

Atty Marchini, Joseph; Fashing, Peter; of Baker Manock & Jensen (for Petitioner Carmela DeSantis, daughter and Trust Beneficiary)  
 Atty Baldwin, Kenneth A.; Thompson, Timothy; Cunningham, Nikole E.; of McCormick Barstow (for Antonietta "Rosa" Verni, daughter and Co-Trustee, and Nicola "Nick" Verni, son and Co-Trustee)  
 Atty Armo, Lance, sole practitioner (for Leonard "Dino" Verni, son)  
 Atty Bohn, Jeffrey D., sole practitioner (for Erlinda M. Verni, surviving spouse)

Status Hearing

Leonarda DOD: 7/31/2000	<p><b>CARMELA DeSANTIS</b>, daughter and Trust Beneficiary, filed a <i>Petition to Remove Trustees; Appoint Receiver; Surcharge Trustees; Deny Trustees Compensation; Impose Constructive Trust on Assets; and Cause Proceedings to Trace and Recover Assets</i> on 7/26/2012.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Continued from 5/24/2013.</b> Minute Order states counsel requests a continuance.   <b>Note:</b> Matter is set for Court Trial on <b>9/10/2013</b> with a 15-day estimate.   <b>Page 1B</b> is the <i>Petition to Remove Trustees, etc.</i>  <b>Page 1C</b> is the <i>Petition to Construe Trust Provision.</i>  <b>Page 1D</b> is the <i>Petition to Establish Claim of Ownership in Favor of Trust to Property, etc.</i></p>
Saverio DOD: 5/25/2009		
Cont. from 120512, 010313, 022113, 032213, 052413	<p><b>NICOLA "NICK" VERNI</b>, son and Successor Trustee of the <b>SURVIVOR'S TRUST</b>, and <b>ANTONIETTA "ROSA" VERNI</b>, daughter and Trustee of the <b>MERGED FAMILY SUB-TRUST</b>, filed a <i>Response to Petition to Remove Trustees, etc.</i> on 9/27/2012.</p>	
<input type="checkbox"/> Aff.Sub.Wit.	<p><b>CARMELA DeSANTIS</b> filed a <i>Petition to Construe Trust Provision</i> on 7/26/2012.</p>	
<input checked="" type="checkbox"/> Verified	<p><b>NICK VERNI and ROSA VERNI</b> filed a <i>Response to Petition to Construe Trust Provision</i> on 9/27/2012.</p>	
<input type="checkbox"/> Inventory	<p><b>CARMELA DeSANTIS</b> filed a <i>Petition to Establish Claim of Ownership, in Favor of Trust, to Property and for Order Directing its Transfer to the Trustees to Hold in Trust</i> on 8/14/2012.</p>	
<input type="checkbox"/> PTC	<p><b>NICK VERNI and ROSA VERNI</b> filed a <i>Response to Petition to Establish Claim of Ownership</i> on 9/27/12.</p>	
<input checked="" type="checkbox"/> Status Rep.	<p><b>CARMELA DeSANTIS</b> filed <i>Amended Objections to First Account Current of Trustee</i>, and filed <i>Objections to Second Account Current of Trustee</i>, both filed on 7/26/2012.</p>	
<input type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail		
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<input type="checkbox"/> FTB Notice		
<p>~Please see additional page~</p>		
		<p><b>Reviewed by:</b> LEG</p>
		<p><b>Reviewed on:</b> 6/17/13</p>
		<p><b>Updates:</b></p>
		<p><b>Recommendation:</b></p>
		<p>File 1A - Verni</p>

**Petitioner Carmela DeSantis' Status Report filed by Joseph Marchini on 6/11/2013 states:**

- **Pending Petitions:** Petitioner has several petitions and several objections to trustee accountings pending before the Court in this matter:
  - (a) Petition to (1) Remove Trustees; (2) Appoint Receiver; (3) Surcharge Trustees; (4) Deny Trustees Compensation; (5) Impose Constructive Trust on Assets; and (6) Cause Proceedings to Trace and Recover Assets;
  - (b) Petition to Construe Trust Provision;
  - (c) Petition to Establish Claim of Ownership in Favor of Trust to Property and for Order Directing its Transfer to the Trustees to Hold in Trust;
  - (d) Objections to First Account Current and Report of Trustees and Petition for its Settlement;
  - (e) Amended Objections to the First Account Current and Report of Trustees; and
  - (f) Objections to the Second Account Current.
- **Additional Petitions:** The Trustees have provided, but not filed with the Court, accountings for 2011 and 2012; Counsel for Petitioner has reviewed those accountings in detail and will file objections to them which Petitioner proposed be tried with the pending petitions.
- **Discovery:** Early in this case, Petitioner served written discovery, to which the trustees have responded; the parties have agreed to an open extension of time for Petitioner to bring a motion to compel; in order to expedite the review of documents, and hopefully, the resolution of disputed transactions, Petitioner has retained a forensic accountant to review accounting records directly with the accountants retained by the Trustees; Petitioner's accountant has met twice with the Trustee's accountant; the parties are in the process of scheduling an on-site review of relevant accounting records; Petitioner has requested deposition dates for the Trustees and their brother, **DINO VERNI**; Petitioner will also require depositions of the Trustees' accountant, possibly some third party vendors, and possibly some persons employed in the operation of Trust farm property; scheduling has proved to be difficult due to summer and trial schedules; **a short continuance of the trial date of 40 to 65 days may be necessary** [emphasis added] if these scheduling conflicts cannot be resolved soon; Petitioner previously proposed that the parties agree to waive percipient witness discovery cut-offs, and the Trustees are in agreement; Petitioner previously proposed that the parties agree to resolve discovery disputes on shortened noticed with the Court's assistance and consent, and the Trustees are in agreement.
- **Bifurcation:** Hearings on the various petitions and objections are scheduled for 9/10/2013; Petitioner previously recommended severing the issue of tracing and valuing *inter vivos* gifts to a date after the Court has resolved the Trust interpretation issue set to be heard with the other petitions on 9/10/2013, and the Trustees are in agreement.

~Please see additional page~

**Petitioner has prepared** a proposed *Stipulation to Bifurcate Trial, to Waive Percipient Discovery Cut-Off, and to Provide Process for Discovery Dispute Resolution; and Proposed Order (attached as Exhibit A)*, stating in sum:

- The parties desire to conduct proceedings in the matter in an efficient and economical manner, and accordingly, have entered into this Stipulation;
- **Bifurcation:** Subject to Court approval, trial shall be bifurcated such that Trust interpretation issues raised in the *Petition to Construe Trust Provision* shall be tried and adjudicated first, and before trial and adjudication of any of the other petitions and objections [see *Stipulation for details*];
- **Resolution of Discovery Disputes:** The parties acknowledge that Local Rule 2.1.17 establishes a procedure for handling discovery disputes which includes a requirement that any party desiring to bring a motion to compel [...] must first request an informal Pretrial Discovery Conference to attempt to resolve any pending discovery disputes; [see *Stipulation for details re parties' agreement in the event a request for Pretrial Discovery Conference is granted*];
- **Waiver of Percipient Discovery Cut-Off:** The parties agree to waive the percipient discovery cut-off relevant to all available forms of discovery arising under applicable law and agree that the date for completion of discovery shall be deemed to be the date of trial; the parties waive the time limits for service of deposition notices and subpoenas, consumer notices and related documents; the parties shall agree to dates for depositions and, in the event they cannot, reasonable prior notice of not less than 3 court days shall be given.

**Petitioner requests another status conference in approximately 30 days.**

**1B In the Matter of the Verni Family Trust (Trust)**

**Case No. 10CEPR00639**

**Atty Marchini, Joseph; Fashing, Peter; of Baker Manock & Jensen (for Petitioner Carmela DeSantis, daughter and Trust Beneficiary)**

**Atty Baldwin, Kenneth A.; Thompson, Timothy; Cunningham, Nikole; of McCormick Barstow (for Antonietta "Rosa" Verni, daughter and Co-Trustee, and Nicola "Nick" Verni, son and Co-Trustee)**

**Atty Armo, Lance, sole practitioner (for Leonard "Dino" Verni, son)**

**Atty Bohn, Jeffrey D., sole practitioner (for Erlinda M. Verni, surviving spouse)**

**Petition to: (1) Remove Trustees; (2) Appoint Receiver; (3) Surcharge Trustees; (4) Deny Trustees Compensation; (5) Impose Constructive Trust on Assets; and (6) Cause Proceedings to Trace and Recover Assets [Prob. C. 15642, 16420 & 17200]**

Leonarda DOD: 7/31/2000	<p><b>CARMELA DeSANTIS</b>, daughter and Trust Beneficiary, is Petitioner.  <b>Petitioner states:</b></p> <ul style="list-style-type: none"> <li>The <b>VERNI FAMILY TRUST of 1999</b> was created by <b>SAVERIO VERNI</b> and <b>LEONARDA VERNI</b> on 6/10/1999, and was amended once by Settlor on the following day, 6/11/1999; Leonarda died on 7/31/2000, thereby causing the Trust to be divided into three sub-trusts: the <b>VERNI MARITAL TRUST</b>, the <b>VERNI FAMILY TRUST</b>, (which was amended once during both Trustors' lifetimes), and the <b>VERNI SURVIVOR'S TRUST</b> (copies of Trusts attached as Exhibit A); following Leonarda's death, Saverio amended the <b>SURVIVOR'S TRUST</b> seven times, with the <i>Eighth Amendment</i> (the final) amending the <b>SURVIVOR'S TRUST</b> in its entirety;</li> <li>Saverio served as sole trustee of the three sub-trusts until his death on 5/25/2009, and upon his death the Marital Sub-Trust terminated and its principal was added to the Family sub-trust, which became the <b>MERGED FAMILY SUB-TRUST</b>;</li> <li>Pursuant to the Trust terms, <b>ANTONIETTA ROSA VERNI</b>, daughter, is first appointed and currently serves as Successor Trustee of the Merged Family Sub-Trust; pursuant to the <i>Eighth Amendment</i> to Trust, <b>NICOLA VERNI</b>, son, is first appointed and currently serves as Successor Trustee of the <b>SURVIVOR'S TRUST</b>;</li> <li>The beneficiaries of each of the Sub-Trusts are the Settlor's five children: <b>ANTONIETTA ROSA VERNI (Rosa)</b>, <b>NICOLA VERNI (Nick)</b>, <b>LEONARD VERNI (Dino)</b>, <b>MARIA STANZIALE</b>, and <b>CARMELA DeSANTIS</b> (Petitioner); and specific distributions from the Survivor's Sub-Trust are to <b>ERLINDA MARCIANO VERNI (\$200,000.00)</b> and <b>ST. ANTHONY OF PADUA CATHOLIC CHURCH (\$200,000.00)</b>;</li> <li>Following the death of Saverio and Leonarda, the Merged Family Sub-Trust names Rosa as First Successor Appointee, and Maria as Second Successor Appointee; Eighth Amendment provides that upon Saverio's ceasing to act as trustee, Nick will serve as trustee of the Survivor's Sub-Trust;</li> <li><b>Petitioner seeks a Court order pursuant to Probate Code § 15642 removing Rosa as trustee of the Merged Family Sub-Trust, and removing Nick as trustee of the Survivor's Sub-Trust; Petitioner also seeks a determination by the Court that Dino is not qualified to serve as next successor trustee of the Survivor's Sub-Trust.</b></li> </ul>	<p><b>NEEDS/PROBLEMS/ COMMENTS:</b></p> <p><b>Continued from 5/24/2013.</b> Minute Order states counsel requests a continuance.</p> <p><b>Note:</b> Additional notes pages originally prepared with respect to this petition have been omitted.</p>	
Saverio DOD: 5/25/2009			
Cont. from 091112, 100212, 120512, 010313, 022113, 032213, 052413			
Aff.Sub.W			
✓ Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			X
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
✓ Pers.Serv.			
Conf. Screen			
Letters			
Duties/S			
Objection			
Video Receipt			
CI Report			
9202			
✓ Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		Reviewed by: LEG	
		Reviewed on: 6/17/13	
		Updates:	
		Recommendation	
		File 1B - Verni	



**1D In the Matter of the Verni Family Trust (Trust)**

**Case No. 10CEPR00639**

**Atty Marchini, Joseph; Fashing, Peter; of Baker Manock & Jensen (for Petitioner Carmela DeSantis, daughter and Trust Beneficiary)**  
**Atty Baldwin, Kenneth A.; Thompson, Timothy; Cunningham, Nikole E.; of McCormick Barstow (for Antonietta "Rosa" Verni, daughter and Co-Trustee, and Nicola "Nick" Verni, son and Co-Trustee)**  
**Atty Armo, Lance, sole practitioner (for Leonard "Dino" Verni, son, and Nicola "Nick" Verni, son and Co-Trustee)**  
**Atty Bohn, Jeffrey D., sole practitioner (for Erlinda M. Verni, surviving spouse)**

**Petition to Establish Claim of Ownership, in Favor of Trust, to Property and for Order Directing its Transfer to the Trustees to Hold in Trust (Prob. C. 850, 17200.1)**

Leonarda DOD: 7/31/2000	<p><b>CARMELA DeSANTIS</b>, daughter and Trust Beneficiary, is Petitioner.</p> <p><b>Summary of Petitioner's requests for specific relief:</b></p> <ol style="list-style-type: none"> <li>Determining that the following is property of the Trust estate:                     <ol style="list-style-type: none"> <li><b>Almond crops:</b> (i) The almond meat inventory on hand at the date of Saverio's death; (ii) all almond crops grown on Trust land since Saverio's death; and (iii) proceeds from the sale of the almond inventory and crops;</li> <li><b>Olive crops:</b> (i) The olive oil, olive crop and olive inventory on hand at the date of Saverio's death; (ii) all olive crops grown on Trust land since Saverio's death; and (iii) proceeds from the sale of the olive oil, inventory and crops;</li> <li><b>Other crops (Stone Fruit, Grapes, Etc.):</b> (i) The inventory of other crop grown on Trust land, on hand at the time of Saverio's death but not reported in the Trustee's First Account; (ii) all such crops grown on Trust land since Saverio's death and during 2009; and (iii) proceeds from the sale of the inventory and crops;</li> <li><b>Other Inventory on Hand:</b> (i) The inventory of firewood and olive oil on hand at the time of Saverio's death but not reported in the Trustee's First Account; (ii) all such items produced from products grown on Trust land since Saverio's death and during 2009; [and (iii) proceeds from the sale of the other inventory;]</li> <li><b>Proceeds from Sale of Trust Real Property:</b> The money received by Nick and Dino from DeYoung Properties in connection with the option to purchase land and used by DeYoung Properties to actually purchase Trust land which sum is believed to be not less than <b>\$1,000,000.00</b>;</li> </ol> </li> <li>Directing each of the beneficiaries in possession or holding the property to transfer such property to the Trustees to hold for the benefit of the Trust and the appropriate Sub-Trust(s);</li> <li>Directing each of the beneficiaries in possession or holding any proceeds from the sale or exchange of any of the property to transfer such proceeds to the Trustees to hold for the benefit of the Trust and the appropriate Sub-Trust(s);</li> <li>For judgment in favor of the Trustees of the Trust against any beneficiary who received the Trust property and proceeds, in an amount to be determined and as required to compensate for all of the detriment and damages cause to the Trust; and</li> <li>For treble damages pursuant to Probate Code § 859.</li> </ol>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Continued from 5/24/2013.</b> Minute Order states counsel requests a continuance.</p> <p><b>Note:</b> Additional notes pages originally prepared with respect to this petition have been omitted.</p>
Saverio DOD: 5/25/2009		
Cont. from 100212, 120512, 010313, 022113, 032213, 062113		
Aff.Sub.W		
✓ Verified		
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Notice of Hrg		
Aff.Mail		
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Conf. Screen		
Letters		
Duties/S		
Objection		
Video Receipt		
CI Report		
9202		
✓ Order		
Aff. Post		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		<p><b>Reviewed by:</b> LEG</p> <p><b>Reviewed on:</b> 6/17/13</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 1D - Verni</b></p>

Status Hearing Re: Filing of the Inventory and Appraisal

<b>DOD: 12/7/11</b>	<p><b>KIRK HAGOPIAN</b> was appointed as Administrator with Full IAEA authority and without bond on 7/26/12.</p> <p>Minute Order dated 7/26/12 set this status hearing for the filing of the inventory and appraisal.</p> <p>Inventory and Appraisal, partial no. One with a value of \$80,268.71 was filed on 5/31/13</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. Need Final Inventory and Appraisal 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>
<b>Cont. from 120712</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 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: 6/17/13</b>
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 2 - Smart</b>



8. Respondents also failed to provide adequate medical care for physical and mental health needs. Specifically, Respondents refused to take Rose to see her doctor, despite a clear need given her deteriorating condition due to Alzheimer's disease. In fact, Respondents altogether failed to take Rose to a single doctor's appointment after 2008 and even missed scheduled appointments with Rose's primary care physician. Similarly, Respondents failed to take George to the doctor or maintain regular doctor visits.
9. Respondents also failed to protect George and Rose from health and safety hazards. Despite assuming the role of caring for George and Rose, Respondents frequently failed to provide adequate protection from hazards. Respondents routinely unplugged their telephone at night in order prevent George & Rose from waking them up, this directly led to injuries to both George and Rose. Rose was injured early one morning and was bleeding profusely. After repeated failed attempts to obtain assistance from the Respondents, George called Barbara O'Bar. By the time Barbara arrived, there was blood all over the house. This was not the only incident where Respondents were unavailable when George and Rose needed their assistance.
10. Respondents also created health and safety hazards within George & Rose's home. Specifically, Respondents kept and maintained live turkeys in George & Rose's garage. Respondents also maintained a live rabbit inside George & Rose's bathroom. As a result, there were animal feces inside George & Rose's home, causing a severe odor and bugs inside the home. The odor and butts were hazardous to George & Rose's health in light of their weakened physical condition.
11. Respondents also failed to assist in providing property hygiene for George & Rose. Both were often visibly filthy and reeked of body odor when Petitioners visited. George was hospitalized on 12/27/11 and the hospital noted that he had "crystals" around his genitals demonstrating an utter and prolonged lack of proper hygiene. During the same hospitalization, George was also found to be severely dehydrated and was believed to have been for approximately 10-14 days. He was also suffering from stage 4 pressure ulcers on his heels, which were so severe; the hospital notified Adult Protective Services ("APS").
12. In December 2011, after APS was notified of George's condition, APS came to the home and investigated Rose's condition as well. At that time, Rose also demonstrated signs of neglect. She was found to have a pressure sore on her tailbone and was also suffering from a bladder infection and ringworm. Ringworm is commonly associated with and transmitted through animal feces, which Respondents failed to clean from George and Rose's home. Further, it was clear that Rose had not been properly bathed and that her hygiene had been severely neglected. Approximately 2 days after the visit from APS, Rose was taken to the Bedford Group, which is a private care home, where she ultimately died. George also died, just weeks after his hospitalization.
13. **First Cause of Action** (Neglect): At all relevant times, George and Rose Anderson were over the age of 65, with George being 94 at the time of his death and Rose being 89. Respondents, having care or custody of George & Rose Anderson both elders under the Welfare and Institutions Code, failed to exercise that degree of care that a reasonable person in a like position would exercise by 1) failing to assist in providing personal hygiene, 2) failing to provide medical care for physical and mental health needs, 3) failing to ensure provision for food, 4) failing to protect from health and safety hazards, and 5) failing to prevent dehydration. As a direct and proximate result of this neglect and physical elder abuse, Decedents suffered damages in an amount according to proof at trial. In addition, Petitioners are entitled to recover punitive damages, and are also entitled to recover remedies provided for in the Welfare & Institutions Code § 15657, including reasonable attorneys' fees and costs.

Continued on Page 3

14. **Second Cause of Action** (Financial Elder Abuse): For several years prior to Decedent's deaths, Respondents had access to George & Rose's bank account through an ATM card and check book. After gaining access to the bank account, Respondents repeatedly took, appropriated and retained money from George & Rose's account. Despite Respondents' failure to properly care for George & Rose, they routinely paid themselves money from George & Rose's account in order to "compensate" themselves for the care provided. Respondents took, appropriated, and retained said money for a wrongful use and with the intent to defraud George & Rose Anderson. Specifically, Respondents repeatedly withdrew and stole money from Decedent's bank account for their personal gain and without Decedent's knowledge or consent. Petitioners are informed and believe and thereon allege that Respondents wrongfully stole in excess of \$250,000.00 from Decedent's bank account from 2006 until the Decedent's deaths in January 2012. Respondents conduct constituted "financial abuse" within the Welfare & Institutions Code § 15610.30 in that George and Rose were "elders" during the perpetration of the acts of Respondents upon them, and that Respondents took and appropriated Decedent's property in bad faith to a wrongful use and with intent to defraud, and diminished the resources available to Decedents for their care and support during their lifetime. George & Rose were harmed by Respondent's depletion of their assets. As a direct and proximate result of this financial elder abuse, George & Rose Anderson suffered damages in an amount according to proof at trial. In addition, Petitioners are entitled to recover punitive damages, and are also entitled to recover remedies provided for in the Welfare & Institutions Code § 15657.5, including reasonable attorneys' fees and costs.
15. **Third Cause of Action** (Recovery of Property pursuant to Probate Code § 850): Respondent Steven Anderson holds title and possession to property contained within the Anderson Trust, money held in Decedent's bank accounts at the time of their deaths, and any other property, both real and personal, owned by the Decedent's at the time of their deaths, all of which property rightfully belongs to the Trust. Petitioners claim the right to title and possession of the property as beneficiaries of the Trust.
16. **Fourth Cause of Action** (Removal of Trustee): Prior to George and Rose Anderson's deaths, Steven Anderson committed both physical and financial elder abuse upon George & Rose. He also frequently converted Trust assets for his own use and benefit to the detriment of other beneficiaries. Steven Anderson's conduct was hostile and repugnant to the interests of George & Rose, and to the interests of the Trust. As such, Steven Anderson is not fit or qualified to serve as trustee. Additionally, Steven Anderson committed breaches of trust since assuming the role of trustee. Petitioners are informed and believe that Steven has improperly used Trust funds after appointment as trustee in order to pay attorneys' fees that were incurred for his personal benefit and not the benefit of the Trust. He has further demonstrated hostility towards the other beneficiaries and refused to provide an accounting of Trust assets. In so doing, Steven Anderson breached the fiduciary duties owed to the beneficiaries of the Trust. Namely, Steven Anderson violated the following duties: duty of impartiality (Probate Code § 16003); duty not to use or deal with trust property for the trustee's own profit (§ 16004); duty to preserve trust property (§ 16006); duty to inform (§ 16060); and duty to account (§16061).

**Petitioners pray for an Order:**

**ON THE FIRST CAUSE OF ACTION:**

- A. For consequential and special damages proximately cause by Respondents' acts of elder abuse and neglect upon Decedents George & Rose Anderson, according to proof at trial;
- B. For Respondents to be deemed to have predeceased George & Rose Anderson for the purposes of inheritance, pursuant to Probate Code § 259;
- C. For punitive damages, according to proof at trial;
- D. For attorneys' fees and costs; and
- E. For any and all further relief as the Court deems just and proper.

Continued on Page 4

**ON THE SECOND CAUSE OF ACTION:**

- A. For consequential and special damages proximately cause by Respondents' acts of financial elder abuse occasioned upon Decedents George & Rose Anderson, according to proof at trial;
- B. For Respondents to be deemed to have predeceased George & Rose Anderson for the purposes of inheritance, pursuant to Probate Code § 259;
- C. For a constructive trust compelling Respondents to transfer all wrongfully obtained property to the Trust pursuant to Civil Code § 2223 and 2224;
- D. For punitive damages, according to proof at trial;
- E. For a treble award of damages against Respondents pursuant to Civil Code § 3345;
- F. For attorneys' fees and costs; and
- G. For any and all further relief as the Court deems just and proper.

**ON THE THIRD CAUSE OF ACTION:**

- A. Directing Respondents to transfer to the Trust the property that was wrongfully removed from the Trust and to execute any documents or file any court proceedings necessary in order to fully complete the transfer;
- B. Directing Respondents to immediately deliver possession of to the Trust property that was wrongfully removed from the Trust;
- C. For statutory damages in the amount of twice the amount wrongfully taken by Respondents, pursuant to Probate Code § 859;
- D. For attorneys' fees and costs; and
- E. For any and all further relief as the Court deems just and proper.

**ON THE FOURTH CAUSE OF ACTION:**

- A. To immediately suspend the powers of the trustee, appoint a temporary trustee or trustees, and compel the trustee to surrender all Trust property to such temporary trustee(s);
- B. To remove the trustee and to appoint a successor trustee or trustees to take possession of the Trust property and administer the Trust;
- C. To compel the trustee to redress his breaches through the payment of monetary damages;
- D. To deny or otherwise reduce the compensation to the trustee;
- E. To impose a constructive trust on property of the Trust which has been wrongfully converted;
- F. To cause proceedings to trace and recover property and proceeds to with the Trust is entitled; and
- G. For any and all further relief as the Court deems just and proper.

**Respondent's Opposition to Petition for (1) Neglect; (2) Financial Elder Abuse; (3) Recovery of Estate Property; and (4) Removal of Trustee for Breach of Trust** filed 03/18/13 by Steven Anderson and Ida Anderson admits some facts of the Petition, denies the allegations in the Petition and asserts the following affirmative defenses:

1. Petitioners fail to state facts sufficient to constitute any grounds for the relief requested in their Petition.
2. Petitioners' claims are barred by the applicable statute of limitations.
3. Petitioners lack standing to seek the relief requested in their Petition.
4. Petitioners are barred by the doctrine of unclean hands.
5. Petitioners are barred by the doctrine of laches.
6. Respondents allege that at no time during his lifetime was George Anderson suffering from any form of dementia. In fact, throughout his lifetime, George Anderson had excellent memory function and was aware of his surroundings.
7. Respondents allege that George and Rose Anderson voluntarily paid Respondents and other caregivers to care for them so that they could remain in their own home.

Continued on Page 5

8. Respondents allege that Petitioners have committed acts of perjury in stating that the contents of the Petition are true and correct and that they are within their own personal knowledge.
9. Respondents allege that Petitioners' claims are in bad faith and with the sole intent of extorting money from Respondents and that in doing so, Petitioners are acting with recklessness, oppression, fraud and/or malice.
10. Respondents allege that all assets belonging to the George H. Anderson and Rose M. Anderson Revocable Living Trust remain titled in the name of the trust and have not been distributed or improperly used by Respondents.
11. Respondents allege that at no time has Steven Anderson failed or refused to provide an accounting for the trust during the time period he has acted as trustee nor has he in any way breached his duties and/or responsibilities as trustee under the trust.

**Respondent's pray for an Order as follows:**

1. Denying Petitioners' Petition;
2. That Petitioners take nothing by way of their Petition; and
3. That Petitioners be ordered to reimburse Respondents for all reasonable costs of suit herein incurred, including all attorney's fees and costs.

**3B Estate of George Anderson & Rose Anderson (Trust) Case No.13CEPR00085**

Atty Sullivan, Robert L. (for George H. Anderson, Jr., Barbara J. O'Bar, and Cheryl M.

Black – children/Petitioners)

**Status Hearing**

George DOD:01/21/12	<p><b>GEORGE H. ANDERSON, JR., son, BARBARA J. O'BAR and CHERYL M. BLACK, daughters,</b> filed a <b>Petition for (1) Neglect; (2) Financial Elder Abuse; (3) Recovery of Estate Property; and (4) Removal of Trustee for Breach of Trust</b> on 01/30/13.</p> <p><b>STEVEN ANDERSON, son, and IDA ANDERSON, daughter-in-law,</b> filed an <b>Objection to the Petition</b> on 03/28/13.</p> <p><b>Minute Order from hearing on 03/28/13 set this matter for a status hearing.</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>CONTINUED FROM 05/17/13</b>  <b>Minute Order from 05/17/13 states:</b>  <b>Ms. Cunningham informs the Court that the parties participated in mediation and reached a resolution, but an agreement still needs to be executed.</b></p> <p><b>As of 06/18/13, nothing further has been filed in this matter.</b></p> <p>1. Need status update.</p>
Rose DOD: 01/27/12		
Cont. from 051713		
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		
	<p><b>Reviewed by:</b> JF</p> <p><b>Reviewed on:</b> 06/18/13</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 3B – Anderson</b></p>	



**Status Hearing Re: Receipts for Blocked Accounts**

		<p><b>ESTELA CRUZ</b>, mother, is conservator of the person and estate.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p>
		<p>Order approving 6<sup>th</sup> account was signed on 5/14/13. Order states that \$150,000 was to be withdrawn from the blocked account at WestAmerica Bank and that \$75,000 each would be deposited into Murphy Bank and Bank of the Sierra.</p>	
<b>Cont. from</b>		<p>Receipt for Blocked Account was filed for Murphy Bank on 5/22/13.</p>	
<b>Aff.Sub.Wit.</b>			
<b>Verified</b>		<p><b>Status Report filed on 5/22/13</b> states the receipt for Bank of the Sierra will be filed after July 28, 2013 because the CD cannot have additional deposits made until its maturity date on 7/28/2013. Letter from operations manage attached.</p>	
<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: 6/17/2013</b>
			<b>Updates:</b>
			<b>Recommendation:</b>
			<b>File 5 – Cruz</b>

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

<b>DOD: 12-1-02</b>	<b>RICHARD ALLEN CANADA</b> , Son, was appointed Administrator with Full IAEA with <b>bond of \$17,000.00 on 5-4-04.</b>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Minute Order 4-12-13:</b>  Counsel informs the Court that Mr. Canada has agreed to work with him with respect to this matter.</p> <p><b>Note:</b> Pursuant to Substitution of Attorney filed 5-6-13, Mr. Canada is now self-represented.</p> <ol style="list-style-type: none"> <li>1. Need first account or petition for final distribution or verified status report pursuant to Local Rule 7.5 and Probate Code §§ 1021, 1023.</li> <li>2. Need proof of service of Notice of Hearing with a copy of the status report on parties that have requested special notice pursuant to Probate Code §1252.</li> </ol> <p><b>Note:</b> The file indicates that the decedent left a spouse who relocated to Lapu Lapu City, Philippines, after the decedent's death, and two adult children, including the Administrator, who reside in Fresno.</p> <p><b>Note:</b> There have been numerous creditor's claims filed in this estate totaling \$11,748.70.</p>
	Bond of \$17,000.00 was filed and Letters issued on 5-7-04.	
<b>Cont from 041213</b>	Inventory and Appraisal filed 7-6-04 indicates a total estate value of \$90,000.00 consisting of real property located at 2365 South Lily in Fresno.	
<b>Aff.Sub.Wit.</b>	On 2-25-13, Attorney C. Michael Farmer filed a Notice of Change of Address, which prompted review of the status of this case.	
<b>Verified</b>	On 3-1-13, the Court set this hearing for failure to file a first account or petition for final distribution. Notice was mailed to Attorney Farmer on 3-1-13.	
<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>		
		Reviewed by: skc
		Reviewed on: 6-17-13
		Updates:
		Recommendation:
		File 6 - Canada

**Probate Status Hearing Re: Status of Administration; Filing of an Account or Petition for Final Distribution**

<b>DOD: 02/26/01</b>	<p><b>ANNA N. FOSTER</b>, daughter/Administrator with limited IAEA with bond of \$100,000, is petitioner. Letters issued 5/11/2007.</p> <p><b>Background:</b></p> <ul style="list-style-type: none"> <li>Sole asset of estate is real property located in Fresno. The value of the real property at the date of death was \$65,000.00.</li> <li>Decedent died intestate, survived by five children who are now living, and the living issue of two children who are now deceased.</li> <li>Since decedent's death, Petitioner has advanced funds for property taxes and homeowner's insurance.</li> <li>Department of Health Services filed a creditor's claim for \$17,181.64, which was allowed by Petitioner on 10/30/07.</li> </ul> <p>There is no cash in estate to pay creditor's claim or to reimburse Petitioner for advanced funds.</p> <p><b>Order Confirming Sale of Real Property</b> was entered 03/05/13.</p> <p><b>Status Report filed 06/11/13</b> states: The sole asset of the estate was sold for \$51,000.00. Prior to escrow closing, it was discovered that a \$12,000.00 Deed of Trust was recorded on the property in 1981. The Administrator was unable to locate the holders of the Deed of Trust. In accordance with Probate Code § 10362, Administrator sought and obtained an Ex Parte order authorizing the sale of the Property free and clear of the Deed of Trust and requiring the net proceeds of the sale be impounded with the Court. The Property sustained significant damage when it was vacated for the final walk through. The Buyers wrote a counter-offer at a reduced price of \$45,000.00, which the Administrator rejected and the sale went through for \$51,000.00. The net proceeds of the sale have been impounded with the Court pending resolution of the Deed of Trust issue. Administrator will be filing a Petition seeking a determination that the entire net proceeds are property of the Estate. Administrator also anticipates seeking an Ex Parte order authorizing notice by publication as it is unlikely all heirs of the original holders of the Deed of Trust will be able to be located. Upon resolution of the Deed of Trust issue, Administrator will prepare and file her First and Final Account and take the requisite steps to close the estate.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>CONTINUED FROM 03/22/13</b></p> <ol style="list-style-type: none"> <li>The Status report filed 06/11/13 is not verified by the Administrator.</li> </ol>
<b>Cont. from 011813, 032213</b>		
<b>Aff.Sub.Wit.</b>		
<b>Verified</b> <input checked="" type="checkbox"/>		
<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>		

**Probate Status Hearing Re: Next Accounting**

		<p><b>INLAND COUNTIES REGIONAL CENTER, INC.,</b> is Trustee.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p style="text-align: center;"><b><u>OFF CALENDAR</u></b></p> <p><b>Fifth Account filed 5-16-13 is set for hearing on 7-22-13.</b></p>
		<p>The Trustee's Fourth Account heard on 5-17-12 and the petition granted except for the fee increase, which was to be addressed separately.</p>	
<p><b>Cont. from 040513, 051713</b></p>		<p>The Order Settling Fourth Account signed 5-24-12 set this status hearing for the filing of the Fifth Account.</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>Reviewed by:</b> skc</p>
			<p><b>Reviewed on:</b> 6-17-13</p>
			<p><b>Updates:</b></p>
			<p><b>Recommendation:</b></p>
			<p><b>File 8 - Appleton</b></p>

<b>DOD: 7/29/2010</b>	<b>FRANK SCOTT HINE</b> was appointed Administrator with Full IAEA and bond set at \$118,260.00 on 1/5/2011.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. Need First Account, 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.
	Minute order dated 6/15/2012 states the court orders bond set at \$45,000.00 and Limited IAEA authority.	
	Bond of \$45,000.00 filed on 8/10/12.	
	Letters issued 10/24/12.	
	Inventory and Appraisal filed on 6/6/2012 showing the estate valued at \$134,550.00	
<b>Cont. from</b>	<b>Creditor's Claims filed:</b>	
<b>Aff.Sub.Wit.</b>	CitiBank - \$12,563.66	
<b>Verified</b>	DCM Services - \$ 260.80	
<b>Inventory</b>	Frank Hine - \$ 4,743.41	
<b>PTC</b>	Donna Langley - \$17,625.99	
<b>Not.Cred.</b>	Wesley Langley - \$ 1,397.38	
<b>Notice of Hrg</b>	FTB - \$ 2,660.09	
<b>Aff.Mail</b>	FTB - \$ 4,337.54	
<b>Aff.Pub.</b>	<b>Total \$43,689.17</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: 6/17/2013</b>
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 9 - Hine</b>

<b>DOD: 3/15/11</b>	<p><b>TIMOTHY JOHNSON</b> was appointed Administrator with Will Annexed, with full IAEA authority and bond set at \$80,000 on 12/15/2011.</p> <p>Bond was filed on 2/24/12 and Letters issued.</p> <p>I &amp; A filed 4/26/12 show the estate valued at \$145,000.00</p> <p>Notice of Status Hearing for failure to file a first account or petition for final distribution was mailed to attorney Edward Fannuchi on 1/14/13.</p> <p><b>Unverified Status Report of Attorney Fannuchi filed 5/17/13 states</b> the counsel is awaiting the release from DCM Services on the payment of the creditor's claim filed on behalf of PG&amp;E.</p> <p>Counsel is awaiting the release or notification of a lien from the Department of Health Care Services.</p> <p>It is anticipated that those releases should arrive any day.</p> <p>The First and Final Account and Petition for Final Distribution has been prepared and is ready for filing upon receipt of those releases.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>OFF CALENDAR.</b> 1<sup>st</sup> and Final Account filed and set for hearing on 7/15/2013.</p>
<b>Cont. from 030113, 031513, 041913, 052413</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>		
<p><b>Reviewed by: KT</b></p>		
<p><b>Reviewed on: 6/17/13</b></p>		
<p><b>Updates:</b></p>		
<p><b>Recommendation:</b></p>		
<p><b>File 10 - Johnson</b></p>		

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

DOD: 7/25/2011	<b>DAVID DAVIS</b> , son, was appointed Administrator with full IAEA authority and without bond on 1/11/2012. On 3/22/13 the Court removed <b>DAVID DAVIS</b> and appointed the <b>PUBLIC ADMINISTRATOR</b> .	<b>NEEDS/PROBLEMS/COMMENTS:</b>																		
Cont. from 032213	Inventory and appraisal shows an estate valued at \$325,344.45 (of which \$291,344.45 was cash)																			
Aff.Sub.Wit.	<b>Creditor's Claims filed as follows:</b>	Reviewed by: KT																		
Verified		<table border="0"> <tr> <td>Franchise Tax Board -</td> <td>\$ 9,769.87</td> </tr> <tr> <td>American Express -</td> <td>\$ 6,892.33</td> </tr> <tr> <td>American Express -</td> <td>\$ 999.45</td> </tr> <tr> <td>DMC Services -</td> <td>\$ 352.56</td> </tr> <tr> <td>DMC Services -</td> <td>\$ 604.60</td> </tr> <tr> <td>GE Capital Bank -</td> <td>\$ 300.84</td> </tr> <tr> <td>CitiBank -</td> <td>\$ 7,071.24</td> </tr> <tr> <td>Bank of America -</td> <td>\$ 877.11</td> </tr> <tr> <td><b>Total</b> -</td> <td><b>\$26,868.00</b></td> </tr> </table>	Franchise Tax Board -	\$ 9,769.87	American Express -	\$ 6,892.33	American Express -	\$ 999.45	DMC Services -	\$ 352.56	DMC Services -	\$ 604.60	GE Capital Bank -	\$ 300.84	CitiBank -	\$ 7,071.24	Bank of America -	\$ 877.11	<b>Total</b> -	<b>\$26,868.00</b>
Franchise Tax Board -	\$ 9,769.87																			
American Express -	\$ 6,892.33																			
American Express -	\$ 999.45																			
DMC Services -	\$ 352.56																			
DMC Services -	\$ 604.60																			
GE Capital Bank -	\$ 300.84																			
CitiBank -	\$ 7,071.24																			
Bank of America -	\$ 877.11																			
<b>Total</b> -	<b>\$26,868.00</b>																			
Inventory	<b>Notice of Status Hearing was mailed to Attorney Gary Motsenbocker and Administrator David Davis on 11/15/13.</b>	Updates:																		
PTC		<b>Administrator, David Davis, was formerly represented by Gary Mosenbocker. Mr. Motsebocker filed a Motion to be Relieved as Counsel on 11/7/12.</b> Stating he had difficulties communicating with the Administrator. The Administrator was refusing to provide information requested by counsel necessary to bring the matter to a conclusion. On 1/2/13 and order was signed granting Mr. Mosenbockers Motion to be Relieved as Counsel.	Recommendation:																	
Not.Cred.	<b>Minute Order dated 1/2/13 ordered David Davis to be personally present at the status hearing on 3/22/13.</b>		File 11 - Davis																	
Notice of Hrg		<b>A copy of the Minute Order dated 1/2/13 was mailed to David Davis on 1/8/13.</b>																		
Aff.Mail	<b>Minute Order dated 3/22/13 states</b> the court on its own motion removes David Davis as Administrator and appoints the Public Administrator.																			
Aff.Pub.		<b>Please see additional page</b>																		
Sp.Ntc.																				
Pers.Serv.																				
Conf. Screen																				
Letters																				
Duties/Supp																				
Objections																				
Video Receipt																				
CI Report																				
9202																				
Order																				
Aff. Posting																				
Status Rpt																				
UCCJEA																				
Citation																				
FTB Notice																				

**Status Report of the Public Administrator filed on 6/14/13** states Deputy Public Administrator Noe Jimenez repeatedly tried to reach David Davis (former Administrator) by telephone. He left messages with a woman who informed him that Mr. Davis was not in and that she would leave messages for him to call. However, Mr. Davis failed to call.

On 4/23/13, Deputy Jimenez mailed a letter to Mr. Davis via certified mail. In the letter, Deputy Jimenez discussed the eight outstanding creditor's claims, the status of the assets listed on the inventory and appraisal filed by Mr. Davis and whether taxes for the estate had been paid. To date, no response to the letter has been received. Deputy Jimenez has also continued to try to reach Mr. Davis by telephone with no success. When no response was received Deputy Jimenez allowed the eight creditor's claims. However with no assets being turned over to the Public Administrator, the claims cannot be paid.

In light of the lack of cooperation from David Davis, the Public Administrator requests instructions from the Court.

Probate Status Hearing Re: Filing of Inventory and Appraisal

<b>DOD: 10/22/11</b>	<p><b>WILL SCOTT, JR.</b>, surviving spouse, was appointed successor Administrator on 02/08/13.</p> <p>Letters of Administration were issued on 02/08/13.</p> <p><b>Status Report filed 05/17/13</b> states: Counsel and the Administrator have not had time to determine what assets remain in the estate and what assets have been determined to be joint tenancy property. A continuance is requested so that counsel and the Administrator can meet to prepare the Inventory &amp; Appraisal and forward it to the Probate Referee for appraisal and subsequent filing with the Court.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>CONTINUED FROM 05/24/13</b>  <b>As of 06/18/13, nothing further has been filed.</b></p> <p>1. Need Inventory &amp; Appraisal.</p>
<b>Cont. from 052413</b>		
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>		
<b>Inventory</b> <input checked="" type="checkbox"/>		
<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> JF
		<b>Reviewed on:</b> 06/18/13
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 12 – Scott</b>

<b>DOD: 7-3-11</b>		<p><b>BARBARA R. MORGAN</b>, Mother, was appointed Administrator with Full IAEA without bond and Letters issued on 10-11-12.</p> <p>At the hearing on 10-11-12, the Court set status hearing for 3-15-13 for filing of the Inventory and Appraisal.</p> <p>At hearing on 3-15-13, there were no appearances. The matter was continued to 4-12-13 and a copy of the minute order was mailed to Attorney Winter.</p> <p>On 4-5-13, Inventory and Appraisal Partial No. 1 was filed, reflecting \$116,314.51 in accounts.</p> <p><b>Status Report filed 6-12-13 states</b> the decedent had multiple accounts and investments, some of which Ms. Morgan was the pay on death beneficiary of. She also learned that others had other pay on death beneficiaries, so they will not be part of the estate. They are currently waiting to hear from Transamerica Retirement Solutions regarding the one remaining account. I&amp;A Partial No. 2 listing the Decedent's vehicle was sent to the probate referee on 6-11-13, and once Transamerica Retirement Solutions is resolved, Ms. Morgan does not anticipate any further delays.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><u>Continued from 3-15-13, 4-12-13</u></p> <p><u>Minute Order 3-15-13: No appearances.</u></p> <p><u>Minute Order 4-12-13: Counsel informs the Court that he filed a partial inventory and appraisal last week and he is currently waiting on additional bank statements. Matter continued to 6/21/13. Counsel is ordered to file a status report one week before the next hearing. Continued to 6/21/13.</u></p> <p><b>1. Need Final Inventory and Appraisal.</b></p>
<b>Cont. from 031513, 041213</b>			
<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 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 type="checkbox"/>	<b>Pers.Serv.</b>		
<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 type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input checked="" 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> 6-17-13</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 13 - Shaver</b></p>	

		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><b>OFF CALENDAR.</b> Inventory and appraisal filed on 5/23/13.</p>
Cont. from		
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: 6/17/2013
		Updates:
		Recommendation:
		File 14 - Agee

		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><b>OFF CALENDAR.</b> Inventory and appraisal filed on 4/3/13.</p>
Cont. from		
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: 6/17/2013
		Updates:
		Recommendation:
		File 15 - Jonassen

		<p><b>HARRIS HAYS</b>, Co-Trustee and child of Settlor, filed a Petition to Compel Trustee to Return Trust Property and Directing Distribution and Termination of the Trust on 02/13/13.</p> <p><b>Minute Order from hearing on 04/24/13 states:</b> Counsel advises the Court that the parties have reached a resolution which will be a full and complete settlement. Upon inquiry by the Court, Tom Hays agrees to the terms and conditions of the settlement. Matter set for Status Hearing on 05/03/13. Counsel to reduce the agreement to writing.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p style="text-align: center;"><b><u>OFF CALENDAR</u></b>  <b>Settlement Agreement filed</b>  <b>05/06/13</b></p>	
<b>Cont. from 050313</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>				
				<p><b>Reviewed by:</b> JF</p> <p><b>Reviewed on:</b> 06/18/13</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 16 – Hays</b></p>

Status Hearing Re: Filing of Receipt of Funds in the Blocked Account

<b>Age: 13 years</b>	<p><b>FRANCES GONZALES</b>, paternal grandmother, was appointed guardian of the estate on 4/29/2013.</p> <p><b>Minute order from 4/29/13</b> states the Court grants the petition with special 2590 powers. Frances Gonzales is authorized to sign whatever documents are necessary to sell the property. The Court directs that the funds are to be placed into a blocked account. The Court sets the matter for status hearing.</p> <p><b>Status Report filed on 5/29/2013</b> Attorney O'Neill states that the issued Letters have not yet been received by her office to forward to her client. As such there will not be sufficient time to close escrow on the sale of the house and open a blocked account by the hearing. Therefore, Ms. O'Neill requests the review hearing be continued to 6/21/13, which is the first Friday after May 31<sup>st</sup> that she will be available.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. Need receipt for blocked account 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>
<b>Cont. from 053113</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: 6/17/2013</b>
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 17 – Gonzales</b>

Probate Status Hearing Re: (1) Failure to File Inventory and Appraisal; (2) Failure to File a First Account or Petition for Final Distribution [Prob. C. 12200, et seq.]

<b>DOD: 04/19/07</b>	<p><b>EVELYN S. DUARTE</b>, sister, was appointed Executor with full IAEA without bond on 07/10/07. Letters Testamentary were issued on 07/10/07.</p> <p><b>Inventory &amp; Appraisal</b> filed 08/03/07 - \$155,000.00.</p> <p><b>Notice of Status Hearing</b> filed 03/01/13 set this matter for status. <b>Clerk's Certificate of Mailing</b> states that a copy of the Notice of Status Hearing was mailed to Evelyn S. Duarte on 03/01/13.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>CONTINUED FROM 04/26/13</b></p> <p><b>1. Need Accounting and/or Petition for Final Distribution.</b></p> <p><b>Note:</b> Petitioner filed a Request for Dismissal on 06/12/13; however the Dismissal was not entered as requested because Letters have issued and a Request for Dismissal is not acceptable to close this estate. Need Accounting and/or Petition for Final Distribution.</p> <p><b>Note to Judge:</b>          The Executor was previous represented by Jill Spaulding. A Substitution of Attorney was filed 02/21/13 substituting out Jill Spaulding and stating that Ms. Duarte is now representing herself.</p> <p>Several creditor's claims have been filed in this matter. Allowance or Rejection of Creditor's Claims were filed by the Administrator; however, there is no indication whether all of the creditor's claims have been allowed/rejected or paid.</p>
<b>Cont. from 042613</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 Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
<b>Reviewed by:</b> JF		
<b>Reviewed on:</b> 06/18/13		
<b>Updates:</b>		
<b>Recommendation:</b>		
<b>File 18 – Flores</b>		