



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) Eleventh Account and Report of Co-Conservators and (2) Petition for Allowance of Fees to Co-Conservators and Attorney (Prob. C. 2620)

Age: 56 DOB: 5/3/1955	SYLVIA GONZALES, sister, is Conservator.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Minute Order 1-18-12:</u> Counsel advises the Court that the money has been recovered. Counsel requests a continuance.</p> <p><u>Minute Order 2-15-12:</u> Counsel advises the Court that she is waiting on the bank statements. Counsel requests a continuance. Matter continued to 3-28-12 (<i>filed 2-15-12</i>).</p> <p><u>Minute Order 3-28-12:</u> Counsel advises the Court that she filed the remaining documents this morning except for the Notice of Hearing. She further advises that the house is unoccupied. Continued to 5-2-12. Additionally, a status for the next accounting is set for 8-1-12.</p> <p><u>As of 6-14-12, the following issues remain:</u></p> <ol style="list-style-type: none"> 1. Need proof of service of Notice of Hearing on <u>Conservatee Rosa Linda Larssen</u> at least 15 days prior to the hearing per Probate Code §2621. 2. The Conservatee owns the house and lived there with her mother during this account period. Her adult son also lived there during part of this account period. The accounting indicates that Conservatee paid all household expenses, including water, sewer, garbage, power, phone, gardening, groceries, etc. <u>The Court may require clarification: Did the other household members contribute to household expenses?</u> 3. The Court Investigator's status review indicates that the Conservatee now lives in Redding, CA with her daughter. <p><u>Therefore, need Post-Move Notice of Change of Residence with appropriate service.</u></p> <ol style="list-style-type: none"> 4. Need Order.
	Co-Conservator GUADALUPE PENA passed away per minute order 5-2-12.	
	Account period: 5-1-08 through 4-30-10	
Cont. from 011812, 021512, 032812, 050212	Accounting: \$232,943.72 Beginning POH: \$191,840.99 Ending POH: \$188,621.57 (\$39,060.25 is cash, \$35,113.55 is blocked)	
Aff.Sub.Wit.		
✓ Verified		
Inventory	Current bond: \$42,000.00 (ok)	
PTC		
Not.Cred.	Conservator Sylvia Gonzales: \$1,800.00 (120 hours @ \$15/hr)	
Notice of Hrg	X	
Aff.Mail	X	
Aff.Pub.	Conservator Guadalupe Pena: Not requested	
Sp.Ntc.	Attorney: \$2,000.00 (per local rule)	
Pers.Serv.	Petitioners pray for an order:	
Conf. Screen	1. Approving, allowing and settling the account; and	
Letters	2. Authorizing payment of the conservator's and attorney's fees and commissions.	
Duties/Supp		
Objections		
Video Receipt		
✓ CI Report	Court Investigator Charlotte Bien filed a status review on 1-6-12.	
✓ 2620(c) Order	X	
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: skc
		Reviewed on: 6-14-12
		Updates:
		Recommendation:
		File 1 - Larssen

(1) Second Account Current and Report of Conservator and (2) Petition for Allowance of Compensation to Conservator and Attorney

Age: 94 DOB: 07/18/17	PUBLIC GUARDIAN , Conservator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
	Account period: 04/02/10 – 03/31/12	Note: If the petition is granted status hearings will be set as follows:
	Accounting - \$196,822.75	
	Beginning POH - \$142,463.45	
	Ending POH - \$19,949.61 (\$1,604.61 is cash)	
Cont. from		
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg	Conservator - \$3,620.52 (21.92 Deputy hours @ \$96/hr. and 19.95 staff hours @ \$76/hr.)	
<input checked="" type="checkbox"/> Aff.Mail w/	Attorney - \$2,000.00 (per Local Rule)	
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.	Bond fee - \$213.78 (ok)	
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen	Petitioner requests that due to the insufficiency of the estate to pay the fees and commissions that a lien be imposed upon the estate for any unpaid balances of the authorized fees and commissions.	
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt	Petitioner prays for an Order:	
<input checked="" type="checkbox"/> CI Report	1. Approving, allowing and settling the second account;	
<input type="checkbox"/> 2620(c) n/a	2. Authorizing the conservator and attorney fees and commissions;	
<input checked="" type="checkbox"/> Order	3. Authorizing payment of the bond fee; and	
<input type="checkbox"/> Aff. Posting	4. Authorizing Petitioner to impose a lien on the estate for any unpaid balances of authorized fees and commissions.	
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: JF
		Reviewed on: 06/14/12
		Updates:
		Recommendation:
		File 3 - Goringer

(1) Third Account and Report of Conservator and (2) Petition for Settlement of Account and (3) for Approval of Attorney Fees (Probate Code 2620, 2640, 1064)

Age: 77	<p>LINDA DAVIS, Conservator, is Petitioner.</p> <p>Account period: 01/01/10 – 12/31/11</p> <p>Accounting - \$457,807.44 Beginning POH - \$426,087.89 Ending POH - \$397,833.74</p> <p>Conservator - not requested</p> <p>Attorney - \$1,940.00 (per itemized statement for 39.4 hours @ \$200.00/hr. less \$200.00 courtesy discount and \$5,740.00 paid by conservator and trustee)</p> <p>Petitioner requests the Court increase the bond amount currently set at \$418,222.00 to the more appropriate amount of \$434,096.26 (bond computation attached).</p> <p>Petitioner states that the conservatee has a trust that is outside of court jurisdiction. Fees for services rendered by the attorney are usually paid from the Trust in order to save costs. On 03/26/10, there were not sufficient funds in the trust and the conservator inadvertently paid her attorney \$2,500.00 from the conservatorship account and \$850.00 from the Trust account. Petitioner requests that the court not surcharge her for payment to the conservatorship prior to court order. Petitioner requests that the Court determine that all payments were just and reasonable and in the best interest of the conservatee. (Memorandum of Points & Authorities in support were filed 05/09/12)</p> <p>Petitioner states that the conservatee is not able to complete an affidavit of voter registration and requests an order that she is not entitled to vote.</p> <p>Petitioner prays for an Order:</p> <ol style="list-style-type: none"> 1. Approving, allowing and settling the Third Account; 2. Discharging the conservator bond of \$418,222.00 and setting a new bond at \$434,096.00; 3. Approving and allowing fees to Ruth P. Lind as just and reasonable; and 4. Determining that the conservatee is not able to complete an affidavit of voter registration and is not entitled to vote. <p>Court Investigator Jennifer Daniel filed a report on 02/23/12. The report states that the conservatee is not able to complete an affidavit of voter registration and that the conservatorship appears to continue to be warranted and in the best interest of the conservatee. It is therefore recommended that the conservatorship continue as is.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Voting rights affected, need minute order.</p> <p>Note: If the petition is granted status hearings will be set as follows:</p> <ul style="list-style-type: none"> • Friday, 06/07/13 at 9:00a.m. in Dept. 303 for the filing of the Fourth Account <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.</p>
DOB: 11/02/34		
Cont. from		
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail w/		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input checked="" type="checkbox"/> 2620(c)		
<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		
	<p>Reviewed by: JF</p> <p>Reviewed on: 06/14/12</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 4 - Yell</p>	

Fourth Account Current and Report of Trustee and Petition for Its Settlement, and
 for Allowance of Trustee's Fees [Prob. C. 17200(b)(5) & (9)]

		JAMES M. BELL , Trustee, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Account period: 1/1/11 – 12/31/11	
Cont. from 053012			<p>Continued from 5-30-12. Examiner notes previously stated: Petitioner is requesting fees totaling 1% of the Trust assets. In the prior accounting the Trustee requested ¾ of 1% of the trust assets. Probate Code §15686 (b) states a trustee may not charge an increased trustee's fee for administration of a particular trust unless the trustee first gives at least 60 days' written notice of that increased fee to each person entitled.</p> <p>Minute Order 5-30-12: Counsel is directed to submit a declaration.</p> <p>Declaration filed 5-31-12 states that in connection with the Fourth Account, the Trustee will accept \$8,035.00, which represents ¾ of the 1% of the market value of the trust corpus at the end date of the account.</p>
	Aff.Sub.Wit.	Accounting - \$1,225,107.91	
✓	Verified	Beginning POH- \$1,122,208.62	
	Inventory	Ending POH - \$1,072,527.44 (\$240,468.60 is cash)	
	PTC		
	Not.Cred.	Trustee — \$10,713.00 (1% of the market value of the estate assets)	
✓	Notice of Hrg		
✓	Aff.Mail	Trustee - \$8,035.00 (3/4 of 1% of the market value of the trust corpus at the end date of the account.)	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen	Petitioner prays for an Order of the Court as follows:	
	Letters		
	Duties/Supp	1. All acts and transactions of the Trustee relating to the matters reflected in the Account and Report be ratified, confirmed and approved.	
	Objections	2. The Trustee be authorized and directed to pay himself compensation for services rendered during the period of the Account and Report in the sum of \$10,713.00	
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: KT / skc
			Reviewed on: 6/14/12
			Updates:
			Recommendation:
			File 5 - Funch

Notice of Motion and Motion to be Relieved as Counsel

Age: 3		ERIN RHAMES-CHILDS, Attorney for Teri Lyn Jackson, Guardian of the Estate, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:	
DOB: 7-16-08				
		TERI LYN JACKSON, Mother, was appointed Guardian of the Estate on 10-12-10.	Note: Per Minute Order 2-2-12, a status hearing for the filing of the next accounting is set for 4-17-2014.	
	Aff.Sub.Wit.	The first account was settled on 2-2-12. Property on hand at the end of the first account period was \$747,076.63 (held in blocked accounts).		
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail			<p>Petitioner states the client has failed to comply with the terms of their representation agreement. The attorney-client relationship has deteriorated due to her lack of communication and cooperation. Petitioner has asked the client to sign a Substitution of Attorney, but she has not done so.</p>
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202	<p>Reviewed by: skc</p> <p>Reviewed on: 6-14-12</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 7 - Pelley</p>		
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			

(1) First and Final Account and Report of Administrator and (2) Petition for Its Settlement, (3) Allowance of Statutory Fees and (4) Final Distribution

DOD: 6-9-10	WARREN KESSLER , Surviving Spouse and Administrator with Full IAEA with bond of \$60,000.00, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Decedent's daughter lives in China and is a minor (age 15 in 2010, so probably approx. 17 at this time) and.</p> <p>Examiner notes that appropriate notice has been given to the Chinese Consulate General in San Francisco and the Chinese Embassy in Washington, DC, pursuant to Probate Code §8113; however, because the distributee is a minor and is receiving a large sum of cash, the Court may require further clarification as to how the cash will be distributed.</p> <p>2. Need Order.</p>
	Account period: 6-9-10 through 4-30-12	
Aff.Sub.Wit.	Accounting: \$64,833.50	
Verified	Beginning POH: \$64,624.92	
Inventory	Ending POH: \$52,873.45 (\$26,560.45 cash plus a vehicle and jewelry items)	
PTC		
Not.Cred.	Administrator (Statutory): Waived	
<input checked="" type="checkbox"/> Notice of Hrg	Attorney (Statutory): \$2,593.34	
<input checked="" type="checkbox"/> Aff.Mail	Distribution pursuant to intestate succession:	
Aff.Pub.	Warren Kessler: \$905.05 cash plus vehicle	
Sp.Ntc.	Tong Zhao: \$22,592.06 cash plus jewelry items	
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
<input checked="" type="checkbox"/> 9202		
Order	X	
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
<input checked="" type="checkbox"/> FTB Notice		
		Reviewed by: skc
		Reviewed on: 6-14-12
		Updates:
		Recommendation:
		File 8 - Zhou

(1) First Account Current and Report of Conservator and (2) Petition for Allowance of Compensation to Conservator and Attorney [Prop. C. 2620; 2623; 2942]

Age: 84	PUBLIC GUARDIAN , Conservator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
DOB: 1-22-28	Account period: 12-8-10 through 2-13-12	<u>Continued from 6-20-12</u>
	Accounting: \$309,117.55	Note: Timothy Moore, son, was appointed Conservator of the Person and Public Guardian was appointed Conservator of the Estate on 2-17-11.
	Beginning POH: \$253,162.04	
Cont. from 051612	Ending POH: \$192,342.72 (cash)	
<input type="checkbox"/> Aff.Sub.Wit.	Conservator: \$3,642.40 (27.65 Deputy hours @ \$96.00/hr plus 13.00 Staff hours @ \$76.00/hr)	
<input checked="" type="checkbox"/> Verified	Attorney: \$2,000.00 (per local rule)	
<input type="checkbox"/> Inventory	Bond fee: \$678.58 (ok)	
<input type="checkbox"/> PTC	Petitioner prays for an Order:	
<input type="checkbox"/> Not.Cred.	1. Approving, allowing, and settling the first account;	
<input checked="" type="checkbox"/> Notice of Hrg	2. Authorizing conservator and attorney fees and commissions;	
<input checked="" type="checkbox"/> Aff.Mail W	3. Authorizing payment of the bond fee; and	
<input type="checkbox"/> Aff.Pub.	4. Other relief the Court considers proper.	
<input type="checkbox"/> Sp.Ntc.		Reviewed by: skc
<input type="checkbox"/> Pers.Serv.		Reviewed on: 6-14-12
<input type="checkbox"/> Conf. Screen		Updates:
<input type="checkbox"/> Letters		Recommendation:
<input type="checkbox"/> Duties/Supp		File 10 - Dunn
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input checked="" type="checkbox"/> 2620(c)		
<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		

**12 Jaime Jesus Magana, Dulce Maria Magana, and Case No. 12CEPR00023
Manuel Magana (GUARD/P)**

Atty Cervantes, Robert (for Adela Magana – Paternal Grandmother – Petitioner)

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

Jaime Jesus Magana (5) DOB: 6-22-06	<p>TEMPORARY EXPIRED 3-7-12 – The temporary order was <u>not</u> extended at the 3-7-12 hearing.</p> <p>ADELA MAGANA, Paternal Grandmother, is Petitioner.</p> <p>Father: JESUS MAGANA Mother: NATHALIE MARQUEZ</p> <p>Paternal Grandfather: Jaime Magana Maternal Grandfather: Pauline Marquez Maternal Grandmother: Maria Duque</p> <p>Petitioner states she has had the oldest, Jaime, in her care since he was two days old, but never applied for guardianship because Mother never attempted to take him. Mother and the other two children came to live with Petitioner in March 2010. Petitioner is the one who fed and took care of all of their needs. The mother is physically abusive toward the children and neglects their welfare. Dulce was not allowed to start school because she needed 8 shots and a physical. Petitioner went to school conferences because Mother refused to attend.</p> <p>Mother took the children on 1-1-12 with the help of her uncle and went to Texas. Petitioner is concerned for their safety and states she would protect them from abuse.</p> <p>Petitioner requests to be excused from giving notice to the maternal grandparents because the mother did not even know where her parents were residing.</p> <p>Court Investigator Jennifer Daniel filed a report on 2-22-12.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Minute Order 1-24-12 (temporary hearing):</u> Court employee Petra Ramos is sworn and interprets for the parties. Petitioner informs the Court that she does not know the whereabouts of the children. The Court excuses notice to the mother. The Court grants the petition. Temporary expires 3-7-12. General hearing remains set for 3-7-12.</p> <p><u>Minute Order 3-7-12:</u> The Court continues the matter to 5-2-12. Counsel to provide information at the next hearing in support of his position that this Court has jurisdiction. Temporary not extended.</p> <p><u>Minute Order 5-2-12:</u> Counsel requests a continuance.</p> <p><u>As of 6-14-12, nothing further has been filed. If this petition goes forward, the following issues exist:</u></p> <ol style="list-style-type: none"> 1. If notice is not excused, need proof of personal service of Notice of Hearing with a copy of the Petition at least 15 days prior to the hearing per Probate Code §1511 on: <ul style="list-style-type: none"> - Jesus Magana (Father) - Nathalie Marquez (Mother) 2. If notice is not excused, need proof of service of Notice of Hearing with a copy of the Petition at least 15 days prior to the hearing per Probate Code §1511 on: <ul style="list-style-type: none"> - Jaime Magana (Paternal Grandfather) - Pauline Marquez (Maternal Grandfather) - Maria Duque (Maternal Grandmother) 3. Petitioner answered "Yes" to #4 on the UCCJEA regarding other cases involving custody of the children. Need clarification. 	
Dulce Maria Magana (4) DOB: 8-23-07			
Manuel Magana (3) DOB: 12-11-08			
Cont. from 030712, 050212			
Aff.Sub.Wit.			
<input checked="" type="checkbox"/> Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			X
Aff.Mail			X
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			X
<input checked="" type="checkbox"/> Conf. Screen			
<input checked="" type="checkbox"/> Letters			
<input checked="" type="checkbox"/> Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
<input checked="" type="checkbox"/> Order			
Aff. Posting			
Status Rpt			
<input checked="" type="checkbox"/> UCCJEA			
Citation			
FTB Notice			
Reviewed by: skc			
Reviewed on: 6-14-12			
Updates:			
Recommendation:			
File 12 - Magana			

**Verified Petition to Appoint Successor Trustee of the Chima Childrens Trust
(Prob. C. 15660)**

		BOBBY CHIMA and ROBBY CHIMA , beneficiaries of the trust, are petitioners.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Minute Order 5-15-12: Matter continued to 6-20-12 at the request of Counsel.</p> <p>As of 6-14-12, the following issues remain:</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of service of the Notice of Hearing on: <ol style="list-style-type: none"> a. Geneal Chima b. Lisa Mukai c. Rebecca Lynn Singh 3. Probate Code §15602(a)(3) requires that a person appointed by the court as Trustee, who is not named in the trust instrument, be required to post a bond. The court may not excuse the requirement of a bond except under compelling circumstances. The Court will need to know the value of the trust assets in order to determine the amount of bond required. <p>Declaration filed 6-11-12 states the trust does not currently have any assets on hand. The only asset is a civil action claiming title to certain real property as an asset of the Chima Children's Trust brought by Bobby Chima, Robby CHima and Lisa Mukai against Rebecca Lynn Singh and others, currently pending in Sutter County Superior Court.</p> <ol style="list-style-type: none"> 4. Need order.
		Petitioners state on 2/21/1995 Geneal Chima created and executed the Chima Family Trust.	
Cont. from 051512		Pursuant to the Trust, Julie L. Fracas was the initial Trustee.	
	Aff.Sub.Wit.	On 9/10/1998, Julie L. Fracas resigned as Trustee.	
✓	Verified	On 9/10/1998, the designated successor Trustee, Jill A. Leal declined to act and appointed Rebecca Lynn Singh as Successor Trustee.	
	Inventory	By letter dated 3/11/2009, Counsel for Rebecca Lynn Singh represented she never accepted the position of Successor Trustee, and advised that Ms. Singh never claimed to be the Successor Trustee.	
	PTC	At all times since March 11, 2009, Lisa Mukai acted and continued to act as the Successor Trustee of the Chima Childrens Trust with the consent of the Petitioners, the sole beneficiaries.	
	Not.Cred.	Petitioners state an action is pending in the Superior Court, Sutter County, brought by Robby Chima, Bobby Chima and Lisa Mukai, Trustee of the Chima Childrens Trust against Rebecca Lynn Singh and others alleging causes of action for Breach of Fiduciary Duty, Shareholder's Derivative Action, Accounting, Quiet Title, Cancellation of Instrument, Constructive Trust, Resulting Trust and Fraudulent Transfer claiming title to certain property as an asset of the Chima Childrens Trust. Trial in this action is scheduled for May 1, 2012 requiring appointment of a Successor Trustee to prosecute the action.	
	Notice of Hrg	X	
	Aff.Mail	X	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202 Order	X	
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
		Petitioners pray for an Order:	
		1. Appointing Lisa Mukai as Successor Trustee of the Chima Childrens Trust.	
		Verified Response of Rebecca Singh, Ralie Singh, Stella Singh/Opposition to Petition was filed 6-1-12.	
		SEE PAGE 2	
		Reviewed by: KT / skc	
		Reviewed on: 6/14/12	
		Updates:	
		Recommendation:	
		File 13 - Chima	

Verified Response of Rebecca Singh, Ralie Singh, Stella Singh/Opposition to Petition was filed 6-1-12.

Respondents state Rebecca Singh was the former wife of trustor Geneal Chima [Divorce action presently pending in Placer County Superior Court]. Respondents request that the Court deny the Petition and not grant any relief as requested.

Respondents request declaratory relief pursuant to CCP 1060 and Probate Code 17200, 15642, the Court's authority under CCP 128(a) and the Court's equitable and/or inherent authority declaring that Lisa Mukai has not been duly appointed as trustee to the Chima Children's Trust in that there has been no court order as required under section 5.03 of the trust, and declaring that Lisa Mukai is unfit and improper for appointment because of the following facts and factors: Ms. Mukai has engaged in the following types of conduct to be proven in an evidentiary hearing: Dishonesty and moral turpitude; Incompetence; Has a financial interest/self-interest and thus conflict of interest; Subject to undue influence of Geneal Chima; Defects in the Trust Instrument; Equitable reasons to deny the petition due to scam of fraudulent conveyance. Respondents cite Probate Code 15600 and 15642 regarding appointment and removal of a trustee.

- Ms. Mukai has already engaged in dishonest acts of moral turpitude and fraudulent behavior concerning the Chima Children's Trust. During 9-28-09, she filed a complaint in which she fraudulently, deceptively, and dishonestly, knowingly lied by stating she was a duly appointed trustee. In her 2-21-12 deposition in that case, she lied under oath by falsely testifying she was a duly appointed trustee.
- When she alleged she was a trustee, she knew she was lying, she knew she was committing fraudulent act, she was acting in deceptive manner contrary to oath she took before deposition, and knew she was not a trustee, and yet alleged she was. Her perjury, dishonesty, fraudulent conduct, and moral turpitude show that she is unfit to serve as trustee.
- Her incompetence in handling the administrative aspects of the trust are proven by her present petition. She has now apparently woken up to the fact that she was never duly appointed trustee; there is no court order under section 5.03 of the trust, and that her allegations and testimony under oath are false, incorrect, and just plain wrong.
- Either Ms. Mukai committed perjury or a huge act of incompetence. The fact that she committed this perjury/incompetence with the help of present counsel in the underlying civil complaint constitutes abundant evidence that there is a striking level of dishonesty and/or incompetence going on here.
- Respondents further state Ms. Mukai is subject to undue influence from the trustor because she is in a romantic relationship with him. (See 2-21-12 deposition.) Evidence of a sordid and apparently abusive/violent romance has been attained by Respondents in the form of the attached Facebook pages from Ms. Mukai's daughter, Carley Kioko Mukai.
- Respondent Rebecca Singh was formerly married to Geneal Chima and during the course of their marriage suffered extreme and repeated domestic violence. Respondents are not surprised that Lisa Mukai has also experienced some form of domestic abuse. It is pointed out here that in all likelihoods Lisa Mukai will be doing the bidding of Geneal Chima as she is subject to his undue and improper influence and should not be a trustee.

SEE PAGE 3

Dept. 303, 9:00 a.m. Wednesday, June 20, 2012

Respondents state Ms. Mukai has already shown a financial conflict of interest with the trust in the following conduct: During 2006 she was part owner of RTL RLM LLC. The LLC owned among other things approx. 2 acres in Visalia, CA. During 2006 a separate company Golden State Development LLC, which according to Geneal Chima and Lisa Mukai is 49% owned by the trust (which Respondents DENY), paid Ms. Mukai \$10,000 for half of her interest in RTL RLM LLC. Respondents state she was paid, but failed to transfer her half interest in the LLC.

This default creates a conflict of interest in the handling of trust affairs in that she would be duty bound and in effect sue herself for the turnover of the RTL RLM LLC if appointed as trustee. This event also shows that her judgment is impaired. She does not have the trust's interest at stake. She essentially has stolen property belonging to the trust (the \$10,000 that she got from the trust for free) and cannot be trusted with the affairs of the trust.

Golden State Development LLC was a California LLC formed approx. 3-17-03, owned 51% by Rebecca Singh, 49% by Chima Children's Trust, subject to claims by Rebecca Singh that the trust failed to ever pay in capital and that she only granted the interest because of undue influence and duress by Geneal Chima against Rebecca Singh as part and parcel to a campaign of domestic violence and emotional abuse. All tax returns re Golden State Development LLC, reflected Rebecca Singh as 100% owner. Geneal Singh wrote a check from Golden State development LLC for \$10,000 to Lisa Mukai without the knowledge or consent of Rebecca Singh.

Lisa Mukai signed a document whereby she agreed in return for the \$10,000 she would grant Golden State Development LLC a half interest in her LLC, which she never did. See 4-12-06 agreement attached.

Respondents state the court should further deny equitable relief because the entire trust itself is a scam and a fraudulent conveyance [CCP 3439.04] set up by Geneal Chima as a means to evade a \$12 million judgment obtained by Noble D. Plant Jr., and Eleanor Plant, et al. See 6-22-93 judgment in Sacramento Superior Court Action No. 520043 (Exhibit D). The probate department is a court of equity and should not assist any part in committing a fraudulent conveyance. Geneal Chima is attempting to obtain a judgment which cannot come to him personally because of the pending \$12 million judgment, and has instead created the trust to evade the judgment creditor.

If the Court denied the current petition Geneal Chima's scam will be foiled for lack of a trustee. See *Powers v. Ashton*, (1975) 45 Cal.App. 3d 787-788 which provides:

"The person possessing the right sued upon by reason of the substantive law is the real party in interest. (3 Witkin, Cal. Procedure (2d ed.) Pleading, §93.) Thus where a cause of action is prosecuted on behalf of an express trust, the trustee is the real party in interest because he is the one whom title to the cause is vested. ... Thus, absent special circumstances, an action prosecuted for the benefit of a trust estate by a person other than the trustee is not brought in the name of a real party in interest."

A further basis to deny the petition is that the trust itself is ineffectual trust instrument because it fails to identify any trust property. See *Eaton v. Los Angeles* (1962) 201 Cal. App. 2d 326, 332. A trust without property is not a trust. Thus there is no effective trust for Ms. Mukai to be appointed trustee to. Ms. Mukai also testified that the trust had no assets, not money and no activity.

Respondents pray for the following relief:

1. **A full evidentiary hearing**
2. **That the petition be DENIED**
3. **Declaratory relief pursuant to CCP 1060, under Probate Code 17200, 15642 and/or other applicable Probate Code, and/or the court's authority under CCP 128(a), and/or the court's equitable powers and inherent authority, as to each of the above stated grounds for denial of the petition, in the form of a decree stating that all or some of those stated grounds provide appropriate basis to DENY the petition.**

Dept. 303, 9:00 a.m. Wednesday, June 20, 2012

Age: 86	<p>LAVONNE ILENE BOLAND, Daughter, was appointed Conservator of the Person and Estate with additional powers under Probate Code §2590 with bond of \$10,000.00 on 3-28-08.</p> <p>Bond was filed and Letters issued on 4-24-08.</p> <p>I&A filed 8-27-08 reflected a total value of the conservatorship estate of \$65,826.31, consisting of a one-half interest in real property in Squaw Valley, CA, a one-half interest in a mare registered as a National Show Horse, a one-half interest in two kilns, and various interests in other personal property.</p> <p>On 2-11-09, the Court authorized Conservator to fix Conservatee’s residence outside the State of California. Post-Move Notice of Change of Residence reflects a new address in Bend, OR.</p> <p>On 8-12-09, the first account was settled.</p> <p>On 9-22-09, revised Letters were issued reflecting only Conservatorship of the Estate, as the equivalent of a Conservatorship of the Person was obtained in Oregon, and this Court retained jurisdiction over the estate.</p> <p>The next account is now due. The Court set this status hearing for 1-11-12 and sent notice to Conservator and Attorney Feigel on 11-3-11. It has now been continued three times to this hearing date.</p> <p>As of 6-14-12, no accounting has been filed.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Minute Order 1-11-12:</u> Counsel informs the Court that his client is trying to put things together and there are no more assets in the estate. Counsel requests a continuance. Counsel is informed that there is an outstanding fee of \$860.00 that needs to be paid.</p> <p><u>Minute Order 3-14-12:</u> Counsel advises the Court that they are still proceeding; however, the estate has no money. Counsel requests a continuance.</p> <p><u>Minute Order 5-2-12:</u> Counsel advises the Court that he has received most of the documents. He further advises that the horse was given away due to costs of maintaining the horse.</p> <p><u>As of 6-14-12, nothing further has been filed and fees have not been paid. The following issues remain:</u></p> <ol style="list-style-type: none"> <u>Need Second Account Current.</u> <u>Outstanding fees of \$860.00 are due to the Court Investigator’s Office for prior investigations.</u>
DOB: 4-2-25		
Cont. from 011112, 031412, 050212		
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	X	
UCCJEA		
Citation		
FTB Notice		
Reviewed by: skc		
Reviewed on: 6-14-12		
Updates:		
Recommendation:		
File 14 - Squires		

Probate Status Hearing Re: Failure to File a First Account or Petition for Final Distribution (Prob. C. 12200, et seq.)

DOD: 8-29-08		<p>DIANE PICKERING was appointed Executor with Full IAEA without bond and Letters issued on 1-13-09.</p> <p>On 1-26-12, the Court set status hearing for failure to file a First Account or Petition for Final Distribution.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Minute Order 3-14-12:</u> Counsel advises the Court that there is an insurance issue that he is trying to resolve.</p> <p><u>Minute Order 5-2-12:</u> Matter continued to 6-20-12. Counsel is directed to file the required items by 6-20-12.</p> <p><u>As of 6-14-12</u>, nothing further has been filed. The following issues remain:</p> <ol style="list-style-type: none"> 1. Need Inventory and Appraisal. 2. Need First Account Current or Petition for Final Distribution pursuant to Probate Code §12200. <p><u>Note:</u> The original petition indicated an estimated estate value of \$130,000.00 in personal property.</p> <p><u>Note:</u> Decedent's will devises the entire estate to The Mildred Pearl Rancilio Living Trust.</p>
Cont. from 031412, 050212			
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	X		
UCCJEA			
Citation			
FTB Notice			
		Reviewed on: 4-24-12	
		Updates:	
		Recommendation:	
		File 16 - Rancilio	

(1) Petition for Settlement of First and Final Account and (2) for Final Distribution and (3) Fixing and Allowing Compensation

DOD: 11-13-10	CHERYL LYNN MIGUEL , Administrator with Limited IAEA without bond, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
Cont. from 031412, 042512	Account period: 11-13-10 through 1-15-12	
<input type="checkbox"/> Aff.Sub.Wit.	Accounting: \$187,809.70	
<input type="checkbox"/> Verified	Beginning POH: \$182,071.03	
<input type="checkbox"/> Inventory	Ending POH: \$137,012.89	
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.	Administrator (Statutory): \$6,611.21	
<input type="checkbox"/> Notice of Hrg	Closing: \$250.00	
<input type="checkbox"/> Aff.Mail W		
Aff.Pub.	Distribution pursuant to intestate succession:	
Sp.Ntc.	Renee Lucille Austin: \$38,474.13 plus a 1/3 undivided interest in a note receivable	
Pers.Serv.	Cheryl Lynn Miguel: \$38,474.13 plus a 1/3 undivided interest in a note receivable	
Conf. Screen	Charlie Joseph Miguel: \$38,474.13 plus a 1/3 undivided interest in a note receivable	
<input type="checkbox"/> Letters 8-17-11		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
<input checked="" type="checkbox"/> 9202		
<input type="checkbox"/> Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
<input checked="" type="checkbox"/> FTB Notice		
		Reviewed by: skc
		Reviewed on: 6-14-12
		Updates:
		Recommendation: SUBMITTED
		File 18 – Highly

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

Age: 13 DOB: 04/20/99	<u>TEMPORARY EXPIRES 05/02/12</u>	NEEDS/PROBLEMS/COMMENTS:
	BEATRIX CASTANON , maternal aunt, is Petitioner.	1. Need Child Information Attachment (Form GC-210(CA)), this is a required attachment to the Petition for Appointment of Guardian.
	Father: RUDOLPHUSLEE MONIANCI – <i>incarcerated, personally served 04/02/12</i>	2. Need proof of service by mail at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Guardian of the Person</i> or Consent and Waiver of Notice or Declaration of Due Diligence for: - John Boers (maternal grandfather)
Cont. from 050212	Mother: JENNIFER BOERS – <i>deceased</i>	
<input type="checkbox"/> Aff.Sub.Wit.	Paternal grandfather: MICHAEL MONIANCI – <i>served by mail on 03/15/12</i>	
<input checked="" type="checkbox"/> Verified	Paternal grandmother: RONDA ROBY – <i>served by mail on 03/15/12</i>	
<input type="checkbox"/> Inventory	Maternal grandfather: JOHN BOERS	
<input type="checkbox"/> PTC	Maternal grandmother: VIRGINIA LEE YAMATO – <i>served by mail on 03/15/12</i>	
<input type="checkbox"/> Not.Cred.	Half-Siblings: JAQULYN SHORTER (21); JADE SHORTER (18) – <i>both served by mail on 03/06/12</i>	
<input checked="" type="checkbox"/> Notice of Hrg	Petitioner states that temporary guardianship is necessary because the minor’s mother died in November 2011 and his father is incarcerated. Petitioner states that the mother’s will nominates her to be appointed as guardian of mother’s minor children. Petitioner states that the minor is currently living with his sisters and their father and states that she plans for him to remain living there.	Note: Petitioner has indicated that the child may have Indian ancestry. A Notice of Child Custody Proceeding for Indian Child was mailed to the necessary parties on 04/18/12. As of 06/14/12, the Court has received return receipts from US Dept. of Interior, Father, BIA, and Kiagless Tribal Town (all receipts were filed on 04/27/12). The documents mailed to the Lipon Apache Band of Texas on 04/19/12 were returned unclaimed.
<input checked="" type="checkbox"/> Aff.Mail		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input checked="" type="checkbox"/> Pers.Serv.		
<input checked="" type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters		
<input checked="" type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input checked="" type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input checked="" type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice	Court Investigator Dina Cavillo filed a report on 04/23/12.	
		Reviewed by: JF
		Reviewed on: 06/14/12
		Updates:
		Recommendation:
		File 19 - Monianci