>Pers.Serv.</b></p> <p><b>Conf. Screen</b></p> <p><b>Letters</b></p> <p><b>Duties/Supp</b></p> <p><b>Objections</b></p> <p><b>Video Receipt</b></p> <p><b>CI Report</b></p> <p><b>9202</b></p> <p><b>Order</b></p> <p><b>Aff. Posting</b></p> <p><b>Status Rpt</b></p> <p><b>UCCJEA</b></p> <p><b>Citation</b></p> <p><b>FTB Notice</b></p>	<p><b>MARIA ARACELY RAMIREZ</b>, maternal grandmother, petitioned the court for appointment as guardian.</p> <p><b>TANIA BORJAS</b>, paternal aunt, was appointed as guardian on 1/13/2010.</p> <p>Father: <b>JOSE BORJAS</b></p> <p>Mother: <b>SONIA RAMIREZ</b> <i>consented and waived notice.</i></p> <p>Paternal grandfather: Alvaro Nino – <i>deceased.</i></p> <p>Paternal grandmother: Carmen Borjas</p> <p>Maternal grandfather: Juan Ramirez – <i>deceased.</i></p> <p>Tania Borjas, guardian, had filed a petition to terminate the guardianship. However prior to the hearing she filed a request for dismissal. Maria Ramirez, maternal grandmother requested appointment as guardian so that the children could come and live with her and she could care for them.</p> <p><b>Minute Order dated 3/6/12</b> denied Maria Ramirez's petition without prejudice and set this status hearing for 5/7/12. The Court further ordered that no party say anything negative to the minor or threaten him with removal by CPS. There is to be no use of alcohol around the minor and no party is to transport the minor unless they are licensed and insured. The court orders a court investigator to conduct a further investigation of Maria Ramirez, Tania Borjas, the minors and the mother.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Reviewed by: KT</b></p> <p><b>Reviewed on: 6/11/12</b></p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 20B - Borjas</b></p>
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