



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.

Age: 66 years	PUBLIC GUARDIAN , Conservator, is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: If the petition is granted, status hearings will be set as follows:</p> <ul style="list-style-type: none"> Wednesday, May 25, 2016 at 9:00 a.m. in Department 303, for the filing of the seventh account. <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.</p>
	Account period: 5/30/12 – 3/11/14	
	Accounting - \$78,818.07	
Cont. from	Beginning POH - \$21,339.09	
<input type="checkbox"/> Aff.Sub.Wit.	Ending POH - \$19,294.51	
<input checked="" type="checkbox"/> Verified	Conservator - \$13,647.81 (90.77 Deputy hours @ \$96/hr and 64.92 Staff hours @ \$76/hr)	
Inventory	Attorney - \$1,250.00 (per less than allowed per Local Rule)	
PTC	Bond fee - \$246.84 (o.k.)	
Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg	Petitioner prays for an Order:	
<input checked="" type="checkbox"/> Aff.Mail W/	1. Approving, allowing and settling the sixth account.	
Aff.Pub.	2. Authorizing the conservator and attorney fees and commissions	
Sp.Ntc.	3. Payment of the bond fee	
Pers.Serv.		
Conf. Screen	Court Investigator Jennifer Daniel's Report filed on 10/9/2013	
Letters		
Duties/Supp		
Objections		
Video Receipt		
<input checked="" type="checkbox"/> CI Report		
9202		
<input checked="" type="checkbox"/> Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: KT
		Reviewed on: 6/23/14
		Updates:
		Recommendation:
		File 1 - Hutton

2 Ara Balakian (Estate)

Case No. 03CEPR00598

Atty Thomas, Wm. Lanier (for Virginia Balakian – Surviving Spouse – Administrator – Petitioner)
(1) First and Final Report of Administration on Waiver of Accounting and (2)
Petition for Allowance of Compensation to Attorneys for Ordinary Services and for
(3) Final Distribution

DOD: 8-1-02		VIRGINIA BALAKIAN , Surviving Spouse and Administrator with Full IAEA without bond, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: Prior Examiner Notes noted that Petitioner requested to confirm her own community property interest in the decedent's real property, but did not provide facts necessary and did not use the mandatory Judicial Council petition form for such request.</p> <p>Petitioner has now filed the mandatory Spousal Property Petition, as well as a declaration containing facts necessary to make the determination. Petitioner has also filed consents from the other heirs.</p> <p>The Spousal Property Petition filed 6-10-14 was set for hearing on 7-8-14; however, the Notice of Hearing indicates this hearing date: 6-25-14.</p>
		Accounting is waived.	
Cont 052014		I&A: \$522,500.24 (real property interests and personal property)	
	Aff.Sub.Wit.	POH: Real property as set forth in I&A	
✓	Verified	Administrator (Statutory): Waived	
✓	Inventory	Attorney (Statutory): \$13,450.00	
✓	PTC	Distribution pursuant to intestate succession and Disclaimer of Virginia Balakian filed 4-30-03:	
✓	Not.Cred.	Virginia Balakian: Certain real property interests as set forth in the petition	
✓	Notice of Hrg	Kristie Serimian: Certain real property interests as set forth in the petition and disclaimed by Virginia Balakian	
✓	Aff.Mail	Dennis Balakian: Certain real property interests as set forth in the petition and disclaimed by Virginia Balakian	
	Aff.Pub.	David Balakian: Certain real property interests as set forth in the petition and disclaimed by Virginia Balakian	
	Sp.Ntc.	Petitioner also requests that the court confirm Virginia Balakian's one-half community property interest in the various real property interests as set forth in the petition. All heirs consent to this request.	
	Pers.Serv.		
	Conf. Screen		
✓	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
✓	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice	N/A	

Atty Guerrero, Danielle R.; Flanigan, Philip M.; of Law Offices of Philip Flanigan (for Petitioner Philip M. Flanigan on behalf of James E. Washburn)

(1) First and Final Account and Report of Administrator Allowing for its Settlement and (2) for Discharge of Administrator of an Insolvent (Non-Asset) Estate

DOD: 11/29/2004		<p>PHILIP M. FLANIGAN, filing in the absence of Personal Representative JAMES E. WASHBURN, is Petitioner.</p> <p>Petitioner states:</p> <ul style="list-style-type: none"> JAMES E. WASHBURN, spouse, filed a <i>Petition for Probate</i> on 8/5/2005, in response to a previous <i>Petition for Probate</i> filed by the Decedent's daughter; the first <i>Petition</i> was voluntarily dismissed; Following the issuance of <i>Letters Testamentary</i> on 10/17/2005 naming James Washburn as Personal Representative, Decedent's daughter and the Personal Representative entered into litigation to resolve a dispute over interpretation of a Trust provision; the matter was settled in mediation; No Inventory and Appraisal was filed because there were no assets to be appraised; At the time of Decedent's death, all assets in the estate were titled in the name of the JAMES E. WASHBURN, SR., and MARILYN D. WASHBURN REVOCABLE LIVING TRUST and were subsequently disposed of through the Trust; No property in the estate is subject to probate administration as the Trust contains all known assets; The Personal Representative is the acting Executor of the Estate and sole Trustee of the Trust; There are no funds to pay the advanced costs and expenses of administration for the legal costs associated with this estate; No compensation has been paid to the Personal Representative or Personal Representative's attorney; It is believed the Personal Representative performed all duties required of him as the Executor of the Decedent's estate except for the filing of the final petition; the estate is now in a condition to be closed; As the estate is now nearly 10 years old with no creditors and the Trust as its sole beneficiary, Petitioner believes that filing this <i>Petition</i> is the most efficient and appropriate manner in which to conclude this probate; Petitioner knows of no opposition to this <i>Petition</i>. <p>Petitioner prays for an Order of this Court that:</p> <ol style="list-style-type: none"> The administration of this estate be terminated as the estate is insolvent; All acts and proceedings of JAMES E. WASHBURN, as Personal Representative, be confirmed and approved; and JAMES E. WASHBURN, as Administrator of the estate, be discharged as there are no assets to administer or distribute in this matter. 	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Page 3B is a <i>Petition for Deferral of Filing Fee for Termination of Administration of an Insolvent (Non-Asset) Estate</i>.</p> <p>Note: Petitioner states he files this <i>Petition</i> in the absence of the Personal Representative, James E. Washburn, and does not state any efforts to contact the Personal Representative. Petitioner states it is believed the Personal Representative performed all duties required of him as the Executor of the Decedent's estate except for the filing of the final petition. <i>Verification</i> signed by Attorney Flanigan states the whereabouts of James E. Washburn are currently unknown.</p>	
Cont. from				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input checked="" type="checkbox"/>	Not.Cred.			
<input checked="" type="checkbox"/>	Notice of Hrg			
<input checked="" type="checkbox"/>	Aff.Mail			W/ O
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input type="checkbox"/>	Letters			101705
<input type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
		<p>Reviewed by: LEG</p> <p>Reviewed on: 6/23/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 3A - Washburn</p>		

Atty Guerrero, Danielle R.; Flanigan, Philip M.; of Law Offices of Philip Flanigan (for Petitioner Philip M. Flanigan on behalf of James E. Washburn)

Petition for Deferral of Filing Fee for Termination of Administration of an Insolvent (Non-Asset) Estate

DOD: 11/29/2004		<p>PHILIP M. FLANIGAN, filing in the absence of Personal Representative JAMES E. WASHBURN, is Petitioner.</p> <p>Petitioner states:</p> <ul style="list-style-type: none"> • He petitions the Court for deferral of the applicable filing fee for the <i>First and Final Account and Report of Administrator, etc.</i>, based upon the following; • The sole purpose behind filing the <i>Petition for Probate</i> was to respond to the first <i>Petition for Probate</i> filed by the Decedent's daughter; • At the time of Decedent's death all assets in the estate were titled in the name of the JAMES E. WASHBURN, SR., and MARILYN D. WASHBURN REVOCABLE LIVING TRUST and were disposed of through the Trust; • At no time was any property of any kind in the estate subject to probate administration as the Trust contains all known assets; • The estate does not have, and has never had, any property or assets to pay advanced expenses of administration, attorney fees, creditor claims, or Court costs; • Therefore, Petitioner files this petition to defer the filing fee for the <i>First and Final Account and Report of Administrator, etc.</i>, to be paid to the Court if any assets subsequently come into the estate. <p>Petitioner prays for an Order of this Court that the filing fee for the <i>First and Final Account and Report of Administrator, etc.</i> be deferred until such time as any assets may subsequently come into the estate.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: Filing fee was not paid to file this <i>Petition</i>. Filing fee of \$435.00 was paid on 5/16/2014 to file the <i>First and Final Account and Report of Administrator, etc.</i></p> <p>1. Need proposed order.</p>
Cont. from			
Aff.Sub.Wit.			
✓ Verified			
Inventory			
PTC			
Not.Cred.			
✓ Notice of Hrg			
✓ Aff.Mail	W/O		
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order	X		
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		Reviewed by: LEG	
		Reviewed on: 6/23/14	
		Updates:	
		Recommendation:	
		File 3B - Washburn	

(1) First and Final Account and Report of Administrator Allowing for its Settlement and (2) for Discharge of Administrator of an Insolvent (Non-Asset) Estate

DOD: 12/26/2004	JANE DIETMEYER , Executor, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
Cont. from	Petitioner states she filed a Petition for Order Authorizing Personal Representative to Exercise a Disclaimer on 6/14/05, in order to prevent the decedent's estate from receiving certain assets. Petitioner exercised the disclaimer of decedent's interest in the assets on 7/26/05.	
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input checked="" type="checkbox"/> Not.Cred.	At the time of decedent's death, all assets in the Estate were titled in the name of the William J. Gennoy and Elizabeth Gennoy Trust and were subsequently disposed of through the Trust. No property in the Estate is subject to probate administration as the Trust contains all known assets.	
<input checked="" type="checkbox"/> Notice of Hrg	W/O	
<input checked="" type="checkbox"/> Aff.Mail		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.	It is believed that petitioner performed all duties required of her as the Executor of the decedent's estate except for the filing of the final petition. The estate is now in a condition to be closed.	
<input type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters	7/26/05	
<input type="checkbox"/> Duties/Supp	Wherefore, Petitioner prays for an Order as follows:	
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt	1. That the administration of this estate be terminated as the estate is insolvent;	
<input type="checkbox"/> CI Report	2. That all acts and proceedings of Jane Dietmeyer, as Personal Representative, be confirmed and approved;	
<input checked="" type="checkbox"/> 9202	3. That Jane Dietmeyer, as Executor of the Estate be discharged as there are no assets to administer or distribute.	
<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		
		Reviewed by: KT
		Reviewed on: 6/23/14
		Updates:
		Recommendation: SUBMITTED
		File 4 - Gennoy

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

Age: 79 years	PUBLIC GUARDIAN , Conservator, is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: If the petition is granted, status hearings will be set as follows:</p> <ul style="list-style-type: none"> Wednesday, May 25, 2016 at 9:00 a.m. in Department 303, for the filing of the seventh account. <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.</p>
	Account period: 3/13/12 – 3/26/14	
Cont. from	Accounting - \$52,611.04	
<input type="checkbox"/> Aff.Sub.Wit.	Beginning POH - \$ 3,251.59	
<input checked="" type="checkbox"/> Verified	Ending POH - \$ 2,707.56	
<input type="checkbox"/> Inventory	Conservator - \$636.48	
<input type="checkbox"/> PTC	(1.88 Deputy hours @ \$96/hr and 6.00 Staff hours @ \$76/hr)	
<input type="checkbox"/> Not.Cred.	Attorney - \$1,250.00	
<input checked="" type="checkbox"/> Notice of Hrg	(less than allowed per Local Rule)	
<input checked="" type="checkbox"/> Aff.Mail W/	Bond fee - \$50.00	
<input type="checkbox"/> Aff.Pub.	(o.k.)	
<input type="checkbox"/> Sp.Ntc.	Petitioner request 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"/> Pers.Serv.	Petitioner prays for an Order:	
<input type="checkbox"/> Conf. Screen	4. Approving, allowing and settling the third account.	
<input type="checkbox"/> Letters	5. Authorizing the conservator and attorney fees and commissions	
<input type="checkbox"/> Duties/Supp	6. Payment of the bond fee	
<input type="checkbox"/> Objections	7. Authorize petitioner to impose a lien on the estate for any unpaid balances of authorized fees and commissions	
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
	Court Investigator Dina Calvillo's Report filed on 11/6/13.	
	Reviewed by: KT	
	Reviewed on: 6/24/14	
	Updates:	
	Recommendation:	
	File 5 - Pope	

(1) Second and Final Account and Report of Trustee of Special Needs Trust, (2) Petition to its Settlement and (3) Petition to Terminate Trust

		SANDRA WRIGHT , Trustee, is petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. Prayer of the Petition does not request that the title to the customized van be transferred to Sandra Wright however it is included in the order. 2. Prayer of the Petition does not request discharge of the bond however it is included in the order.
		Account period: 10/8/11 – 3/31/14	
		Accounting - \$68,221.77	
		Beginning POH - \$68,212.04	
		Ending POH - \$66,071.02 (\$71.02 is cash)	
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC	Current bond is \$90,000.00	
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg	Petitioner requests the Court order that the trust be terminated in that the fair market value of the principal of the trust (cash in the amount of \$71.02 and a customized van) is so low in relation to the cost of administration that continuance of the trust under its existing terms will defeat or substantially impair the accomplishment of its purpose. Petitioner requests that the Court order that the cash balance of the trust principal of \$71.02 be credited to Petitioner as partial reimbursement to her for the filing fee for the within petition, and that title to the customized van purchased for the needs of the trust beneficiary, Janessa Cleveland, be changed to Petitioner's name individually. Petitioner will continue to retain the insurance on said vehicle at her own expense.	
<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 type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		Petitioner prays for an order as follows:	
		1. The within second and final account and report be approved, allowed and settled as filed;	
		2. All acts and transactions of Petitioner during the period covered by this accounting be approved and confirmed;	
		3. Any other orders the court deems just and proper.	
		Reviewed by: KT	
		Reviewed on: 6/24/14	
		Updates:	
		Recommendation:	
		File 6 - Cleveland	

**(1) Waiver of Accounting and (2) Petition for Final Distribution Under Will and for
(3) Allowance for Ordinary and Extraordinary Fees to Attorney**

DOD: 10/08/11	CYNTHIA GUNNER , Executor, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS: <u>CONTINUED FROM 05/20/14</u></p> <p>1. The petition states that the all creditor's claims have been settled and/or paid, however, no satisfaction or Allowance/Rejection of Creditor's Claims have been filed for the following claims: a. Phillips, Cohen - \$22,381.05 b. Phillips, Cohen - 2,380.55 as required pursuant to Probate Code § 9250.</p>
	Accounting is waived.	
Cont. from 052014		
<input type="checkbox"/> Aff.Sub.Wit.	I & A - \$321,043.81	
<input checked="" type="checkbox"/> Verified	POH - total value not stated, consists of \$191,662.72 cash, \$112,000.00 promissory note, misc. personal effects	
<input checked="" type="checkbox"/> Inventory		
<input checked="" type="checkbox"/> PTC		
<input checked="" type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg	Executor - waived	
<input checked="" type="checkbox"/> Aff.Mail w/	Attorney - \$9,420.87 (statutory)	
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.	Attorney x/o - \$3,250.00 (itemized by date for services involving redemption of stock and negotiations regarding payment terms; 12.5 hours @ \$300/hr. reduced to \$3,250.00)	
Conf. Screen		
Letters 03/21/12		
Duties/Supp		
Objections		
Video Receipt	Closing - \$1,500.00	
CI Report		
<input checked="" type="checkbox"/> 9202	Distribution, pursuant to decedent's estate, is to:	
<input checked="" type="checkbox"/> Order	Cynthia Morgan-Gunner, Trustee of the Eddie H. Gunner Revocable Living Trust dated 04/01/10 - \$177,491.85 cash, promissory note from Veterinary Emergency Services, Inc. in the amount of \$112,000.00, and miscellaneous personal effects	
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
<input checked="" type="checkbox"/> FTB Notice		

Reviewed by: JF
Reviewed on: 06/24/14
Updates:
Recommendation:
File 7 -Gunner

(1) First and Final Account and Report of Successor Administrator and (2) Petition for Allowance of Ordinary and Extraordinary Commissions and Fees and for (3) Distribution

DOD: 10-11-10	PUBLIC ADMINISTRATOR , Successor Administrator with Full IAEA, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 5-21-14. The following issues remain:</p> <ol style="list-style-type: none"> This estate was originally opened with a fee waiver by Former Administrator Karla Dean. The following filing fees totaling \$830.00 are due prior to any distribution: <ul style="list-style-type: none"> - \$395 (initial petition filed 5-17-12) - \$435 (petition for distribution filed 3-25-13 by Karla Dean) Intestate heir Mary Johnson was a minor in 2012 when the estate was opened. She signed her Assignment of Interest on 4-16-13. It is unclear if she had reached 18 by that time. If not, the Court may require a new assignment to be signed, or revised distribution. Need clarification. Petitioner does not include the filing fee of \$435 for this petition in the request or payment calculation for the heirs of \$5,985.50. If requested, that brings the closing costs to a total of \$7,250.50 (including the \$435 paid for this petition and the \$830 due per #1 above).
	Account period: 6-18-13 through 2-5-14	
Cont from 052114	Accounting: \$65,150.00	
<input type="checkbox"/> Aff.Sub.Wit.	Beginning POH: \$65,150.00	
<input checked="" type="checkbox"/> Verified	Ending POH: \$65,000.00 (residence)	
<input checked="" type="checkbox"/> Inventory	Public Administrator (Statutory): \$2,606.00	
<input checked="" type="checkbox"/> PTC	Final tax preparation: \$500.00	
<input checked="" type="checkbox"/> Not.Cred.	Public Administrator (Extraordinary): \$248.00 (1 deputy hour @ \$96/hr plus 2 assistant hours @ \$76/hr for preparation and filing of final tax return)	
<input checked="" type="checkbox"/> Notice of Hrg	Attorney (Statutory): \$2,606.00	
<input checked="" type="checkbox"/> Aff.Mail	Costs: \$25.50 (filing, certified Letters)	
<input type="checkbox"/> Aff.Pub.	In order to allow the beneficiaries to keep the house, they have agreed to pay the above fees totaling \$5,985.50.	
<input type="checkbox"/> Sp.Ntc.	Distribution pursuant to intestate succession and Assignments of Interest filed by heirs Hanna Johnson and Mary Johnson (See #2):	
<input type="checkbox"/> Pers.Serv.	Karla Dean: A 25% undivided interest in the real property	
<input type="checkbox"/> Conf. Screen	Roger Dean: A 25% undivided interest in the real property	
<input checked="" type="checkbox"/> Letters	Julia Dean: A 25% undivided interest in the real property	
<input type="checkbox"/> Duties/Supp	Holly Jo Johnson: A 25% undivided interest in the real property	
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input checked="" type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input checked="" type="checkbox"/> FTB Notice		

Reviewed by: skc
Reviewed on: 6-24-14
Updates:
Recommendation:
File 8 - Johnson

(1) First Amended Petition for Final Distribution on Waiver of Accounting and
(2) Allowing Statutory Fees and Commissions

DOD: 6/24/2013	JEFF MEYER , son and Administrator, is Petitioner.		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Page 15 is the related matter of the <i>Petition to Establish Special Needs Trust for Cheryle Moon</i> (14CEPR00410.)</p> <p>1. Attachment to Notice of Hearing filed 5/29/2014 indicates JEFFREY MEYER, Trustee of the CHERYLE MOON SPECIAL NEEDS TRUST has been served with notice on 5/28/2014. Further, <i>Exhibit B, Waiver of Accounting and consent to Distribution</i>, is signed by Jeffrey Meyer as Trustee of the CHERYLE MOON SPECIAL NEEDS TRUST, and the estate is proposed to be distributed in part to said trust. It appears Jeffrey Meyer has not yet been appointed by this Court as Trustee of the proposed special needs trust (noted on Page 15 of this calendar), thereby necessitating continuance of this matter until a date subsequent to the establishment of the CHERYLE MOON SPECIAL NEEDS TRUST and appointment of Jeffrey Meyer as Trustee thereof.</p> <p>~Please see additional page~</p> <p>Reviewed by: LEG</p> <p>Reviewed on: 6/25/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 9 - Meyer</p>
	Accounting is waived.		
	I & A	— \$841,119.52	
	POH	— \$812,781.76	
	(\$499,820.29 is cash)		
Cont. from			
<input type="checkbox"/> Aff.Sub.Wit.			
<input checked="" type="checkbox"/> Verified	Administrator	— \$19,899.94	
<input checked="" type="checkbox"/> Inventory	(statutory)		
<input checked="" type="checkbox"/> PTC	Attorney	— \$19,899.94	
<input checked="" type="checkbox"/> Not.Cred.	(statutory)		
<input checked="" type="checkbox"/> Notice of Hrg	Closing	— \$4,000.00	
<input checked="" type="checkbox"/> Aff.Mail	(for expenses including accountant's fees for preparation of final fiduciary estate income tax returns; other closing expenses;)		
<input type="checkbox"/> Aff.Pub.			
<input type="checkbox"/> Sp.Ntc.			
<input type="checkbox"/> Pers.Serv.			
<input type="checkbox"/> Conf. Screen			
<input type="checkbox"/> Letters	100813		
<input type="checkbox"/> Duties/S			
<input type="checkbox"/> Objections			
<input type="checkbox"/> Video Receipt			
<input type="checkbox"/> CI Report			
<input checked="" type="checkbox"/> 9202			
<input checked="" type="checkbox"/> Order			
<input type="checkbox"/> Aff. Posting			
<input type="checkbox"/> Status Rpt			
<input type="checkbox"/> UCCJEA			
<input type="checkbox"/> Citation			
<input checked="" type="checkbox"/> FTB Notice			
	<p>Distribution pursuant to intestate succession and Assignment of Interest in Estate filed 10/11/2013 and to Assignment of Interest in Estate filed on 5/5/2014 is to:</p> <ul style="list-style-type: none"> • JEFF MEYER – \$228,010.21 cash, ½ interest in two pick-up trucks, and an undivided ½ interest in real property; • [?] ERYN BRASE as Trustee of the CHERYLE MOON IRREVOCABLE TRUST AGREEMENT dated 9/13/2013 [?] <p>OR in the alternative</p> <ul style="list-style-type: none"> • [?] JEFFREY MEYER as Trustee of the CHERYLE MOON SPECIAL NEEDS TRUST [not yet established] [?] – \$228,010.21 cash, ½ interest in two pick-up trucks, and an undivided ½ interest in real property. 		

NEEDS/PROBLEMS/COMMENTS, continued:

2. *Assignment of Interest in Estate* filed 10/11/2013 is dated and signed on 9/13/2013, and states that Cheryle Moon grants, conveys and assigns any and all right, title and interest she has in the *ESTATE OF BERNARD M. MEYER* to **ERYN BRASE**, as Trustee under the **CHERYLE MOON IRREVOCABLE TRUST AGREEMENT dated 9/13/2013**. *Assignment of Interest in Estate* filed 5/5/2014 is dated and signed on 5/5/2014 and states that **ERYN BRASE**, Attorney in Fact for Cheryle Moon, assigns all interest of Cheryle Moon in the assets of the estate [of Bernard M. Meyer] to the **CHERYLE MOON SPECIAL NEEDS TRUST**. In light of the *Assignment* filed 10/11/2013, it appears that Cheryle Moon no longer has any interest in the assets of the Estate of Bernard M. Meyer that may be assigned to the **CHERYLE MOON SPECIAL NEEDS TRUST**, since they were previously assigned on 9/13/2013 to **ERYN BRASE** as the Trustee of the **CHERYLE MOON IRREVOCABLE TRUST AGREEMENT dated 9/13/2013**.

Amended Petition for Final Distribution on Waiver of Accounting, for Allowance of Statutory Administrator and Attorney's Fees and for Allowance of Extraordinary Attorney's Fees *Ancillary Proceedings*

DOD: 12/5/2012		<p>NICOLE C. EVANS, step-granddaughter and Administrator with Will Annexed, is Petitioner.</p> <p>Accounting is waived.</p>	<p>NEEDS/PROBLEMS/COMMENTS: Continued from 6/4/2014.</p> <p>Note: Decedent resided in the State of Utah, and other of Decedent's assets are subject to administration in that state. The instant <i>Petition</i> is for closure of this ancillary proceeding for Decedent's real property in Fresno County.</p>
Cont. from 050714, 060414			
<input type="checkbox"/>	Aff.Sub.Wit.	<p>I & A — \$160,000.00</p> <p>POH — \$166,140.00</p> <p>(all cash)</p>	<p>Reviewed by: LEG</p> <p>Reviewed on: 6/23/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 10 - Howell</p>
<input checked="" type="checkbox"/>	Verified		
<input checked="" type="checkbox"/>	Inventory	<p>Administrator — \$6,550.00</p> <p>(statutory)</p>	
<input checked="" type="checkbox"/>	PTC		
<input checked="" type="checkbox"/>	Not.Cred.	<p>Attorney — \$6,550.00</p> <p>(statutory)</p>	
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail	<p>Attorney X/O — \$760.00</p> <p>(Itemized in Exhibit 14, for sale of real property.)</p>	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.	<p>Closing — \$5,000.00</p> <p>(closing expenses, income taxes, any liability hereafter determined due from the estate;)</p>	
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters 120413		
<input type="checkbox"/>	Duties/Supp	<p>Distribution pursuant to Decedent's Will is to:</p> <ul style="list-style-type: none"> DARRELL RAY HOWELL – 70% of the estate consisting of \$116,298.00 cash; NICOLE C. EVANS – 30% of the estate consisting of \$49,842.00 cash. 	
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input checked="" type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input checked="" type="checkbox"/>	FTB Notice		

Atty Schorling, Douglas D. (of Visalia, for Petitioner Kevin S. Campbell)
 Petition of Compel Trustee to Account

Jerry Campbell DOD: 8-4-00	KEVIN S. CAMPBELL, beneficiary, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
	Petitioner states he is an income and principal beneficiary of The Jerry W. Campbell and Billie J. Campbell Irrevocable Trust dated March 28, 1991. The trust is irrevocable.	Continued from 4-9-14, 5-21-14
Cont from 040914, 052114	Petitioner states DAVID E. ASH is the duly appointed and acting trustee.	Minute Order 5-21-14: Mr. Schorling with fill notice of hearing and declaration addressing Examiner Note issues. David Ash is ordered to be personally present at next hearing. The Court will send notice. Continued to 6-25-14.
<input type="checkbox"/> Aff.Sub.Wit.	Petitioner states the trustee has not made any report of information whatsoever concerning the trust for the period starting with commencement of the trust on 3-28-91 until 8-3-00. For the period 8-3-00 until 2-1-09, the trustee provided incomplete and handwritten information (see attached copies). All of this incomplete and handwritten information is written so sloppily that it is difficult or impossible to comprehend. Moreover, because no information has been provided concerning the trust from 3-28-91 through 8-3-00, there is no context for understanding what little incomplete information has been provided.	<u>SEE ADDITIONAL PAGES</u>
<input checked="" type="checkbox"/> Verified	Petitioner states that on or about 7-1-13 Petitioner delivered by facsimile a written request for information pursuant to Probate Code §§ 16062 and 16063. To date, the trustee has failed and refused to prepare and provide Petitioner with the requested account.	Reviewed by: skc
<input type="checkbox"/> Inventory	Petitioner prays for an order:	Reviewed on: 6-23-14
<input type="checkbox"/> PTC	1) Compelling David E. Ash as trustee to prepare and file with this Court an account of the trust since its commencement on 3-28-91, including copies of any and all documents that support, substantiate, or evidence any item set forth in the accounting;	Updates:
<input type="checkbox"/> Not.Cred.	2) Instructing David E. Ash to petition this Court for the settlement of the account and give notice of the hearing on the petition;	Recommendation:
<input checked="" type="checkbox"/> Notice of Hrg	3) For such attorney fees and costs as may be allowable by law; and	File 11 – Campbell
<input checked="" type="checkbox"/> Aff.Mail W	4) For all other orders the Court deems proper.	
<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 type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
FTB Notice		

Page 2

Note: Petitioner Kevin Campbell is a beneficiary. The petition states the other beneficiaries are:

- Randall D. Campbell (Deceased)
- Ricky D. Campbell (Deceased)
- Keith J. Campbell – address provided
- Jennifer D. Campbell (Deceased)
- Scottie W. Campbell – address provided

Notice of Hearing filed 3-13-14 indicates mailing to David Ash, Keith J. Campbell, and Scottie W. Campbell.

Examiner Notes requested clarification on the dates of death for the deceased beneficiaries per local rule, and Petitioner provided the following information:

Declaration filed 5-21-14 provides the following information:

- Trustor Jerry W. Campbell died 8-4-00
- Trustor Billie J. Campbell is still alive
- Deceased beneficiary Randall Campbell died 1-4-07
- Deceased beneficiary Ricky Campbell died 4-20-09
- Deceased beneficiary Jennifer Campbell died 5-21-09

Examiner Notes requested a complete list of all persons entitled to notice of this petition pursuant to Probate Code §17201.

Petitioner's Declaration filed 5-21-14 states: Trustor Billie J. Campbell is still alive. Beneficiary Randall Campbell died on 1-4-07 leaving only two issue: Petitioner and Petitioner's brother Keith. Beneficiary Ricky Campbell died 4-20-09 leaving two children: Scottie W. Campbell and Jennifer D. Campbell. Jennifer D. Campbell died 5-21-09 survived by a minor child (name not included). Neither Petitioner nor Keith have issue. Petitioner states does not have mailing addresses for the children of Scottie W. Campbell or Jennifer D. Campbell. He attempted to obtain them from Trustor Billie J. Campbell; however, she did not return his calls or letter. Petitioner states Notice of Hearing was mailed to Trustee David Ash via certified mail, as evidenced by the receipt attached.

Notice of Hearing filed 6-2-14 indicates mailing to David Ash (via certified mail, receipt signed by Linda Ash, not David Ash, but also via Civil Subpoena personally served), and to Keith J. Campbell, Scottie W. Campbell, and Billie J. Campbell via regular first class mail.

Examiner's Note: *The declaration is not verified by the Petitioner, and although the declaration provides some family lineage, there is no statement providing the complete list of persons entitled to notice of this petition with addresses as requested and pursuant to §17201, and although, as previously noted, the trust appears to include spouses, no spouses are listed.*

Therefore, a complete verified list of persons entitled to notice of this petition pursuant to §§ 17201, 17203 is still needed.

SEE ADDITIONAL PAGES

NEEDS/PROBLEMS/COMMENTS:

1. **The following item remains per above discussion:** Probate Code §17201 requires the petition to list all persons entitled to notice. Petitioner lists the other living beneficiaries; however, need clarification: Does this list include all persons entitled to notice pursuant to §17203?

For example, it appears that according to the terms of the trust, spouses and issue of beneficiaries may also be entitled to notice. Some of the beneficiaries are deceased. Is anyone else entitled to notice?

2. **The attached copy of the trust is blank at various pertinent sections, such as the amount initially transferred, the appointment of a trustee, the amount initially received by the trustee, and Schedule A. Need clarification: Is a complete copy of the trust available?**
3. **According to the terms of the trust, the trust was to be split into six separate trusts for each beneficiary upon the deaths of the trustors. However, Petitioner appears to be requesting accounting for the original trust since its inception through the present.**

The Court may require clarification regarding the requested account period and for which trusts.

4. **Examiner Notes previously stated:** Probate Code §17000(b)(7)(B) allows petition under this section if the trustee has failed to provide the requested information within 60 days after the beneficiary's **reasonable written request**.

Petitioner states he faxed a request to the trustee on or about July 1, 2013, and to date the trustee has failed and refused to prepare and provide the requested account.

However, the copy of the letter at Exhibit C does not indicate any fax number or designation (i.e., "sent via facsimile") or fax confirmation data on the page, and Petitioner also does not indicate whether the communication was followed up via regular or certified mail, or telephone call, or whether he was able to confirm receipt of the fax.

Further, the copies of the ledger information provided by the trustee appear to be dated as late as November 2013, which is after the date of the request. This indicates that the copies may have been provided in response to the request.

If so, need clarification as to whether reasonable written request was made after receipt of the ledgers in response to the letters, providing time for response pursuant to Probate Code §17000(b)(7)(B).

Declaration of Attorney Schorling filed 5-21-14 (not verified by the Petitioner) states that subsequent to the July 1, 2013 written request, Petitioner has had at least a half dozen conversations with David Ash, in person and by telephone, reiterating his request for an accounting.

5. **The proposed order includes his filing costs and attorney fees in the amount of \$1,500.00. The Court may require an itemized declaration regarding the fees from the attorney.**

12A
Atty
Atty
Atty

Melinda Cordell (Durable Power Attorney)
Rindlisbacher, Curtis D. (for Petitioner Melinda Cordell)
Gaebe, C. Matthew (of Visalia, for Objector Phillip Rolfe – Attorney-in-Fact for Petitioner)
Soares (for Joseph Lewis Horswill – Respondent)

Case No. 14CEPR00159

**Petition to Determine Whether Advanced Health Care Directive has Terminated:
Petition to Determine Whether Durable Power of Attorney has Terminated
Probate Code §§ 4541, 4766**

		MELINDA CORDELL , Principal, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS: <u>Continued from 3-19-14, 5-27-14, 6-17-14</u> Minute Order 3-19-14: The Court directs Mr. Rindlisbacher to prepare an order for Ms. Cordell's examination by Dr. Terrell. Order to include the necessary HIPPA waivers. Status quo to remain pending the next hearing. Continued to: 6/17/14 at 09:00a.m. Set on: 6/17/14 at 09:00a.m. in Dept 303 for: Status Hearing Re: Doctor's Report (Note: Per order of 5-7-14, the continuance was reset from 6-17-14 to 5-27-14. However, on 5-27-14, the matter was again continued to and set for status on 6-17-14.) Minute Order 5-27-14: The issue of accountings is reserved by the Court. Phillip Rolfe is ordered to provide Melinda Cordell copies of everything he receives including, but not limited to bank statements beginning 6/1/14. Continued to 6/17/14 @ 9:00 a.m. Dept. 303. Set on 6/17/14 @ 9:00 a.m. Dept. 303 for: Status Hearing Note: On 6-3-14, Melinda Cordell filed Ex Parte Petition for Order Regarding Mental Examination. Pursuant to Order 6-4-14, the petition was set for hearing on 6-25-14. Phillip Rolfe filed a Response on 6-4-14. <i>Please note that because the petition was set for hearing, a filing fee of \$435 is due from both Petitioner and Mr. Rolfe (for Response).</i></p>
		Petitioner states she presently resides at Somerford Place of Fresno, a facility licensed to provide care for those how have been diagnosed with dementia, which she does not have. Petitioner is not married and has no children.	
Cont from 031914, 052714, 061714		Petitioner previously signed a Durable Power of Attorney and an Advanced Health Care Directive (Exhibits A and B).	
<input type="checkbox"/>	Aff.Sub.Wit.	On 9-19-12, Petitioner resigned as trustee of her own trust because of ill health and other personal reasons. PHILLIP ROLFE began serving as trustee from that point. Petitioner sought the assistance of her former attorney, JOSEPH HORSWILL , to make changes to her estate plan. On 11-22-13, he wrote to inform her that because he felt the plan was not in her best interest, he would not perform the legal work to accomplish her stated desires. In his letter, he stated that if Petitioner wished to contact another attorney to request that the work be done, he would cooperate as required by law for that purpose (Exhibit C).	
<input checked="" type="checkbox"/>	Verified	Petitioner states she initially sought assistance from an attorney in New York City that she has known for many years, but was advised to locate a California attorney. Petitioner was then referred to Perkins, Mann & Everett. Mr. Rindlisbacher visited Petitioner at the facility where she has resided for over a year, and at Petitioner's request, contacted Attorney Horswill to request that he transfer Petitioner's files to Mr. Rindlisbacher's office.	
<input type="checkbox"/>	Inventory	Petitioner states that at her request, Mr. Rindlisbacher asked Somerford Place of Fresno to provide him with copies of all medical assessments and copies of her admission agreement; however, they have refused to provide him with those records despite Petitioner's signed written consent. They have taken the position that they will not abide by Petitioner's request without the consent of the agent designated in Petitioner's "facially valid" power of attorney. See Exhibit F.	
<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 checked="" type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order	X	
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		SEE ADDITIONAL PAGES	
		Reviewed by: skc	
		Reviewed on: 6-23-14	
		Updates:	
		Recommendation:	
		File 12A - Cordell	

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Petitioner states Mr. Rolfe has hired Attorney Thomas Hornburg to represent him in his capacity as successor trustee of Petitioner's trust, and Mr. Hornburg has provided Mr. Rindlisbacher with a copy of a summary report of Petitioner's mental status as of April 2013 conducted by Alzheimer's & Memory Center. He has taken the position that Petitioner lacks the legal capacity to hire Mr. Rindlisbacher with her estate planning. See Exhibit G.

It is Petitioner's desire to terminate any authority she has granted to Mr. Rolfe or **JANELLE CHESKI-HILL** as an agent under her Durable Power of Attorney and to terminate any authority granted to Mr. Horswill, Mr. Rolfe, or Ms. Cheski-Hill as an agent under her Advanced Health Care Directive. See Revocations at Exhibits H and I.

Petitioner desires and intends to remove Mr. Rolfe as trustee of her trust and as executor under her will and to resume managing her own property. Petitioner wants to designate her longtime tax preparer **BILLIE MILES** as successor trustee of her trust and as executor. Petitioner also desires to remove Mr. Rolfe as a beneficiary under the trust and to leave the portion that was to go to him to two existing charitable beneficiaries. See Amendment at Exhibit J.

Legal Authorities: Petitioner cites Probate Code §4541, 4540, 4766, 4765. Probate Code §810 creates a rebuttable presumption that Petitioner has capacity to make decisions and be responsible for her own acts or decisions. Petitioner states she is not under conservatorship and there has never been a judicial adjudication that she lacks capacity. Petitioner wants to ensure that her desires regarding where she lives and how her estate is distributed are honored and desires to have an independent medical examination conducted by Dr. Howard Terrell, MD, of Clovis, CA, to assess her current legal capacity to contract, to make the desired changes to her estate plan, and to make medical and personal care decisions for herself. This medical assessment is critical because of the position being taken by Mr. Rolfe and others based on the April 2013 assessment. The estimated cost is \$4,000.00.

See also Points and Authorities in Support of Petition.

Petitioner prays for the following orders:

- 1. All Durable Powers of Attorney executed by Petitioner have been revoked and the power granted to any agents therein is terminated;**
- 2. All Advanced Health Care Directives executed by Petitioner have been revoked and the power of any agents designated therein is terminated;**
- 3. Petitioner Melinda Cordell has the legal capacity to make any and all health care decisions, including the decision as to where she will reside;**
- 4. Such other orders as the Court deems appropriate.**

Phillip Rolfe's Opposition to Petition filed 3-14-14 states: This case concerns the health, safety and financial security of Petitioner Melinda Cordell, all of which are in jeopardy due to the overzealous "advocacy" of Petitioner's purported attorney Curtis Rindlisbacher. This case demonstrates a flaw in the ethical standards of the practice of law in the State of California whereby the estate of an at-risk elder in need of the utmost care can be placed in peril due to the "assistance" of an overly zealous advocate. This Court should dismiss the petition in its entirety for lack of legal basis for the relief requested, or in the alternative, dismiss the petition pursuant to Probate Code §§ 4543 and 4768, and terminate jurisdiction to grant Mr. Rindlisbacher any compensation from Petitioner's estate.

SEE ADDITIONAL PAGES

Page 3

Objector states Petitioner was diagnosed with dementia less than a year ago on 4-17-13 by Alex Sherriffs, M.D., and Marcy Johnson, Ph.D., of the UCSF Fresno Alzheimer's & Memory Center. Petitioner presently resides in the dementia unit of Somerford Place Alzheimer's Assisted Living Facility in Fresno. On or about 2-3-14, Attorney Rindlisbacher met with Petitioner for the first time in the dementia unit of her assisted living facility. During this consultation, Petitioner was allegedly convinced that her trusted friend of many years, Respondent Phillip Rolfe, was not acting in her best interests. However, the true facts are that Mr. Rolfe has prudently and successfully managed Petitioner's finances since he was appointed as sole trustee of her trust and as her Attorney-in-Fact since 9-19-12. Mr. Rolfe states he only accepted this role out of deep care and concern for his friend and colleague of many years and because he knew there was no one else who would help her and ensure her proper care.

Objector states that contrary to the "factual background" carefully crafted by Mr. Rindlisbacher, Petitioner voluntarily gave up control of her personal finances and health care decisions and appointed Mr. Rolfe as her trustee because she was suffering from early onset dementia, and due to her inability to care for herself, had become malnourished and had fallen at her home. During her treatment, her impaired mental capacity was discovered. With the assistance of her longtime attorney Joseph Horswill, Petitioner executed the documents necessary to ensure her continued health and financial protection by Mr. Rolfe. Mr. Rindlisbacher was notified of these facts in writing by both Mr. Horswill and Mr. Rolfe's attorney, and Mr. Rindlisbacher was provided with a copy of the detailed assessments and recommendations made by the UCSF Fresno Alzheimer's & Memory Center. See Objection for details of the assessments.

Objector states the Court lacks authority to grant the relief requested with respect to the POA and should deny the petition in its entirety. Petitioner refers to only Probate Code §4541(a) for determination of whether the POA "is in effect or has terminated." However, Probate Code §4541(d) clearly provides that determination that a POA has been "revoked" requires a judicial determination of all of the following: the attorney-in-fact has violated or is unfit to perform the fiduciary duties; at the time of the determination, the principal lacks capacity to give or revoke a POA; the revocation of the attorney-in-fact's authority is in the best interest of the principal or the principal's estate.

There are no allegations that Mr. Rolfe is unfit and the facts would not bear this out. There is no allegation that Petitioner lacked capacity to execute the POA originally in 2012. To the contrary, Petitioner alleges that she is capable. Finally, there is no allegation that the revocation is in the best interest of the principal. Mr. Rolfe has prudently managed Petitioner's estate since he accepted the role of her fiduciary.

Objector states if Petitioner is truly seeking relief under §4541(a) as alleged, then Petitioner has failed to allege any facts as to why the POA would not be effective. Petitioner has failed to allege that said document was not executed by Petitioner or that Petitioner was not capable at the time of execution. There is no allegation that Mr. Rolfe or any other agent has terminated his or her authority thereunder. There is simply no authority to grant the requested relief under §4541 or any other section of the Probate Code with respect to the POA and therefore the petition should be denied.

Objector states the Court should dismiss the petition with respect to the POA because these proceedings are not reasonably necessary for the protection of Petitioner's financial interests. With respect to a petition filed under §4541, §4543 provides in part that the court may dismiss a petition that is not reasonably necessary for the protection of the interests of the principal or the principal's estate. Petitioner has failed to allege any factual basis to support the contention that this petition is reasonably necessary for the protection of her financial interests or estate. The reason for this deficiency is because there are no facts to support such a contention. Assuming Petitioner has standing to institute these proceedings, that does not mean that there are any grounds for the relief requested. Mr. Rolfe has prudently invested the assets of Petitioner and meticulously accounted for each and every expenditure made for her benefit since he assumed the role of her fiduciary.

SEE ADDITIONAL PAGES

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Objector states there is a very real possibility that due to Petitioner's relatively meager assets, her estate will not be sufficient to provide for her necessary care for the rest of her life. Any drain on these assets by frivolous proceedings such as these will be catastrophic for Petitioner's prospects of continuing to receive the standard of care that she enjoys and requires in light of her age and condition. Thus, this petition and the costly independent medical evaluation requested by Petitioner herein are simply not reasonably necessary and should be dismissed pursuant to §4543.

This petition should be dismissed and any subsequent requests by Mr. Rindlisbacher to recoup his fees or costs from Petitioner's estate should be denied.

Objector states the Court lacks authority to grant the relief requested with respect to the Advanced Health Care directive and should therefore deny the petition in its entirety. Petitioner cites only §§ 4766(a)&(b) and requests a judicial determination that all Advanced Health Care Directives executed by petitioner have been revoked and the power of any agents designated therein is terminated. Probate Code §4766(d) actually relates to termination of the authority of an agent with respect to an advanced health care directive and provides that a petition may be brought for the purpose of declaring that authority is terminated upon determination that the agent has violated, failed to perform, or is unfit, etc., and that at the time of the determination by the court, the patient lacks capacity to execute or revoke same.

Here, there are no allegations that the health care agent authorized anything illegal or that the agent has engaged in any negligence or misconduct. Based on the facts alleged, there is no authority to grant the relief requested and the petition should be denied.

Objector states the Court should dismiss the petition because the proceedings are not reasonably necessary for the protection of Petitioner as a patient. Petitioner fails to allege any factual basis to support the contention that this petition is reasonably necessary for Petitioner's protection. Assuming Petitioner has standing to initiate these proceedings, that does not mean there are grounds for the relief requested. Petitioner is receiving sufficient care with the assistance of her health care proxy. She is currently residing in a facility capable of providing the care she requires and under the continued prudent financial management of Mr. Rolfe, it is anticipated that she will have the resources to remain there.

Petitioner lacks capacity to make her own financial or health care decisions, and therefore lacks the ability to revoke the POA or the Advanced Health Care Directive. See details and authority in Opposition.

Objector states the additional examination requested by Petitioner is unnecessary and would be a substantial and unnecessary burden on her estate. See letter from physician dated 11-27-12 and patient summary report referenced above dated 4-17-13. These evaluations included a physical and neuropsychological evaluations, a multidisciplinary team conference and a comprehensive interview with Ms. Cheski-Hill, Petitioner's good friend and agent for health care, and someone who has spent much time with her over the years. Dementia is a progressive disease and symptoms gradually worsen over time and cannot be reversed, only managed. In light of the very recent diagnosis and the progressive nature of the disease, it would be both medically unnecessary and a wasteful financial burden on Petitioner's estate to allow for the costs of the requested assessment.

Objector states Petitioner was incapable of contracting for legal services; therefore, Mr. Rindlisbacher is not Petitioner's attorney and the Court should terminate jurisdiction to award attorney's fees to Mr. Rindlisbacher. Authority provided.

SEE ADDITIONAL PAGES

Mr. Rolfe respectfully requests that this Court:

1. Dismiss the Petition to Determine Whether Health Care Directive has Terminated; OR IN THE ALTERNATIVE, order that the Health Care Directive has not been revoked or terminated;
2. Dismiss the Petition to Determine Whether Durable Power of Attorney has terminated, OR IN THE ALTERNATIVE, order that the Durable Power of Attorney has not been revoked or terminated;
3. Terminate the Court's ability to award attorney's fees and costs to Attorney Rindlisbacher in this matter; and
4. Such other orders as the Court deems appropriate.

Response filed by Attorney Horswill (represented by Attorney Joseph F. Foares of Tulare) filed 3-14-14 states: Mr. Horswill has been the attorney representing Petitioner Melinda Cordell for over 15 years. Mr. Horswill provided estate planning for Ms. Cordell during that time period and has had numerous discussions with her over the years as to her desires to live out her life. These desires were set forth not only in the prior will and powers of attorney executed by Ms. Cordell, but later, and most recently, in 2010 and thereafter when she drafted her revocable living trust and powers of attorney which remain in effect as of the date of the petition. As set forth in Mr. Horswill's declaration, Mr. Horswill believes it is in Ms. Cordell's best interest to have the estate planning documents that she executed in 2010 and her subsequent resignation executed in 2012 remain in effect.

Mr. Horswill states the issue of the attorney's duty to his client once the client becomes incapacitated is one that is somewhat complicated and not specifically addressed in the Ethical Rules of Professional Responsibility. Mr. Horswill requests the Court take judicial notice of the ethics opinion from the Bar Association of San Francisco with regard to Model Rule 1.14(b) – If the attorney reasonably believes that the client cannot act in the client's own interest, the attorney may take appropriate protective measures to preserve the client's personal property.

Mr. Horswill states he has been providing Ms. Cordell legal representation for over 15 years and has come to know her very well. Over the course of the last 12-18 months, Mr. Horswill has seen a steady decline in her physical and mental state, so much so, that he determined that she was no longer able to act in her own best interest. As a result, Mr. Horswill contends she is best served to now rely on her estate plan, allowing Mr. Rolfe to handle her affairs, as he has been doing so diligently and competently in the past. Further, Mr. Horswill believes that the status quo of her estate plan best serves her needs and that she should remain as a resident of Somerford Place, but will abide by any orders the Court issues on her behalf.

SEE ADDITIONAL PAGES

Declaration filed concurrently by Attorney Horswill states: Mr. Horswill does not intend nor attempt to breach Ms. Cordell's rights to her attorney-client privilege. The below statements are stated in generalities and are not specific details of conversations or work-product. Mr. Horswill respectfully requests the Court allow him to supplement the declaration in camera. Mr. Horswill states he met Ms. Cordell in or about February 1997 when she requested his assistance in a bankruptcy matter. From that date forward, he has had numerous conversations with her either in his office or at her residence. In March 1998 he prepared estate planning documents for Ms. Cordell pursuant to her request consisting of a will and powers of attorney for finances and health care. From March 1998 through March 2005, they had several different conversations regarding her estate planning and wishes as to actions to be taken should she become deceased or incapacitated. On or about March 2005, he prepared a new will to modify the terms of her prior will.

In July 2010, based on some inheritance received, Mr. Horswill's office prepared a trust entitled "The Melinda Cordell 2010 Trust dated August 13, 2010." Pursuant to many discussions, the POA for finances and health care were also revised. Ms. Cordell expressed unequivocal confidence in her friend Phillip Rolfe to be the trustee and handle administration should she become deceased or incapacitated. As to the general power of attorney, she once again expressed confidence in her friend Phillip Rolfe and her friend Janelle Cheski-Hill as agent in fact. For health care, Mr. Horswill states he reluctantly agreed to act as agent with Mr. Rolfe as alterantive agent. Later Mr. Rolfe was named as sole agent under both as well as trustee.

Mr. Horswill states that on or about September 2012, Ms. Cordell suffered an injury and her health began to significantly decline. While she may or may not have been incompetent at that time, she nevertheless agreed to resign her position as trustee and allow Mr. Rolfe to serve as trustee and handle her finances from that point forward. It is Mr. Horswill's belief that this was a proper and courageous decision by Ms. Cordell given her decline in health.

Throughout 2012-2013, Mr. Horswill states he met with Ms. Cordell on a number of occasions, and at each visit felt her health had declined from the previous visit. In early 2013, he found her somewhat confused and incoherent, and determined it was not in her best interest to make further changes to her estate planning after his last meeting with her by phone in November 2013. His suspicions were confirmed when he received the medical evaluation. Throughout the middle and later part of 2013, Mr. Horswill received a significant amount of phone calls from Ms. Cordell requesting to terminate the trsut and that she be allowed to move to "her home" in Colorado. Although Mr. Horswill indicated to her on those occasions that she does not own property in Colorado, she insisted that she did, which further supported his belief that she was unable to handle her affairs.

Mr. Horswill states that he has found Mr. Rolfe to be a very competent and compassionate person. He has taken over duties as successor trustee and has done an outstanding job. This includes his assistance in placing Ms. Cordell at Somerford Place, which in Mr. Horswill's opinion is an appropriate place for her to reside. Based on his prior relationship and conversations with Ms. Cordell over the last 15 years, Mr. Horswill believes it is in Ms. Cordell's best interest to remain at Somerford Place and to retain Mr. Rolfe as successor trustee as he has done so diligently in the past, all without any compensation for his work.

Mr. Horswill feels this litigation filed by Mr. Rindlisbacher threatens not only to undermine Ms. Cordell's estate planning as she intended it to be, but also could have a substantial effect on her capacity to meet those needs.

SEE ADDITIONAL PAGES

Page 7

“Joseph Lewis Horswill’s Response to the Petition in Support of his Response to Principal’s Petition to Determine Whether Advance Health Care Directive has Terminated; Petition to Determine Whether Durable Power of Attorney has Terminated” filed 3-28-14 states: Mr. Horswill has represented Ms. Cordell for over 15 years and during that time has had numerous discussions with her as to her desires to live out her life. These desires were set forth not only in the prior Will and Powers of Attorney executed by Ms. Cordell, but later, and most recently, in 2010, and thereafter, when she drafted her revocable living trust and powers of attorney which remain in effect as of the date of the petition. Mr. Horswill believes it is in the best interest of Ms. Cordell to have the estate planning documents she executed in 2010 and her subsequent resignation as trustee, executed in 2012, remain in effect. Mr. Horswill has the obligation to take protective matters to respect and to carry out his clients wishes if incapacitation occurs. See authority re duty.

“Phillip Rolfe’s Verified Opposition to Petition to Determine Whether Health Care Directive has Terminated and Petition to Determine Whether Durable Power of Attorney has Terminated; Memorandum of Points and Authorities Thereof” filed 4-16-14 states: The Court should dismiss this petition in its entirety for lack of legal basis for the relief requested or in the alternative dismiss the petition in its entirety pursuant to §§ 4543 and 4768 and terminate jurisdiction to grant Rindlisbacher any compensation from Petitioner’s estate. Petitioner voluntarily gave up control of her finances and health care decisions and appointed Mr. Rolfe because she was suffering from early onset dementia. She had become malnourished and had fallen at her home. Her impaired mental capacity was discovered by treating physicians. With the assistance of her longtime attorney Mr. Horswill, Petitioner executed the documents necessary to ensure her continued health and financial protection by Mr. Rolfe. Mr. Rindlisbacher was notified of these facts in writing prior to the filing of this petition, and was also provided a copy of the detailed assessments and recommendations made by UCSF Fresno Alzheimer’s & Memory Center less than one year ago.

The Court lacks authority to grant the relief with respect to the POA and should deny the petition in its entirety pursuant to Probate Code §4541. See details in Opposition.

The Court should dismiss the petition with respect to the POA because the proceedings are not reasonably necessary for the protection of Petitioner’s financial interests pursuant to Probate Code §§ 4541, 4543.

The Court lacks authority to grant the relief requested with respect to the Advanced Health Care Directive and should therefore deny the petition in its entirety pursuant to Probate Code §4766.

The Court should dismiss the petition with respect to the Advanced Health Care Directive because these proceedings are not reasonably necessary for the protection of Petitioner as a patient pursuant to Probate Code §§ 4766, 4768.

Petitioner lacks the capacity to make her own financial or health care decisions and therefore lacks the ability to revoke the POA or Advance Health Care Directive. See Probate Code §§ 4609, 911, other authority cited.

The additional medical examination requested by Petitioner is unnecessary and would be a substantial and unnecessary burden on Petitioner’s estate.

Petitioner was incapable of contracting for legal services; therefore, Rindlisbacher is not Petitioner’s attorney and the Court should terminate jurisdiction to award attorney’s fees to him.

SEE ADDITIONAL PAGES

Phillip Rolfe's Response to Ex Parte Petition to Set Matter for Hearing filed 5-7-14 states that on 3-25-14, the Court continued the matter and set status for 6-17-14 re completion of a new assessment. The Court further ordered that if the assessment was completed earlier said conference could be set before 6-17-14. Despite the fact that the court specifically ordered status conference in this matter, Petitioner filed an ex parte petition to set hearing. Mr. Rolfe requests the Court deny the request to set a contested hearing at this time, and requests that the Court set the ex parte hearing so that all parties may have the opportunity to be present so that further status may be scheduled.

12B
Atty
Atty
Atty

Melinda Cordell (Durable Power Attorney)
Rindlisbacher, Curtis D. (for Petitioner Melinda Cordell)
Gaebe, C. Matthew (of Visalia, for Objector Phillip Rolfe – Attorney-in-Fact for Petitioner)
Soares, Joseph F. (for Joseph Lewis Horswill – Respondent)
Status Hearing

Case No. 14CEPR00159

	MELINDA CORDELL filed Petition to Determine Whether Advance Health Care Directive has Terminated; Petition to Determine Whether Durable Power of Attorney has Terminated on 2-25-14.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: On 6-3-14, Melinda Cordell filed Ex Parte Petition for Order Regarding Mental Examination. Pursuant to Order 6-4-14, the petition was set for hearing on 6-25-14. Phillip Rolfe filed a Response on 6-4-14. See Page C.</p> <p>Please note that because the petition was set for hearing, a filing fee of \$435 is due from both Petitioner and Mr. Rolfe (for Response).</p>
Cont from 061714		
Aff.Sub.Wit.	Objections were filed by PHILLIP ROLFE and JOSEPH LEWIS HORSWILL .	
Verified		
Inventory		
PTC		
Not.Cred.	Minute Order 5-27-14: The issue of accountings is reserved by the Court. Phillip Rolfe is ordered to provide Melinda Cordell copies of everything he receives including, but not limited to bank statements beginning 6/1/14. Continued to 6/17/14 @ 9:00 a.m. Dept. 303. Set on 6/17/14 @ 9:00 a.m. Dept. 303 for: Status Hearing	
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen	Minute Order 6-17-14: Further discussions regarding discovery are deferred.	
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: skc
		Reviewed on: 6-23-14
		Updates:
		Recommendation:
		File 12B - Cordell

12B

Atty Rindlisbacher, Curtis D. (for Petitioner Melinda Cordell)

Atty Gaebe, C. Matthew (of Visalia, for Objector Phillip Rolfe – Attorney-in-Fact for Petitioner)

Atty Soares (for Joseph Lewis Horswill – Respondent)

Ex Parte Petition Regarding Mental Examination

		<p>MELINDA CORDELL filed an Ex Parte Petition for Order Regarding Mental Examination on 6-3-14.</p> <p>The Court set the matter for hearing on 6-28-14.</p> <p>Petitioner states she is being held against her will at Somerford Place of Fresno. She should have been allowed to move by Somerford Place of Fresno even if Phillip Rolfe disagreed. Now, even though Petitioner has revoked the powers she previously gave to Phillip Rolfe under a Durable Power of Attorney and Advance Health Care Directive, Petitioner continues to be held against her will pending another mental examination that Petitioner believes to be unneeded.</p> <p>Petitioner states Probate Code §810 is intended to Protect people like Petitioner by providing a presumption affecting the burden of proof that she has mental capacity to make decisions for herself until a judicial determination has been made to the contrary. Rather, the burden is on Phillip Rolfe, Joseph Horswill, and Somerford Place of Fresno to seek a judicial determination that Petitioner lacks mental capacity. This they have never done. Despite these legal rules, Petitioner has been compelled to reside in a facility that is costing her more than \$6,000/month. She has to expend her own monies to obtain a medical examination and retain him as an expert to help prove a fact that is presumed by the law. Now, despite the fact that he has concluded that Petitioner does not have dementia and that she has the mental capacity to make her own decisions, Petitioner continues to be held pending another mental examination.</p> <p style="text-align: center;"><u>SEE ADDITIONAL PAGES</u></p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need filing fees of \$435.00 from both Petitioner and Respondent.</p> <p>(A fee for an ex parte petition not requiring hearing is \$60. The fee for a petition requiring hearing is \$435. The fee for response or objection is also \$435. The response also requests relief.)</p>
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail		w
	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>Reviewed by: skc</p> <p>Reviewed on: 6-23-14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 12C - Cordell</p>

Page 2

Attached is an email sent to Petitioner by Phillip Rolfe via Somerford Place of Fresno on 5-20-14. Despite Mr. Rolfe's admission that Petitioner has rallied and gotten her health back, and that he is not fighting her, Petitioner states Phillip Rolfe through his counsel has continued the fight.

At the hearing on 5-27-14, counsel for Phillip Rolfe indicated that they wanted another mental examination and there was some discussion that Petitioner would be responsible for the cost. This is not right. Petitioner should not be required to pay for an examination that Mr. Rolfe is requesting. He is the one contesting Petitioner's capacity.

Petitioner's attorney made a demand that the entirety of the mental examination be recorded by audio pursuant to CCP §2032.530. Mr. Rolfe's lawyer objected to the testing portion of the examination being recorded. Petitioner's lawyer has required a stipulation for a court order allowing the entirety of the examination to be recorded.

A preliminary consultation was scheduled with Dr. Sandra Sha at the Stanford Neurological Clinic, which is more than 75 miles from Petitioner's residence. Dr. Sha has refused to perform the mental examination due to the demand that the entirety of the examination be recorded as provided by California law.

Counsel for Mr. Rolfe has characterized the demand by Petitioner's attorney as "overly burdensome" despite California law to the contrary. Nothing in California law allows the examiner or examinee to limit the recording to only parts of the examination. Authority provided. The examining expert should be ordered to record the examination rather than require Petitioner to provide her own recording equipment to avoid disruption of the examination. In addition, absent a showing of good cause, Petitioner cannot be compelled to travel more than 75 miles.

Phillip Rolfe has no legal authority to use Petitioner's own funds to pay for the costs of this additional mental examination. He is the one contesting Petitioner's mental capacity and it is his burden to prove. Petitioner's funds should not be used to pay for another expert to examine her.

Petitioner requests that the Court order as follows:

- 1. That any expert hired to conduct a mental examination of Petitioner by Phillip Rolfe be required to record by audio technology the entirety of the mental examination and provide a copy to Petitioner's attorney;**
- 2. That Phillip Rolfe not use any portion of Petitioner's assets to pay for the expert hired by him to conduct a mental examination of Petitioner;**
- 3. That the place of such examination not be more than 75 miles from Petitioner's residence; and**
- 4. Such additional orders as the Court deems proper.**

SEE ADDITIONAL PAGES

Page 3

Phillip Rolfe filed a Response on 6-4-14. Mr. Rolfe states Petitioner's purported attorney has brought this petition in bad faith and in an attempt to delay these proceedings, thwart the Court's order mandating that Petitioner receive a comprehensive, independent mental assessment and examination regarding competency, and to seek reconsideration of this Court's previous orders without cause and without conforming to proper procedure. The Court should deny the requested relief, order that Petitioner's comprehensive mental assessment and examination previously scheduled at Stanford Center for Memory Disorders Clinic proceed forthwith without audio recordation, and order monetary sanctions against Petitioner's purported attorney personally pursuant to CCP §§ 128.5, et seq. See response for specific details and authority.

Respondent requests the Court:

- 1. Deny all relief requested in the petition;**
- 2. Order the comprehensive, independent mental assessment and examination of competency of the Petitioner to proceed forthwith without recordation; and**
- 3. The Court order Petitioner's purported attorney to personally pay monetary sanctions directly to Houk & Hornburg, Inc., a sum representing Respondent's actual fees and costs incurred in responding to the Petition in an amount according to proof at the time of hearing.**

Petitioner filed a Reply to the above Response on 6-5-14. Petitioner states while there was discussion about Mr. Rolfe having Melinda Cordell examined by a doctor from either Stanford or UC Davis, there was no discussion of a particular doctor, place, conditions, scope, or nature of the examination. Petitioner's counsel believed this would be forthcoming from Mr. Rolfe's counsel and that he would have opportunity to raise concerns or objections prior to any mental examination being conducted. There was no discussion of Melinda Cordell's right under CCP §2032.530 to have the entirety of the mental examination recorded by audio technology. Mr. Rolfe has not served Ms. Cordell with a motion requesting additional examination as required under CCP §2032.310 that specifies the time, place, manner, conditions, scope, and nature of the examination as well as the identity and specialty, if any, of the person or persons who will perform the examination. Mr. Rolfe has not shown a reasonable and good faith attempt at an informal resolution of each issue addressed by the motion as well as CCP §2016.040. The Court has not entered any order specifying the person or persons who may perform the examination requested by Mr. Rolfe. Ms. Cordell has objected to the necessity of this additional examination. After being advised of her right to have it recorded, she has expressed a desire to record so that her counsel can evaluate for purposes of trial in this matter.

Petitioner states the request for sanctions is misplaced. At the status hearing on 5-27-14, there was no motion before the Court. It was a status hearing regarding completion of the examination by Dr. Terrell. There was no ruling made by the Court for which a motion for reconsideration could be made regarding the specific issues required in any such order under CCP §2032.320. Rather, the Court continued the matter for further status hearing on 6-17-14 regarding the status of the additional mental examination being requested by Mr. Rolfe. Contrary to Mr. Rolfe's contention that Petitioner's ex parte petition was filed unnecessarily to delay the proceedings, it was filed precisely to obtain a speedy resolution to the issues regarding payment for the additional medical examination and issues related to Petitioner's rights to have the entirety of the examination recorded by audio technology and the location of any such exam. Petitioner requests the Court deny Respondent's request for monetary sanctions against Petitioner's attorney and enter such additional orders as it deems appropriate.

Dept. 303, 9:00 a.m. Wednesday, June 25, 2014

13 Olivia M. Garcia (CONS/PE)
Atty Brownson, Maria Begonia (pro per – daughter/Petitioner)
Atty LeVan, Nancy J. (Court Appointed for proposed conservatee)

Case No. 14CEPR00275

Petition for Appointment of Probate Conservator of the Person and Estate (Prob. C. 1820, 1821, 2680-2682)

Age: 81	<u>TEMPORARY EXPIRES 06/25/14</u>	NEEDS/PROBLEMS/COMMENTS:
	MARIA BEGONIA BROWNSON , daughter, is Petitioner and requests appointment as Conservator of the Person with medical consent and dementia powers and as Conservator of the Estate without bond.	<p><u>CONTINUED FROM 04/30/14 Minute Order from 04/30/14 states: Richard Garcia is appearing via CourtCall. The Court appoints Maria Brownson as temporary conservator of the person. The Public Guardian is appointed as temporary conservator of the estate. The temporaries expire on 06/25/14. The examiner is directed to prepare the Order.</u></p> <p>Court Investigator advised rights on 04/04/14.</p> <p>Voting rights affected, need minute order.</p> <p>1. If Petitioner is appointed as Conservator of the Estate, bond should be set in the amount of \$28,600.00 pursuant to CRC § 7.207 and Probate Code § 2320(c)(4).</p>
	Estimated Value of the Estate: Personal property - \$ 8,400.00 Real property - 444,305.00 Annual income - 18,000.00 Total - \$470,705.00	
Cont. from 043014	Declaration of Dr. Kundaikar supports request for medical consent and dementia powers.	
<input type="checkbox"/> Aff.Sub.Wit.	Voting rights affected.	
<input checked="" type="checkbox"/> Verified	Petitioner alleges that the proposed conservatee suffered a stroke about 10 years ago that resulted in diminished cognitive functioning. She is now suffering from dementia/alzheimer's and needs constant supervision and assistance. Last year, Petitioner moved the proposed conservatee from her home in San Jose to live with Petitioner in Sanger. Prior to living with Petitioner, the proposed conservatee was being cared for by one of her sons in her home in San Jose. Unfortunately, that son died from a heart attack leaving the proposed conservatee without a care-taker. Petitioner alleges that the girlfriend of the proposed conservatee's deceased son as well as an estranged son of the proposed conservatee have taken items of value from the proposed conservatees home in San Jose and are driving a vehicle that was purchased with the proposed conservatee's money for transporting the proposed conservatee. Petitioner seeks approval to rent out the proposed conservatee's home in San Jose and use the rental income for the conservatee's support. The proposed conservatee owns a residence and two parcels of land in San Jose. Petitioner requests appointment without bond, stating that she cannot afford a bond. In the alternative, Petitioner requests authority to use the proposed conservatee's income to purchase the bond.	
<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 checked="" type="checkbox"/> Pers.Serv. w/		
<input checked="" type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters		
<input checked="" type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input checked="" 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 type="checkbox"/> UCCJEA		
<input checked="" type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
	Court Investigator Julie Negrete filed a report on 04/23/14.	
		Reviewed by: JF
		Reviewed on: 06/24/14
		Updates:
		Recommendation:
		File 13 – Garcia

14 Justice C. Best (GUARD/P)

Case No. 14CEPR00290

Atty Vallis, James (for Heather Hetzer & Jason Hetzer – maternal grandparents/Petitioners)

Atty Donovan, Katherine (for Beth Lee – paternal grandmother)

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

Age: 11 months	<u>TEMPORARY EXPIRES 06/25/14</u>	NEEDS/PROBLEMS/COMMENTS:
	HEATHER H. HETZER and JASON HETZER, maternal grandparents, are Petitioners.	<u>CONTINUED FROM 06/03/14</u> 1. Proof of service filed 05/19/14 regarding service to Beth Lee, paternal grandmother, does not indicate that a copy of the Petition was served along with the Notice of Hearing as required.
	Father: GANNON BEST – <i>personally served on 05/16/14</i>	
Cont. from 060314	Mother: RAVEN HETZER – <i>Consent & Waiver of Notice filed 03/28/14</i>	
<input type="checkbox"/> Aff.Sub.Wit.	Paternal grandfather: TAD BEST - <i>deceased</i>	
<input checked="" type="checkbox"/> Verified	Paternal grandmother: BETH LEE – <i>served by mail with Notice of Hearing only on 05/19/14</i>	
<input type="checkbox"/> Inventory	Petitioners state that guardianship is necessary to ensure the safety and health of the minor. The father of the child has, on more than one occasion, bitten the child (once on the face and once on the arm). The mother tried to cover it up and continued to allow the father to take the minor without supervision. CPS became involved and the parents agreed that they need help. Further, the minor has not been to the doctor since he was 2 months old.	
<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 checked="" type="checkbox"/> Pers.Serv.		
<input checked="" type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters		
<input checked="" type="checkbox"/> Duties/Supp	Court Investigator Charlotte Bien filed a report on 05/23/14.	
<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	Reviewed by: JF	
<input type="checkbox"/> Citation	Reviewed on: 06/24/14	
<input type="checkbox"/> FTB Notice	Updates:	
	Recommendation:	
	File 14 - Best	

Petition for Order Establishing Special Needs Trust Under Durable Power of Attorney; for Authority to Invest in Mutual Funds and U.S. Government Bonds with Maturity Dates Later Than 5 Years; and for Attorney Fees

Age: 58 years DOB: 4/29/1956		<p>ERYN BRASE, as agent of CHERYLE MOON, under that certain Durable Power of Attorney dated 9/13/13, is Petitioner.</p> <p>Petitioner states she is seeking an order to establish a Special Needs Trust ("SNT") with Cheryle Moon as the proposed beneficiary. The SNT will be funded with the proceeds of distribution of the Estate of Bernard M. Meyer, Cheryle's father.</p> <p>Petitioner states Cheryle has lost capacity and has been diagnosed with dementia, altered mental status, Korsakoff psychosis, hypertension and chronic obstructive pulmonary disease as set forth in the report of Olasunkami S. Fagbule, M.D. dated 1/27/14.</p> <p>Cheryle established an irrevocable trust on 9/13/13 for her benefit and assigned her interest in her father's estate to her trust. At the time, it was not clear the Cheryle would require a special needs trust. Following her rapid deterioration over the past few months, this need is now established. Petitioner request that Cheryle's interest in her father's estate be instead directed to the SNT.</p> <p>The Court has jurisdiction and authority to create the SNT under 42 United States Code §1396(d)(4)(A). The proposed SNT is required to and does comply with California Rules of Court, Rule 7.903(c).</p> <p style="text-align: center;">Please see additional page</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Please see related case on page 9 of this calendar, the Estate of Bernard M. Meyer.</p> <p>Note: If the petition is granted, status hearings will be set as follows:</p> <ul style="list-style-type: none"> Wednesday, August 6, 2014 at 9:00 a.m. in Department 303, for the filing of the bond. Wednesday, September 9, 2015 at 9:00 a.m. in Department 303, for the filing of the first account. <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.</p> <p>Please see additional page</p> <p>Reviewed by: KT</p> <p>Reviewed on: 6/24/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 15 - Moon</p>	
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			
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<input type="checkbox"/>	Letters			
<input type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
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<input type="checkbox"/>	Order			X
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			

Petitioner requests permission to invest in mutual funds and U.S. Government Bonds with maturity dates later than 5 years. California Rules of Court 7.903(c)(4), provides that for good cause the court can grant such a request. The ability to invest in mutual funds will permit the SNT to hold individual securities across several asset classes, while at the same time providing the flexibility to cost-effectively change its investment position in response to the shift in the market.

Petitioner proposes that **JEFFREY MEYER** be named the initial Trustee of the SNT. Jeff is Cheryle's brother. The estimated value of Cheryl's interest in her father's estate is \$390,000.00. It is estimated that this will earn an estimated 3% return or \$11,700.00. Therefore, Petitioner requests that bond be fixed at \$441,870.00.

Because the SNT is being established under Probate Code §4541 and is not a §3600 – 36013 litigation SNT, there is not legal requirement to satisfy a Medi-Cal lien prior to trust funding.

Petitioner requests that the court approve a flat legal fee in the amount of \$4,500.00 to Dowling, Aaron, Inc. in connection with their legal representation in this matter. Dowling, in the past, prepared standardized SNT forms and standardized petitions to establish SNTs which reduce the number of attorney and paralegal hours that might otherwise be spend in providing services. In addition Dowling, Aaron, Inc. incurred out of pocket costs of \$200.00 for the filing fee in this matter.

Wherefore, Petitioner prays for an Order:

1. That the Court establish the Cheryle Moon Special Needs Trust, the Petitioner is directed to execute it, and the Court has continuing jurisdiction over the SNT;
2. That Jeffrey Meyer shall serve as the initial trustee with bond fixed at \$441,870.00;
3. That the payment of monies due Cheryle from her father's estate be paid to the Trustee of the SNT;
4. That the assets of the trust estate are unavailable to the beneficiary and shall not constitute a resource to Cheryle for Cheryle's financial eligibility for Medi-Cal, SSI, regional assistance, or any other program of public benefits;
5. That the Trustee provide the Court with a biennial account and report of the SNT, beginning with the period 1 year after the date the Court approves the establishment of the SNT and every two years thereafter;
6. That the Trustee be authorized to invest in mutual funds and U.S. government bonds with maturity dates later than 5 years;
7. That the Court approve and direct the payment of \$4,500.00 for attorney fees and out of pocket costs of \$200.00.

Please see additional page

NEEDS/PROBLEMS/COMMENTS:

1. Cheryle Moon assigned her interest in the estate of her father, Bernard M. Meyer to Eryn Brase as Trustee of the Cheryle Moon Irrevocable Trust on 9/13/13. If Cheryle has assigned her interest to the Cheryle Mood Irrevocable Trust, then it appears Cheryle Moon no longer has an interest in the estate of her father, the Cheryle Moon Irrevocable Trust does.
2. Need consent to act as trustee from Jeffrey Meyer.
3. The proposed trust uses the masculine "his" "himself" etc. when the beneficiary is female.
4. "Special Needs" are defined to include, but not limited to, clothing (other than basic items of clothing, telephone (cell phone or land line), Internet, television (cable or satellite), hair and nail care, bedding, laundry, furniture, audio equipment, video equipment, computer equipment, adaptive equipment, toys, musical instruments, electronic devices, maintenance of equipment and household, vehicles, improvements and maintenance of such vehicles, newer and more effective medications than allowed by Medi-Cal, more sophisticated medical or dental or diagnostic work or treatment for which funds are not otherwise available, other nonessential medical procedures (such as massage therapy or acupuncture), periodic outings or vacations (and other items to enhance the Beneficiary's quality of life, self-esteem or situation), pre-needs funeral and burial expenses and taxes. Petition does not state how the items listed specifically relate to this beneficiary's special needs. Many of the items listed appear to be items that would not be considered "special needs" items.
5. Petition requests attorney fees at "flat-rate" of \$4,500.00 for the establishment of this Special Needs Trust. Since Special Needs Trusts align themselves with conservatorship matters it appears that Local Rule 7.16 would apply which states that attorney fee awards are based on what is just and reasonable. An attorney seeking compensation shall comply with California Rules of Court, Rule 7.550 through 7.752.
6. Paragraph Ninth A. 2 of the proposed Special Needs Trust includes a provision for distribution to a subtrust for any person entitled to distribution, upon the death of this beneficiary, who is under the age of 30. This section appears to go beyond the scope of a Special Needs Trust.
7. Proposed Special Needs Trust should include a schedule A showing the assets that will fund the trust.
8. Proposed Special Needs Trust should specifically state the amount of bond needed.
9. Signature line of the proposed Special Needs Trust lists Eryn Brase as conservator. Eryn Brase is not the conservator of Cheryle Moon.
10. Need Order

		ROBERT M. MOCHIZUKI , Trustee, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Petitioner states Settlers Robert Mochizuiki, aka Shigeki Robert Mochizuki, and Masako Mochizuki, both deceased, created the trust. The trust contemplated division into as many as three subtrusts upon the death of the first settlor; however, for purposes of this petition, the term Trust shall include the Mochizuki Family Trust and all subtrusts created thereunder. Petitioner and his three siblings are the beneficiaries of the Trust.	
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	w	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
✓	Response		
	Video Receipt		
	CI Report		
	9202		
	Order	X	
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
		The assets of the Trust include real property consisting of approx. 8 acres located at 718, 748 and 810 S. Minnewawa in Fresno (containing an orchard and various structures) and approx. \$1,400,000 in liquid assets. The property has been used for agricultural applications since the mid 1940s. A Phase I environmental site investigation recommended further investigation for the potential presence of contaminants. A Phase II limited site investigation was conducted and for the areas tested, certain chemicals were discovered in elevated levels beyond that provided for by the California EPA's California Human Health Screening Levels. In addition, asbestos was discovered in some of the structures.	
		A disagreement has arisen among Trust beneficiaries as to the optimal route in dealing with the environmental issues. Remediating known environmental issues will cost the Trust a significant amount of money, and there is a risk that the cleanup process will uncover new and more significant concerns. Petitioner believes remediating the environmental issues will likely enable the Trust to net a significantly higher amount than if he were to simply list the property for sale without conducting any cleanup. More importantly, remediating the damage now provides greater clarity as to the exposure the Trust faces.	
		SEE ADDITIONAL PAGES	
		Reviewed by: skc	
		Reviewed on: 6-24-14	
		Updates:	
		Recommendation:	
		File 16 - Mochizuki	

Page 2

Petitioner states even if the property is sold "as is" this would not stop governmental authorities from coming back after the Trust, the trustee, and beneficiaries who receive distributions. Various federal and California statutes saddle prior landowners with liability for environmental issues even after a property is sold, even if disclosed to buyers. To address this, Petitioner could, in theory, obtain indemnity from a buyer, but this would likely significantly depress the sales prior and would only be as good as the worth of the indemnifying party.

A disagreement has also arisen among beneficiaries regarding making a preliminary distribution of the Trust estate while Petitioner deals with the environmental issues. A Trust beneficiary has asked for a large preliminary distribution. However, Petitioner is concerned that the environmental liability could exceed the entire trust estate. While initial cleanup costs are well below the size of the trust estate, there is some likelihood that the estimates are too low and that when work starts, worse problems will be uncovered.

Petitioner has consulted with two appraisers and an independent commercial real estate broker and there is consensus that the property would likely be used as a multi-family development. Petitioner notes that the homes are vacant and as such are a liability. Petitioner has already obtained bids for asbestos remediation, cleanup of contaminated ground, and removal of the structures. If the Court grants the relief requested, Petitioner will obtain updated final bids and begin asbestos remediation. Once cleanup is complete, the trust could offer a potential buyer assurance that all issues are remediated.

Petitioner prays for an order instructing Petitioner:

- a. Whether Petitioner as trustee is acting in the best interests of the Trust beneficiaries by proceeding with his plan to remediate the environmental issues and remove the structures at the property before listing it for sale; and**
- b. Whether Petitioner as trustee is justified in withholding any preliminary distribution at this time until the extent of the cost to remediate the environmental damage is finally determined; and**
- c. For any other relief the Court deems just and proper.**

Beneficiary Chris Mochizuki filed a Response on 6-5-14.

SEE ADDITIONAL PAGES

Page 3

Chris Mochizuki states the property is no longer operated as an orchard and there are several abandoned buildings on the property. It is suitable for residential uses, but would have to be incorporated into the city, rezoned, and subdivided. Based on appraisals obtained by the trustee, the property is valued at approx. \$430,000. The trust has no liabilities or debts apart from the claimed risk associated with the remediation of hazardous substances on the property.

The Trustee is required to wrap up the affairs of the trust and distribute the net assets to the beneficiaries within a reasonable time. The Trustee has the power to comply with environmental laws and to "abate, clean up, or otherwise remedy" any violation of environmental laws. To date, Petitioner has only made small advances to Larry for help with his living expenses. He has refused to make any other distributions from the substantial cash reserves, supposedly because of the risk of runaway remediation costs for the property. However, he has taken no steps to begin remediation or to sell it "as is." Consequently, the beneficiaries are receiving nothing.

Petitioner expresses fear that the cost of remediating hazardous substances on the property justifies his delay in distributing cash to beneficiaries. However, he has not been entirely candid with the Court. The bids show costs of approx. \$50,000 for the entire remediation, which is less than 3% of trust assets. Even if he decided to reserve more, there would be plenty of liquid assets to make a sizeable interim distribution to beneficiaries.

Petitioner claims it is necessary to reserve the entire \$1,400,000 in case the remediation costs spiral out of control, but provides no objective basis for this fear. Moreover, if there is really a danger that costs could approach that amount, why begin the process at all to remediate a property that is worth, at best, \$600,000? If the risk of uncontrolled remediation costs is genuine, the trust would be better served by selling the real property "as is" for a reduced price and indemnity from a buyer, then distributing cash assets.

Administration of the Trust has been paralyzed by Petitioner's inability to decide whether remediation should or should not proceed. The Court should instruct him to either remediate the property or sell it "as is." In the meantime, Petitioner should be instructed to make a substantial interim distribution so that the beneficiaries can receive some of the benefits intended by their parents.

Respondent provides discussion regarding the environmental concerns on the property. See Response for details.

Respondent concludes that even if the costs double or triple, they would represent only a small fraction of the Trust's assets. It is difficult to understand Petitioner's concerns about uncontrolled costs, his reluctance to market the property "as is," and why he has allowed this minor problem to stall administration of the trust for the past year. The Court should require Petitioner to make a decision whether to remediate or sell "as is" and then act on it in a timely manner. The Court should require quarterly reports so that this process can be monitored by beneficiaries. In the meantime, Respondent respectfully requests that the Court order Petitioner to make a preliminary distribution to the beneficiaries of not less than \$1,000,000.

DOD: 02/21/2014	MARLENE KASPARIAN TOLEGIAN, MADELAINE TOLEGIAN, and CHARLENE TOROSIAN , nieces are petitioners.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Attachment 11 does not provide the decedent's interest in the real property.</p>
Cont. from	40 days since DOD	
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified	No other proceedings	
<input checked="" type="checkbox"/> Inventory	I & A - \$60,000.00	
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.	Will dated: 08/16/2004 devises the estate pass to Marlene Kasparian Tolegian, Madelaine Tolegian, and Charlene Torosian.	
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail	w/o	
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen	Petitioners request Court determination that decedent's interest in real property located at 3523 E. Lowe Ave. Fresno, Ca. pass 1/3 rd interest to Marlene Tolegian, 1/3 rd interest to Madelaine Tolegian, and 1/3 rd to Charlene Torosian pursuant to decedent's will.	
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: LV
		Reviewed on: 06/24/2014
		Updates:
		Recommendation:
		File 17 - Agajanian

DOD: 12/25/2011	HERBERT HERNANDEZ and RICHARD HERNANDEZ , were appointed Co-Administrators, with Limited IAEA authority, on 11/8/12.	NEEDS/PROBLEMS/COMMENTS:
Cont. from 011014, 031114, 041514, 052014	The Court ordered \$50,000.00 into a blocked account.	Continued from 5/20/14.
Aff.Sub.Wit.	Receipt for Blocked Account (\$50,000.00) filed on 12/4/12.	
Verified		
Inventory	Final Inventory and Appraisal filed on 1/10/14 showing the estate valued at \$27,105.00	1. Need first account or petition for final distribution <u>or</u> 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.
PTC		
Not.Cred.		
Notice of Hrg	Supplemental Inventory and Appraisal no. 1 filed on 1/10/14 shows property valued at \$86,279.00	
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.	Former Status Report of Gary Bagdasarian filed on 3/7/14 states a disagreement between the co-executors over the amounts of reimbursement to each of them has been resolved, and the parties are now putting together the Final Report and Account of Estate. A request is made for a continuance of 60 days (for May 14, 2014 or thereafter.)	
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		Reviewed by: KT
Status Rpt		Reviewed on: 6/23/14
UCCJEA		Updates:
Citation		Recommendation:
FTB Notice	Former Status Report of Gary Bagdasarian filed on 5/19/14 states the final account and report has been completed, except for an issue of reimbursement to the Estate for rental on the property occupied by Co-Administrator Richard Hernandez and final distribution of the estate assets. Request is made for a continuance of 30 days in order that said issue may be resolved by the parties.	File 19 – Hernandez

Status Hearing Re: Status Report on Receipt of Assets into the Special Needs Trust; and/or Filing of Receipt for Blocked Account; and/or Filing of the First Account of the Special Needs Trust

	<p>The Order establishing the JENNIFER ROBERTS SPECIAL NEEDS TRUST was filed 11/05/12 after a hearing on 10/31/13 in which the Court approved the establishment of the Trust. The Order specified that CHRISTINA ROBERTS, guardian of the minor, Jennifer Roberts, was appointed as the initial Trustee of the Trust and that all proceeds of the Trust were to be deposited into a blocked account.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p style="text-align: center;"><u>OFF CALENDAR</u></p> <p style="text-align: center;">First Account and Report of Trustee filed 05/27/14 and set for hearing on 07/14/14</p>
<p>Cont. from 122013, 012414, 021414, 040414, 043014</p>	<p>Minute Order from 10/31/12 set this matter for hearing on 12/20/13 regarding the receipt of funds into blocked account and/or filing of the first account. The minute order specified that the Trust estate is waiting on the outcome of the probate administration of the estate of Michael Roberts (Jennifer's father) of which Jennifer is a beneficiary and any proceeds from the estate are to be deposited into the Special Needs Trust.</p>	
<p>Aff.Sub.Wit.</p>	<p>Receipt and Acknowledgment of Order for the Deposit of Money into Blocked Account filed 01/28/13.</p>	
<p>Verified</p>	<p>Inventory & Appraisal, partial no. 1 filed 02/14/13 - \$235,837.56</p>	
<p>Inventory</p>		
<p>PTC</p>		
<p>Not.Cred.</p>		
<p>Notice of Hrg</p>		
<p>Aff.Mail</p>		
<p>Aff.Pub.</p>		
<p>Sp.Ntc.</p>		
<p>Pers.Serv.</p>		
<p>Conf. Screen</p>		
<p>Letters</p>		
<p>Duties/Supp</p>		
<p>Objections</p>		
<p>Video Receipt</p>		
<p>CI Report</p>		
<p>9202</p>		
<p>Order</p>		
<p>Aff. Posting</p>		
<p>Status Rpt</p>		
<p>UCCJEA</p>		
<p>Citation</p>		
<p>FTB Notice</p>		
		<p>Reviewed by: JF</p>
		<p>Reviewed on: 06/24/14</p>
		<p>Updates:</p>
		<p>Recommendation:</p>
		<p>File 20 – Roberts</p>

<p>DOD: 10-7-12</p> <hr/> <hr/> <hr/> <p>Cont. from 111313, 112013, 010814, 022614, 052814</p> <p>Aff.Sub.Wit.</p> <p>Verified</p> <p>Inventory</p> <p>PTC</p> <p>Not.Cred.</p> <p>Notice of Hrg</p> <p>Aff.Mail</p> <p>Aff.Pub.</p> <p>Sp.Ntc.</p> <p>Pers.Serv.</p> <p>Conf. Screen</p> <p>Letters</p> <p>Duties/Supp</p> <p>Objections</p> <p>Video Receipt</p> <p>CI Report</p> <p>9202</p> <p>Order</p> <p>Aff. Posting</p> <p>Status Rpt</p> <p>UCCJEA</p> <p>Citation</p> <p>FTB Notice</p>	<p>JOAN ST. LOUIS, Spouse, filed Petition for Assumption of Law Practice of David St. Louis on 9-6-13.</p> <p>Background: Mrs. St. Louis' petition requested:</p> <ol style="list-style-type: none"> 1) That the Court assume jurisdiction over the law practice of David J. St. Louis and appoint attorney PAUL T. CHAMBERS to represent and assist the Court in assuming jurisdiction; 2) Allow Mr. Chambers to appoint himself as receiver and take possession and control of any and all bank accounts related to Mr. St. Louis' law practice, including the attorney-client trust account which contained \$54,502.09 at 3-31-13; 3) Coordinate with Allison St. Louis, former legal secretary, to determine the clients entitled to funds and the amounts each is owed; 4) Upon determining the recipients and the amounts owed, that Mr. Chambers be allowed to issue checks to the recipients without further court order; 5) Specifically, that Mr. Chambers be allowed, without further Court order, to issue checks from a certain estate account (John K. Shirin Estate) to those recipients entitled thereto; and 6) Upon completion, provided accounting. <p>Non-Opposition to Petition was filed 9-30-13 by the State Bar of California.</p> <p>A Creditor's Claim and Request for Special Notice was filed 9-30-13 by Attorney J. Patrick Sullivan, who represents Walter Wentz, Creditor.</p> <p>Limited Opposition to Petition was filed 10-9-13 by BIANCA SORIA. Ms. Soria states she was a client of Mr. St. Louis, who was wired \$65,000.00 in connection with a settlement. Ms. Soria requested that as a condition to granting the petition, that the Court direct Mr. Chambers to distribute the funds to her, or to post appropriate bond.</p> <p>At hearing on 10-16-13, the Court granted the petition with additional orders and set this status hearing. See Page 2 for specifics.</p> <p>Subsequent to the hearing, both attorneys David Roberts and Donald Cram submitted competing proposed orders.</p> <p>Therefore, the Court will address the competing proposed orders at this status hearing.</p> <p style="text-align: center;">SEE ADDITIONAL PAGES</p>	<p>NEEDS/PROBLEMS/ COMMENTS:</p> <p>As of 3-25-14, a bond has been filed; however, no status report has been filed.</p> <p>Note: Page B is the status hearing for filing of the accounting.</p> <hr/> <p>Reviewed by: skc</p> <hr/> <p>Reviewed on: 6-24-14</p> <hr/> <p>Updates:</p> <hr/> <p>Recommendation:</p> <p>File 21A – St. Louis</p>
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Page 2

Minute Order 10-16-13: Mr. Cram is appearing via CourtCall on behalf of Bianca Soria. The Court accepts Mr. Roberts representation that Attorney Timothy Magill has been given notice. The Court finds that Patrick James' client has been properly served. The Court will allow the interlineation under 9764. The Court grants the petition and waives bond. The Court orders that the \$41,155.89 be paid within 30 days. The Court notes that there are no funds to pay Attorney Chambers and he is acting in pro bono. Matter set for Status Hearing on 11/13/13. If everything is completed by 11/13/13, no appearances will be necessary. Set on 11/13/13 at 9am in Dept 303 for Status Hearing. Additional hearing dates 3/6/14 at 9am Dept 303 for Status Re Accounting; Petition is granted; Order to be signed ex parte.

Attorney David A. Roberts submitted a proposed Order that contains orders as follows:

1. Granting the petition that the Court assume jurisdiction over the law practice, including, but not limited to, dispersing [sic] funds held in the attorney-client trust account;
2. Appointing Paul T. Chambers to represent and assist the Court in assuming jurisdiction over the law practice without bond and shall receive no compensation;
3. That Mr. Chambers coordinate with Allison St. Louis to determine the clients entitled to files, documentation, and/or funds and the amounts each is owed;
4. That the amount that Mr. Chambers finds due to Ms. Soria shall be paid within 30 days from the entry of this order without further Court order;
5. That Mr. Chambers be allowed to appoint himself receiver and take possession of the various accounts and have signature power over such accounts, including that certain account fbo John K. Shirin or his heirs;
6. That after determining the recipients of the files, documents, and money, and the amount thereof, that Mr. Chambers is given the authority to disburse such without further Court order;
7. That Mr. Chambers is authorized without further Court order to issue checks from the John K. Shirin account to those recipients entitled thereto;
8. That upon completing the foregoing tasks, Mr. Chambers provide an accounting, upon approval of which he shall be discharged; and
9. That Mr. Chambers inform the Court of any other action taken as the Court's representative;
10. Setting hearing for approval of the final account on 3-6-14.

Attorney Donald H. Cram submitted an Alternate proposed Order that includes, in addition to the above orders, that Mr. Chambers shall disburse no less than \$41,155.89 to Ms. Soria within 30 days without further Court order.

Note: Per Minute Order 2-26-14, bond of \$47,000.00 was required. Bond was filed 3-17-14. No further status report or accounting has been filed.

Note: The Court had originally set status hearing for 3-6-14 for the filing of the accounting. On 3-6-14, that status hearing was continued with this status hearing. See Page B.

Update: The Order for Court Assumption of the Law Practice of David J. St. Louis, Deceased, and Appointing Paul T. Chambers Practice Administrator with Related Powers of Administration was signed on 3-26-14. An Amended Order was apparently signed by the Court 5-14-14, which included specific distribution relative to the Shirin Estate, although this matter is not specifically before the Court.

However, there were no appearances at this Status Hearing or at the related Status Hearing Re Accounting on 5-28-14 and the matter was continued to 6-25-14.

Note: The amended order was apparently submitted to the Court ex parte for signature. \$60.00 is due.

Petition for Termination of Guardianship

Age: 15	NATHELIE SANDRA RIVAS-GONZALEZ , mother, is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Termination of Guardian or consent and waiver of notice or declaration of due diligence for:</p> <ul style="list-style-type: none"> • Sandra Romero-Crane (Guardian) • Jesus Rosales (Father) • Jaime Rosales (Paternal Grandfather) • Manuel Rivas (Maternal Grandfather)
Cont. from	SANDRA ROMERO-CRANE , maternal grandmother, was appointed guardian on 11/15/1999.	
<input type="checkbox"/> Aff.Sub.Wit.	Father: JESUS ROSALES	
<input checked="" type="checkbox"/> Verified	Paternal Grandfather: Jaime Rosales Paternal Grandmother: Unknown	
<input type="checkbox"/> Inventory	Maternal Grandfather: Manuel Rivas	
<input type="checkbox"/> PTC	Minor: Adriana Rivas, consent and waives notice	
<input type="checkbox"/> Not.Cred.		
<input type="checkbox"/> Notice of Hrg	<input checked="" type="checkbox"/>	
<input type="checkbox"/> Aff.Mail	<input checked="" type="checkbox"/>	
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.	Petitioner states: The child has been residing with the petitioner since 02/09/2014. The child wishes to remain with the mother. Petitioner states that the guardian said to go ahead and file the paperwork to terminate the guardianship.	
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections	Court Investigator Charlotte Bien's report filed 06/09/2014.	
<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 type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: LV
		Reviewed on: 06/24/2014
		Updates:
		Recommendation:
		File 22 - Rivas

(1) Waiver of Accounting and (2) Petition for Final Distribution and for (3) Allowance of Compensation

DOD: 10/19/07	DAVID TAYLOR , Executor of the Estate of Donna Taylor, Executor of this Estate, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. The petition states that the property on hand for distribution consists of real property and furnishings and personal effects, yet the proposed distribution is stated as a dollar amount. Need clarification. The order also lists the distribution of a cash amount, may need revised Order. 2. It does not appear that there is any cash in the estate to pay the statutory fees, but the petition does not address how the statutory fees will be paid.
	Accounting is waived.	
Cont. from		
<input type="checkbox"/> Aff.Sub.Wit.	I & A - \$185,500.00	
<input checked="" type="checkbox"/> Verified	POH - \$185,500.00 (no cash)	
<input checked="" type="checkbox"/> Inventory		
<input checked="" type="checkbox"/> PTC	Executor - waived	
<input checked="" type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg	Attorney (statutory) - \$6,565.00	
<input checked="" type="checkbox"/> Aff.Mail w/		
Aff.Pub.	Distribution, pursuant to Decedent's Will, is to:	
Sp.Ntc.	David Taylor, Executor of the Estate of Donna Taylor - \$178,935.00	
Pers.Serv.		
Conf. Screen		
Letters 04/08/08		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
<input checked="" type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
<input checked="" type="checkbox"/> FTB Notice		
		Reviewed by: JF
		Reviewed on: 06/24/14
		Updates:
		Recommendation:
		File 23 - Taylor

Second Account Current and Report of Conservator and Petition for its Settlement

Age: 86		<p>KA'REN V. KETENDJIAN, Conservator, is Petitioner.</p> <p>Account period: 01/01/12 – 12/31/13</p> <p>Accounting - \$354,742.60 Beginning POH - \$341,592.10 Ending POH - \$280,065.91</p> <p>Conservator - waived <i>(Conservator has spent over 730 hours and visits the Conservatee at least once per day to make sure she is receiving proper care.)</i></p> <p>Petitioner prays for an Order:</p> <ol style="list-style-type: none"> 1. Approving and settling the second account; 2. Approving the acts of the Conservator; and 3. For such other and further relief as it deems just and proper. <p>Court Investigator Charlotte Bien filed a report on 01/10/14.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. There are charges for professional fees/Attorney services paid to Joanne Sanoian in the total amount of \$768.00 but no explanation as to what these fees are for. All attorney's fees are to be approved by the Court before they are paid, but there does not appear to have been a petition for authorization of these fees. Need more information. 2. Need Order. Note: It appears that an Order and letter from the conservator accompanying the documents for filing are stapled to the filed petition. The Examiner is not able to remove the inadvertently stapled pages because the Petition has already been filed.
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 checked="" type="checkbox"/>	CI Report		
<input checked="" type="checkbox"/>	2620		
<input type="checkbox"/>	Order x		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		Reviewed by: JF	
		Reviewed on: 06/24/14	
		Updates:	
		Recommendation:	
		File 24 - Ketendjian	

	PAO CHANG, father, was appointed Guardian of the Estate on 3-4-13 with funds blocked. Letters issued 3-5-13.	NEEDS/PROBLEMS/COMMENTS: Continued from 5-16-14 Minute Order 5-16-14: No appearances. Matter continued to 6-25-14. A copy of the minute order was mailed to the Guardian on 5-16-14. 1. Need first account or current written status report pursuant to Local Rule 7.5 which states 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.
	At the hearing on 3-4-13, the Court set this status hearing for the filing of the first account.	
Cont from 050914	Receipt and Acknowledgment of Order for the Deposit of Money into Blocked Account filed 5-24-13 shows \$6,378.58 was deposited into the blocked EECU account on 3-18-13.	
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail	Inventory and Appraisal filed 7-12-13 by Mr. Chang, in pro per, indicates \$6,005.00.	
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.	The first account is now due.	
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: skc
		Reviewed on: 6-23-14
		Updates:
		Recommendation:
		File 25 - Cha

Alyssa Anguiano

Atty Ruiz, Jorge A. Arguello (Pro Per – Petitioner – Paternal Grandfather of Alyssa)

Atty Arguello, Rosemilia Suarez de (Pro Per – Petitioner – Paternal Grandmother of Alyssa)

Atty Anguiano, Angie (Pro Per – Objector – Mother)

Petition for Appointment of Temporary Guardian of the Person (Prob. C. 2250)

Jesenia Age 9	JORGE A. ARGUELLO RUIZ , and ROSEMILIA SUAREZ DE ARGUELLO , paternal grandparents to Alyssa Anguiano, are petitioners.		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need proof of personal service five (5) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Temporary Guardian or consent and waiver for:</p> <ul style="list-style-type: none"> • Father of Jesenia (Not Listed) • Father of Kristine (Not Listed) <p>Note: Declaration of Due Diligence filed on 06/23/2014 for the father of Jesenia and Kristine states that the petitioners have never had any contact with them.</p>
Kristine Age 7			
Alyssa Age 3			
Cont. from	Father (of Alyssa): ALEX A. ARGUELLO , consent and waives notice		
Aff.Sub.Wit.	Father (of Jesenia): NOT LISTED , Declaration of Due Diligence filed 06/23/2014		
✓ Verified	Father (of Kristine): NOT LISTED , Declaration of Due Diligence filed 06/23/2014		
Inventory			
PTC			
Not.Cred.	Mother: ANGIE ANGUIANO , personally served on 06/15/2014		
✓ Notice of Hrg	Paternal Grandparents (of Jesenia): Not Listed Paternal Grandparents (of Kristine): Not Listed		
Aff.Mail			
Aff.Pub.			
Sp.Ntc.	Maternal Grandfather: Deceased Maternal Grandmother: Prissila Martinez, Deceased		
✓ Pers.Serv.	w/	Petitioner states: mother gave the petitioners permission to have the children come out to California for vacation because the mother is homeless and does not have a job since 06/05/2013. The mother stated she is going to pick up the children soon. Petitioners want the children in a stable and secure place.	
Conf. Screen			
✓ Letters			
✓ Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
✓ Order	Objection to Guardianship filed by Angie Angiano, mother on 06/24/2014 states she is capable of caring for her own children. Mother's objection continued from previous page: She states there was no need for the petitioners to file for guardianship. The mother states that she had an agreement with Rosemilia that the children could stay with her on vacation but now that school is out the mother plans to take the children back with her. The agreement was that the mother would pick up the children in June when school was out. She states that she is a loving mother and that she trusted Rosemelia and is very grateful to her for the care she has provided to the children.		
Aff. Posting			
Status Rpt			
✓ UCCJEA			
Citation			
FTB Notice			
			Reviewed by: LV
			Reviewed on: 06/24/2014
			Updates:
			Recommendation:
			File 26 – Batista & Anguiano