

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

DOD: 11/18/2012	BARBARA BRADY , cousin was appointed Executor with full IAEA authority without bond on 01/31/2013.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Minute Order of 03/28/2015: The Court is advised that once the funds are received, they will be able to pay the creditors.</p> <p>1. Need First Account or Petition for Final Distribution or current written status report 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>
	Letters issued 01/31/2013.	
Cont. from 032814	Inventory and Appraisal Partial No. 1 filed on 03/28/2013 - \$179,515.00	
Aff.Sub.Wit.	Inventory and Appraisal Partial No. 2 filed on 05/23/2013 - \$34,232.04	
Verified	Inventory and Appraisal Final filed on 09/09/2013 - \$6,184.32	
Inventory	Minute Order of 01/31/2013 set this matter for hearing.	
PTC	Former Status Report filed 03/13/2014 states this estate is not in a condition to close yet. The total creditor's claims, statutory compensation, and estimated extraordinary compensation is \$49,469.85. The amount of current cash on hand is \$42,583.51 leaving a shortfall of \$6,886.34. The remaining receivable from Russell G. Smith and the remaining jewelry will bring in approximately \$10,500.00. There will also be an additional court filing fee for the petition for final distribution in the amount of \$435.00.	
Not.Cred.	Executor believes that it approximately four months is needed to complete this work and provide a further status report to the court. A petition for final distribution cannot be filed until the estate has collected the remaining receivable from Russell G. Smith which is not due until 05/01/2015.	
Notice of Hrg		
Aff.Mail		
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Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
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Citation		
FTB Notice		

Reviewed by: LV
Reviewed on: 06/16/2015
Updates:
Recommendation:
File 1 – Phillips

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

DOD: 7/2/02	<p>ELGERON GRAVES, Son, was appointed Administrator with Limited IAEA without bond and Letters issued on 4/15/15.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>
	<p>At the hearing on 4/15/15, the Court set this status hearing for the filing of the first account or petition for final distribution.</p>	<p>1. Need First Account or Petition for Final Distribution or written status report pursuant to Local Rule 7.5.</p>
Aff.Sub.Wit.		
Verified	<p>Inventory and Appraisal filed 8/22/14 indicates real property located at 6 E. Eden Avenue in Fresno valued at \$135,000.00.</p>	<p>2. Notice of Proposed Action filed 5/30/14 states the Administrator “requests permission” to secure a loan by encumbrance on the estate real property not to exceed \$60,000.00 and will be used to pay delinquent property taxes, home repairs, and repayment of loan payments that will be needed until finalization of probate (12 months of loan payments plus the cost of the loan).</p>
Inventory		
PTC	<p>The form Notice of Proposed Action, although served on the other heirs, is not the correct procedure to request permission of the court for a transaction, as it does not generate a hearing date. As such, its filing does not constitute a petition for authorization to borrow on behalf of the estate as required by Probate Code §9800. Further, Administrator was granted only limited authority under the IAEA.</p>	<p>If this action was taken, need authority and status of the transaction and property.</p>
Not.Cred.		
Notice of Hrg	<p>Reviewed by: skc</p>	<p>Reviewed on: 6/15/15</p>
Aff.Mail		
Aff.Pub.	<p>Updates:</p>	<p>Recommendation:</p>
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Pers.Serv.	<p>File 2 - Graves</p>	
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Status Hearing Re Filing of the First Account or Petition for Final Distribution.

DOD: 1/14/14	<p>KIRSTEN AMY ELVES, Daughter, was appointed Executor with Full IAEA without bond and Letters issued on 4/14/14.</p> <p>At the hearing on 4/14/14, the Court set this status hearing for the filing of the first account or petition for final distribution.</p> <p>Inventory and Appraisal was filed 9/23/14.</p> <p>Status Report filed 6/9/15 states beginning in April 2015, Executor began receiving offers of interest to purchase the 1960s Porsche identified in the I&A, and the real property located on Fourth Street in Clovis. The Porsche has been sold at a \$10,000 gain from the I&A value, but the Executor has yet to obtain a favorable sale of the real property. These negotiations and efforts to obtain favorable sales of the Porsche and Fourth Street Property have delayed the executors ability to marshal all of the remaining documentation to finalize an account or petition for final distribution. She is currently in the process of obtaining this information and expects to file the petition within 30 days. Accordingly, a 30-day continuance is respectfully requested.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need first account or petition for final distribution pursuant to Probate Code §12200.</p>
Aff.Sub.Wit.		
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FTB Notice		
		Reviewed by: skc
		Reviewed on: 6/15/15
		Updates:
		Recommendation:
		File 3 - Anderson

DOD: 1/12/14	CHARLTON W. MOORE and LORENE E. MOORE , Son and Daughter, were appointed Co-Administrators with Full IAEA without bond and Letters issued on 4/10/14.	NEEDS/PROBLEMS/COMMENTS:
	At the hearing on 4/10/14, the Court set this status hearing for the filing of the first account or petition for final distribution.	Note: Co-Administrator Lorene Moore resides in Austin, TX. Co-Administrator Charlton Moore resides in Mill Valley, CA. They are the sole heirs of the estate.
<input type="checkbox"/> Aff.Sub.Wit.	Inventory and Appraisal was filed 10/17/14.	1. Need first account or petition for final distribution pursuant to Probate Code §12200.
<input checked="" type="checkbox"/> Verified	Status Report filed 6/10/15 by Co-Administrator Lorene Moore states the estate is not in a condition to be closed as Administrators still need to conclude the final removal of personal property and cleanup of the decedent's residence and sell the decedent's residence. A realtor has been retained to market the property. Co-Administrator Lorene Moore does not have the resources to travel to Fresno from her home in Austin, TX, to remove personal items that she is to receive, and Co-Administrator Charlton Moore has not agreed to allow the estate to pay her travel expenses. It is believed that it would be in the best interest of the estate to conclude a sale prior to making final distribution. An additional 180 days is therefore requested. If the Court determines not to allow the Co-Administrators to continue administration, then the Public Administrator or some other independent person should be appointed as neither Co-Administrator is comfortable with and does not approve of the other handling administrative matters alone.	
<input checked="" type="checkbox"/> Inventory		
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<input checked="" type="checkbox"/> 9202	Status Report filed 6/15/15 by Co-Administrator Charlton Moore states a realtor has been retained to market the property, but cannot move forward until the house is in a condition to show and a listing price established. On Co-Administrator Lorene Moore's last visit to Fresno, she failed to remove the last remaining personal items although she rented a U-Haul and moved other items out of the house. Through counsel, Co-Administrator Charlton Moore agreed to advance her airfare to return again to Fresno so long as the advance is charged against her share of the estate. He is also willing to hire a third party to remove the balance and place it in storage in her name. However, Co-Administrator Charlton Moore requests that the status hearing be continued for no more than 60 days to determine whether the personal property ah been removed from the estate. At that point, Mr. Moore will evaluate requesting that the Court determine whether it is in the best interest of the estate to appoint the Public Administrator or other independent person.	
Order		
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UCCJEA		
Citation	Reviewed by: skc Reviewed on: 6/15/15 Updates: Recommendation: File 4 - Moore	
<input checked="" type="checkbox"/> FTB Notice		