



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.

3 Jack Leroy Trimble (Estate)

Case No. 11CEPR00582

Atty Wall, Jeffrey L. (for Robin L. Trimble – Daughter – Executor – Petitioner)

(1) First and Final Report of Executor and Petition for Its Settlement, (2) for Allowance of Fees and (3) for Final Distribution Upon Waiver of Accounting

DOD: 4-21-11	ROBIN L. TRIMBLE , Daughter and Executor with Full IAEA without bond, is Petitioner.		NEEDS/PROBLEMS/COMMENTS:
	Accounting is waived.		
	I&A: \$50,200.00		
<input checked="" type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input checked="" type="checkbox"/>	Inventory		
<input checked="" type="checkbox"/>	PTC		
<input checked="" type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail	w	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
<input checked="" type="checkbox"/>	Letters	11-2-11	
	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: skc
			Reviewed on: 6-28-12
			Updates:
			Recommendation: SUBMITTED
			File 3 - Trimble

**Amended Petition to Compel Accounting, Surcharge and Remove Trustee
(Prob. C.15642, 16060, 16061, 17200)**

		<p>RICK ROSS and RICHARD ROSS, beneficiaries of the EARL JACKSON ROSS MARITAL TRUST and the EARL JACKSON ROSS FAMILY TRUST, are Petitioners.</p> <p>RICHARD ROSS is also the designated successor trustee.</p> <p>Petitioners state Respondent SUSAN ROSS ALLEY, Trustee and income beneficiary of the Trusts, which were established under the Will of Earl Jackson Ross which was probated in Fresno County Case #0557330, has a duty to administer the Trusts according to their terms and to keep the Trusts' accounts separate, as well as duties of care and loyalty to the beneficiaries, and to keep the beneficiaries reasonably informed of the trust and its administration per Probate Code 16060.</p> <p>Under Probate Code 16061, "on reasonable request by a beneficiary, the trustee shall report to the beneficiary relating to the administration of the trust relevant to the beneficiary's interest." Petitioner states there are no exceptions to 16060 or 16061 that would excuse Respondent from providing information to Petitioners.</p> <p>On several prior occasions, Petitioner Rick Ross made demands to Ms. Alley to provide information and keep Petitioners informed of the trusts, but Respondent failed to comply with his initial demands and ultimately provided some information after a Petition to compel an accounting was filed.</p> <p>Petitioner filed several petitions seeking accounting and surcharge, and as a result, Respondent ultimately provided information.</p> <p>After a trial, it was determined that Respondent had invaded the principal of the Trusts, and she was ordered to repay approx. \$18,500.00.</p> <p>Petitioners state to their knowledge no beneficiaries were provided with proof of compliance with that court order despite requests.</p> <p>During the pendency of the action and since then, including after conclusion of the court proceedings, Respondent has not made any effort to keep beneficiaries informed of what was happening in the Trust and has failed to provide any information to Petitioners.</p> <p style="text-align: center;">SEE PAGE 2</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: Petitioner filed this amended petition; however, the only change from the prior petition appears to be the inclusion of the list of interested persons pursuant to Probate Code §17201. Please see following pages and related cases as noted.</p> <p>Additional related cases:</p> <ul style="list-style-type: none"> • 0557330-8 Estate of Earl Jackson Ross Created testamentary trusts: - Earl J. Ross Marital Trust - Earl J. Ross Family Trust • 04CEPR00370 Earl Jackson Ross Trust • 05CECG01626 Rick Ross vs. Susan Alley • 08CECG02515 Richard Ross vs. Susan Alley (Transferred to Probate as 09CEPR0285) • 09CEPR00285 Matter of Earl Jackson Ross • 12CEPR00278 Earl J. Ross Marital and Earl J. Ross Family Trust (This case – described as Rick Ross, Richard Ross, Petitioners, v. Susan Clarke Ross Alley) <p style="text-align: center;">SEE FOLLOWING PAGES</p> <p>Reviewed by: skc</p> <p>Reviewed on: 6-28-12</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 7A - Ross</p>
Cont. from 052112			
	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		

A follow up demand was sent in September 2011, after which Respondent provided copies of summary accountings. The accountings provided once again that Respondent is invading the principal of the Trust, which is a violation of the terms of the Trusts. The accountings appear to show that Respondent is paying personal legal and other bills from the Trusts.

The Trusts provide that Respondent may invade the principal of the Trusts only if she establishes that her other sources of income are inadequate. The restriction in both trusts on Respondent's ability to invade principal is specifically spelled out in the Trusts. Respondent is clearly aware of this restriction, as that provision was at issue in the prior petitions. Respondent admitted that she had not done the required analysis in previous testimony under oath and showed no inclination that she would do so in the future.

The purpose of the Trusts is to preserve Jack Ross' share of the community property for his heirs. Respondent is entitled to income but is to exhaust her own assets before she taps into the principal of the Trusts which are to be preserved for the heirs of Jack Ross. Throughout the existence of the Trusts, Respondent has deliberately used the assets of the Trusts instead of her own assets and sources of income.

Petitioners state Respondent has significant personal assets and resources independent of the Trusts including real property in Idaho and Fresno (assets in excess of \$5 million) and income of over \$100,000.00/year and her own Trust. There is no basis to invade the principal of the trusts. Respondent never provided any documentation or evidence that shows she has made, or even attempted to make, the calculations required by Trust documents.

Because Respondent has repeatedly invaded the principal of the Trusts as shown by her own accountings and a prior court determination, Respondent should be compelled to properly account for all such invasions of principal and return all such amounts to the Trusts with interest. Respondent should be surcharged for all amounts taken plus interest.

“Even though Petitioners are not per se entitled to an accounting as required by Probate Code 16063,”

Respondent's repeated violations of her duties as Trustee authorize such an accounting. Petitioners should be entitled to review all of the backup documentation. Said accounting should be provided to all beneficiaries.

Petitioners believe Respondent has used funds in the Trusts for non-Trust purposes and for her own personal benefit in direct violation of the Trusts. As a result, Petitioner requests the Court order Respondent to provide Petitioner with accountings, including full backup documentation. In the event improper use of funds is shown, Respondent shall be surcharged and pay the Trust to recover all of said improperly used funds plus interest.

Petitioner Richard Ross already has a petition on file that alleges that Respondent obtained invalid orders in the Probate matter and, among other things, contending that Respondent has failed to properly account for all of the assets that belong in the Trusts. Case #09CEPR00285 is pending.

- See additional page -

Examiner's Brief Notes Regarding Background of this case/parties:There are numerous cases regarding this decedent and his testamentary trusts involving these parties:

- **0557330-8 Estate of Earl Jackson Ross**
(Created testamentary trusts: Earl J. Ross Marital and Earl J. Ross Family Trusts)
 - **04CEPR00370 Earl Jackson Ross Trust**
 - **05CECG01626 Rick Ross vs. Susan Alley**
 - **08CECG02515 Richard Ross vs. Susan Alley (Transferred to Probate as 09CEPR00285 – see below)**
 - **09CEPR00285 Matter of Earl Jackson Ross**
 - **12CEPR00278 Earl J. Ross Marital and Earl J. Ross Family Trust**
(Rick Ross, Richard Ross, Petitioners, v. Susan Clarke Ross Alley)

 - **Estate of Earl Jackson Ross 0557330-8 was settled on 9-29-97 and two testamentary trusts were created.**

 - **Petitioner Rick Ross** filed trust action 04CEPR00370, which was affirmed on appeal on 4-12-10.
(Examiner has not reviewed that file at this time to determine what the judgment was that was affirmed.)

 - **Petitioner Rick Ross** also filed civil action 05CECG01626, which was dismissed, and affirmed on appeal as dismissed on 7-18-07.

 - **Petitioner Richard Ross** filed a civil complaint 08CECG02515 with two causes of action and a prayer to reopen the original probate, and for damages and costs. Specifically, Mr. Ross sought to determine ownership of the Idaho property where he resided with Decedent, alleging it was fraudulently transferred to Ms. Alley in 1994. An Amended Complaint was filed 8-17-09.

 - **A Demurrer** was filed and it was ruled to transfer the new civil case 08CECG02515 to Probate on 1-8-09. Case # 09CEPR00285 was assigned on 4-6-09.

 - On 1-25-10, Judge Kazanjian signed an order on the Demurrer overruling the first cause of action (extrinsic fraud), and sustaining the second cause of action (breach of fiduciary duty) with leave to amend.

 - **A Second Amended Complaint was filed 2-4-10; Answer filed 3-22-10.**
Examiner notes that the Second Amended Complaint still contains both causes of action (Extrinsic Fraud and Breach of Fiduciary Duty). The prayer requests that the probate be reopened and the final order set aside, damages, and costs. The Answer states 22 affirmative defenses and requests the Complaint be dismissed, Plaintiff take nothing and be granted no relief, judgment against the plaintiff, and costs of suit.

 - On 9-2-10, **Richard Ross** filed a Notice of Motion to Compel Further Responses to Discovery Requests.

 - On 12-16-10, Judge Kazanjian granted that motion and ordered Ms. Alley to provide further responses and pay \$905 sanctions.

 - **Nothing further has been filed in 09CEPR00285. The Second Amended Complaint filed 2-4-10 is outstanding.**

 - **On 3-26-11, Rick Ross and Richard Ross together filed this Petition to Compel Accounting, Surcharge and Remove Trustee as new case # 12CEPR00278.**
-

NEEDS/PROBLEMS/COMMENTS:

1. This Petition opened a new case; however, there is already an open probate case regarding this matter, as referenced in the Petition. The Court will consolidate this case with 09CEPR00285 (Matter of Earl Jackson Ross).

Note: Petitioner Rick Ross' Second Amended Complaint filed 2-4-10 is currently outstanding in 09CEPR00285 (Answer filed 3-22-10). The Court may require status of that complaint at this time.

2. Petitioner served Susan Clarke Alley through her attorney Timothy L. Thompson. Cal. Rules of Court 7.51 requires direct notice. (Probate Code §1214 requires service on the attorney in addition to direct notice to the interested person.)

Pro Per Littlecreek, Ashly (Pro Per Petitioner, non-relative/friend)
 Pro Per Littlecreek, Christopher (Pro Per Petitioner, non-relative friend)

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

Age: 15 years	<p>TEMPORARY GRANTED ON COURT'S OWN MOTION EXPIRES 7/5/2012</p> <p>CHRISTOPHER LITTLECREEK AND ASHLY LITTLECREEK, non-relatives/friends, are Petitioners.</p> <p>Father: JASON QUINN RAMOS; <i>consents and waives notice</i>;</p> <p>Mother: BRANDY MARIE RAMOS; <i>consents and waives notice</i>;</p> <p><i>Proposed ward consents and waives notice.</i></p> <p>Paternal grandfather: <i>Deceased</i> Paternal grandmother: Rosa Carman; <i>consents and waives notice</i>;</p> <p>Maternal grandfather: Richard Smaage; <i>deceased</i>; Maternal grandmother: Carol Smaage; <i>consents and waives notice</i>;</p> <p>Petitioners state the child has been living with them since 4/5/2011, when the minor was dropped off by her mother with a letter stating they had authority over the minor. Petitioners state they provide for the minor's day-to-day needs, and they need guardianship so they can continue to make any necessary legal decisions. Petitioner Christopher Littlecreek is the minor's Youth Pastor and Petitioner Ashly Littlecreek is her Youth Leader.</p> <p>Court Investigator Jennifer Young filed on 6/26/2012 the Report of Dept. of Social Services Social Worker Jennifer Cooper dated 6/22/2012.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 5/24/2012. <i>Minute Order</i> states the Court on its own motion grants a temporary guardianship in favor of Ashly Littlecreek and Christopher Littlecreek. The temporary expires 7/5/2012.</p> <p>Note: Continuance of 30 days was requested by Court Investigator to allow time for the Department of Social Services Social Worker to complete her 1513(a) investigation report due to the non-relative guardianship proceeding alleging parental unfitness.</p>	
DOB: 7/25/1996			
Cont. from 052412			
<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 type="checkbox"/> Notice of Hrg			N/A
<input type="checkbox"/> Aff.Mail			
<input type="checkbox"/> Aff.Pub.			
<input type="checkbox"/> Sp.Ntc.			
<input type="checkbox"/> Pers.Serv.			
<input checked="" type="checkbox"/> Conf. Screen			
<input type="checkbox"/> Aff. Posting			
<input checked="" type="checkbox"/> Duties/Supp			
<input type="checkbox"/> Objections			
<input type="checkbox"/> Video Receipt			
<input checked="" type="checkbox"/> CI Report			
<input checked="" type="checkbox"/> Clearances			
<input checked="" type="checkbox"/> Order			
<input checked="" type="checkbox"/> Letters			
<input type="checkbox"/> Status Rpt			
<input checked="" type="checkbox"/> UCCJEA			
<input type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice			
		<p>Reviewed by: LEG</p> <p>Reviewed on: 6/28/12</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 10 - Ramos</p>	