



July 6, 2016

The Probate Examiner's Office recommends approval of the following Probate matters:

24 16CEPR00554 Marilyn J. Proffitt (Estate)

The following cases have been continued at the request of Petitioner or Petitioner's attorney:

08CEPR00760 Angel Paul Rios (GUARD/P) Continued to 7/20/16 @ 8:30 AM in Dept. 54

The following cases are off calendar:

1 0378329 Shelly Blum (CONS/PE)
4 10CEPR01084 Lorraine B. Gordy (CONS/PE)
7 13CEPR00327 Donald Kubota (SN TRUST)
14 15CEPR01236 Peter A Kennedy (Estate)
15 16CEPR00093 Walter Douthett (CONS/E)
26 15CEPR01037 Kiyoshi Okahata (Estate)

Appearance of counsel is recommended for all remaining matters set for hearing.

Thank you.

Dept. 303, 9:00 a.m. Wednesday July 6, 2016

Probate Status Hearing Re: Filing of the Ninth Account

| | | |
|--------------------------|---------------|---|
| | | <p>NEEDS/PROBLEMS/COMMENTS:</p> <p>OFF CALENDAR. Ninth Account filed and set for hearing on 8/29/16.</p> |
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| | | |
| Cont. from | | |
| <input type="checkbox"/> | Aff.Sub.Wit. | |
| <input type="checkbox"/> | Verified | |
| <input type="checkbox"/> | Inventory | |
| <input type="checkbox"/> | PTC | |
| <input type="checkbox"/> | Not.Cred. | |
| <input type="checkbox"/> | Notice of Hrg | |
| <input type="checkbox"/> | Aff.Mail | |
| <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 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: 6/29/16 |
| | | Updates: |
| | | Recommendation: |
| | | File 1- Blum |

Probate Status Hearing Re: Failure to File a Petition for Final Distribution.

| | | |
|----------------------|---|---|
| | PUBLIC ADMINISTRATOR was appointed Successor Administrator on 3/8/2008. | <p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need petition for final distribution.</p> |
| | On 12/7/15 a Surcharge Judgment was entered against the former Administrator Christopher O'Neal in the amount of \$128,500.00. Western Surety was ordered to pay the full amount of Christopher O'Neal's bond (\$50,000.00). | |
| Cont. from | | |
| Aff.Sub.Wit. | | |
| Verified | | |
| Inventory | | |
| PTC | | |
| Not.Cred. | | |
| Notice of Hrg | Declaration of Timothy Tomlin, attorney for Western Surety, filed on 2/29/16 states Western Surety has paid the sum of \$50,000.00 in satisfaction of the surcharge. | |
| Aff.Mail | | |
| Aff.Pub. | | |
| Sp.Ntc. | | |
| Pers.Serv. | Notice of Status Hearing re: Filing of the Petition for Final Distribution was mailed to attorney Heather Kruthers on 4/8/16. | |
| Conf. Screen | | |
| Letters | Status Report filed on 7/1/16 states the Public Administrator had anticipated filing the account prior to the status hearing. However, it was discovered that personal property had to be inventoried before it could be accounted for as property on hand at the end of the account period. | |
| Duties/Supp | | |
| Objections | | |
| Video Receipt | | |
| CI Report | | |
| 9202 | | |
| Order | | |
| Aff. Posting | The referee has already returned the I & A, and the PA can now update their schedules. The account can be filed within 2 weeks of getting those completed. The PA requests the matter be continued for another 30 days. | |
| Status Rpt | | |
| UCCJEA | | |
| Citation | | |
| FTB Notice | | |
| | | Reviewed by: KT |
| | | Reviewed on: 6/29/16 |
| | | Updates: |
| | | Recommendation: |
| | | File 2- O'Neal |

Attorney Alfred A. Gallegos (for Robert Salazar, maternal great uncle)

Petition for Appointment of Temporary Guardian of the Person

| | | | |
|-------------------------------------|---------------|--|--|
| | | <u>General Hearing set for 8/25/2016</u> | <p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> Pursuant to Probate Code 2250(e), need <i>Notice of Hearing</i> and proof of five (5) court days' notice by personal service of the <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Temporary Guardian</i>, or <i>Consent to Appointment of Guardian and Waiver of Notice</i>, or a <i>Declaration of Due Diligence</i> for: <ul style="list-style-type: none"> Leonardo Lopez Herrera, father. Need proposed order and proposed letters of temporary guardianship. |
| | | <p>ROBERT SALAZAR, maternal great uncle, is Petitioner.</p> <p style="text-align: center;">~Please see <i>Petition for details</i>~</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 type="checkbox"/> | Notice of Hrg | X | |
| <input type="checkbox"/> | Aff.Mail | | |
| <input type="checkbox"/> | Aff.Pub. | | |
| <input type="checkbox"/> | Sp.Ntc. | | |
| <input type="checkbox"/> | Pers.Serv. | X | |
| <input checked="" type="checkbox"/> | Conf. Screen | | |
| <input type="checkbox"/> | Letters | X | |
| <input checked="" type="checkbox"/> | Duties/Supp | | |
| <input 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 checked="" type="checkbox"/> | UCCJEA | | |
| <input type="checkbox"/> | Citation | | |
| <input type="checkbox"/> | FTB Notice | | |
| Reviewed by: LEG | | | |
| Reviewed on: 6/29/16 | | | |
| Updates: | | | |
| Recommendation: | | | |
| File 3- Salazar | | | |

Attorney Nancy J. LeVan (for Pamela L. Gordy, Conservator)

Probate Status Hearing Re: Filing of the Third Account

| | | |
|------------|---------------|---|
| | | <p>NEEDS/PROBLEMS/COMMENTS:</p> <p style="text-align: center;">OFF CALENDAR</p> <p style="text-align: center;"><i>Order Settling Third and Final Account of Conservator of the Person and estate filed 3/26/2015.</i></p> |
| | | |
| | | |
| | | |
| Cont. from | | |
| | Aff.Sub.Wit. | |
| | Verified | |
| | Inventory | |
| | PTC | |
| | Not.Cred. | |
| | Notice of Hrg | |
| | Aff.Mail | |
| | Aff.Pub. | |
| | Sp.Ntc. | |
| | Pers.Serv. | |
| | Conf. Screen | |
| | Letters | |
| | Duties/Supp | |
| | Objections | |
| | Video Receipt | |
| | CI Report | |
| | 9202 | |
| | Order | |
| | Aff. Posting | |
| | Status Rpt | |
| | UCCJEA | |
| | Citation | |
| | FTB Notice | |
| | | Reviewed by: LEG |
| | | Reviewed on: 6/29/16 |
| | | Updates: |
| | | Recommendation: |
| | | File 4- Gordy |

**5 Amiah Tracy, Jaedyn Grover, Ryanna Grover & Miley Grover (GUARD/P)
Case No. 11CEPR01093**

Petitioner Brown, Kim (Pro Per – Maternal Aunt)
Petitioner Brown, Anthony (Pro Per – Maternal Uncle)

Petition for Appointment of Guardian of the Person

| | | |
|---|---|--|
| Amiah Age: 8 | TEMPORARY EXPIRES 07/06/2016 | NEEDS/PROBLEMS/COMMENTS: <u>This petition pertains to Amiah Tracy & Jaedyn Grover only.</u> Note: A petition for guardianship was filed by Jovanna Vargas & Matthew Moreno, aunt and uncle, for Ryanna Grover & Miley Grover, the general hearing is set for 07/07/2016. Minute Order of 05/12/2016: Petitioner is ordered to ask Kelly Grover, mother, the name of the minors' father(s) again. The Court orders that there shall be no visits to Kelly Grover until she appears before the Court. 1. Need proof of personal service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for: <ul style="list-style-type: none"> Father(of Amiah) (Unknown) 2. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for: <ul style="list-style-type: none"> Paternal Grandparents (Not Listed) Maternal Grandparents (Not Listed) 3. Notice of Hearing filed 05/13/2016 indicates that a Sharon Trihub and James Grover were personally served on 05/12/2016 however it is unclear what their relationship is to this case. |
| Jaedyn Age: 6 | KIM BROWN, and ANTHONY BROWN, maternal aunt and uncle, are petitioners. | |
| | <u>Please see petition for details</u> | |
| Cont. from | | |
| <input type="checkbox"/> Aff.Sub.Wit. | | |
| <input checked="" type="checkbox"/> Verified | | |
| <input type="checkbox"/> Inventory | | |
| <input type="checkbox"/> PTC | | |
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| <input checked="" type="checkbox"/> Notice of Hrg | | |
| <input type="checkbox"/> Aff.Mail | x | |
| <input type="checkbox"/> Aff.Pub. | | |
| <input type="checkbox"/> Sp.Ntc. | | |
| <input checked="" type="checkbox"/> Pers.Serv. | w/ | |
| <input type="checkbox"/> Conf. Screen | | |
| <input checked="" type="checkbox"/> Letters | | |
| <input checked="" type="checkbox"/> Duties/Supp | | |
| <input type="checkbox"/> Objections | | |
| <input type="checkbox"/> Video Receipt | | |
| <input checked="" type="checkbox"/> CI Report | | |
| <input type="checkbox"/> 9202 | | |
| <input checked="" type="checkbox"/> Order | | |
| <input type="checkbox"/> Aff. Posting | | |
| <input type="checkbox"/> Status Rpt | | |
| <input checked="" type="checkbox"/> UCCJEA | | |
| <input type="checkbox"/> Citation | | |
| <input type="checkbox"/> FTB Notice | | |
| | | Reviewed by: LV |
| | | Reviewed on: 06/30/2016 |
| | | Updates: |
| | | Recommendation: |
| | | File 5- Tracy & Grover |

Petitioner Young, Nathan (Pro Per – Father)

Petition for Termination of Guardianship

| | | | | |
|-------------------------------------|----------------------|---|--|----|
| Age: 3 | | <p>NATHAN YOUNG, father, is petitioner.</p> <p><u>Please see petition for details</u></p> | <p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: Madelen Castanon, mother filed a Petition for Termination on 06/01/2016. The hearing is set for 08/01/2016.</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. 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 Guardianship for: <ul style="list-style-type: none"> • Paternal Grandfather (Not Listed) • Macy Fox (Maternal Grandmother) | |
| | | | | |
| Cont. from | | | | |
| <input type="checkbox"/> | Aff.Sub.Wit. | | | |
| <input checked="" type="checkbox"/> | Verified | | | |
| <input type="checkbox"/> | Inventory | | | |
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| <input type="checkbox"/> | Not.Cred. | | | |
| <input checked="" type="checkbox"/> | Notice of Hrg | | | |
| <input type="checkbox"/> | Aff.Mail | | | x |
| <input type="checkbox"/> | Aff.Pub. | | | |
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| <input checked="" type="checkbox"/> | Pers.Serv. | | | w/ |
| <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 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: 06/29/2016 | | | | |
| Updates: | | | | |
| Recommendation: | | | | |
| File 6- Castanon | | | | |

7 Donald Kubota (SN TRUST)

Case No. 13CEPR00327

Attorney Matlak, Steven M. (for Bruce Bickel – Trustee)

Probate Status Hearing Re: Filing of the Second Account

| | | |
|----------------------|--|---|
| | BRUCE BICKEL , was appointed Initial Trustee, of the Donald Kubota Special Needs Trust, Established 05/09/2013. | NEEDS/PROBLEMS/COMMENTS: |
| | | |
| | Order settling the First Account and Report of Trustee was filed on 07/24/2014. | <u>OFF CALENDAR.</u> <u>Second Account and Report of Trustee filed 06/30/2016.</u> <u>Hearing set for 08/09/2016.</u> |
| Cont. from | Minute Order of 07/24/2014 set this Status Hearing regarding the filing of the Second Account. | |
| Aff.Sub.Wit. | | <ol style="list-style-type: none"> 1. Need Second Account or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties. |
| Verified | | |
| Inventory | | |
| PTC | | |
| Not.Cred. | | |
| Notice of Hrg | | |
| Aff.Mail | | |
| Aff.Pub. | | |
| Sp.Ntc. | | |
| Pers.Serv. | | |
| Conf. Screen | | |
| Letters | | |
| Duties/Supp | | |
| Objections | | |
| Video Receipt | | |
| CI Report | | |
| 9202 | | Reviewed by: LV |
| Order | | Reviewed on: 06/29/2016 |
| Aff. Posting | | Updates: 06/30/2016 |
| Status Rpt | | Recommendation: |
| UCCJEA | | File 7- Kubota |
| Citation | | |
| FTB Notice | | |

Petitioner Cosme Guadalupe Barraza (Pro Per, paternal grandfather)
 Petitioner Maria Beatriz Aguirre (Pro Per, paternal grandmother)

Petition to Fix Residence Outside the State of California

| | | | | |
|------------|---------------|---|---|----|
| | | <p>COSME GUADALUPE BARRAZA and MARIA BEATRIZ AGUIRRE, paternal grandparents and Co-Guardians of the Person appointed on 7/9/2015, are Petitioners.</p> <p>Father: COSME BARRAZA, JR.; personally served 6/11/2016. Consent to out-of-state move signed 5/25/2016.</p> <p>Mother: SALINA ORTEGA; personally served 6/11/2016. Consent to out-of-state move signed 5/25/2016.</p> <p>Petitioners request that the Court authorize the residence for the minor be fixed outside California to Tucson, Arizona, for the following reasons:</p> <ul style="list-style-type: none"> • Petitioners' son lives in a four-bedroom home in Tucson; • Petitioners wish to move closer to their son, who will help them open a new restaurant; • Petitioner is a very experienced cook; • Petitioner will be retiring in two years and this is where they wish to retire. <p>Petitioners state the expected duration of the out-of-state move is more than four months, and the guardianship of the person or its equivalent will be commenced in the place of new residence.</p> | <p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note for background: Minute Order dated 7/9/2015 from the hearing on the petition for guardianship states: The Court orders that Cosme Barraza, Jr., father of the minor, may not reside in the guardian's home and must move out by 7/19/2015. Furthermore, Mr. Barraza, Jr., may not be left alone with the minor.</p> <ol style="list-style-type: none"> 1. Petitioners do not state whether their son referred to in the petition is the father of the child, COSME BARRAZA, JR. The Court may require Petitioners to provide further information regarding their plans for moving closer to their son in Arizona, as it pertains to their son's living arrangements not violating this Court's order. 2. <i>Proof of Service by Mail of the Notice of Hearing</i> filed 6/23/2016 states "homeless" as to the following persons, for which the Court may require <i>Declaration of Due Diligence</i> to be filed with the Court: <ul style="list-style-type: none"> • Inocencio Ortega, maternal grandfather; • Stacey Ortega, maternal grandmother. <p>~Please see additional page~</p> | |
| Cont. from | | | | |
| | Aff.Sub.Wit. | | | |
| ✓ | Verified | | | |
| | Inventory | | | |
| | PTC | | | |
| | Not.Cred. | | | |
| ✓ | Notice of Hrg | | | |
| | Aff.Mail | | | X |
| | Aff.Pub. | | | |
| | Sp.Ntc. | | | |
| ✓ | Pers.Serv. | | | W/ |
| | Conf. Screen | | | |
| | Letters | | | |
| | Duties/Supp | | | |
| | Objections | | | |
| | Video Receipt | | | |
| | CI Report | | | |
| | 9202 | | | |
| ✓ | Order | | | |
| | Aff. Posting | | | |
| | Status Rpt | | | |
| | UCCJEA | | | |
| | Citation | | | |
| | FTB Notice | | | |
| | | <p>Reviewed by: LEG</p> <p>Reviewed on: 6/30/16</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 8- Barraza</p> | | |

Note: If the *Petition* is granted:

- Within 30 days of the move to Arizona, Petitioners must file with the Court and serve on all interested parties a *Post-Move Notice of Change of Residence of Ward* [GC-080]. File contains a blank form for Petitioners' use.
- Petitioners must establish a guardianship or its equivalent in Arizona within **4 months** of the date of the Court's order fixing residence outside California, pursuant to Probate Code 2352(d).
- A Status Hearing will be set on **Monday, January 9, 2017, at 9:00 a.m. in Department 303** for filing proof of the establishment of a guardianship in Arizona. Pursuant Local Rule 7.5, upon filing with the Court satisfactory proof of establishment, the status hearing will come off calendar and no appearance will be required.

9 Kyla Chea, Nova Chea & Aikon Serey Chea (GUARD/P) Case No. 14CEPR00808

Petitioner: Paul Chea (Pro Per – Paternal grandfather)

Petitioner: Siramalin Uth (Pro Per – Paternal grandmother)

Objector: Vuthy Chea (Pro per – Father)

Petition for Appointment of Guardian of the Person (as to Aikon Serey Chea only)

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|--------------------------|----------------------|--|---|
| | | <u>TEMPORARY EXPIRES 7/6/2016</u> | NEEDS/PROBLEMS/COMMENTS: |
| | | PAUL CHEA and SIRAMALIN UTH , paternal grandparents, are petitioners. | This petition is as to AIKON SEREY CHEA only. (Petitioners were previously appointed of Kyla and Nova 12/18/2014.) |
| | | Court Investigator report filed 5/16/2016. | |
| Cont. from 052516 | | Objection to guardianship filed 6/23/2016 by Vuthy S. Chea (father). | Note: A Cambodian interpreter provided services at the hearing on 5/25/2016. |
| | Aff.Sub.Wit. | | |
| ✓ | Verified | | |
| | Inventory | | |
| | PTC | | |
| | Not.Cred. | | |
| ✓ | Notice of Hrg | <i>See petition for details.</i> | Minute order dated 5/25/2016 states Deputy serves a copy of petition on Vuthy Chea (father) in open court. Mr. Chea states his objection. Any objections are to be [filed] and properly served no later than 6/22/2016. Jennifer Dy (mother) states her consent. Matter continued for the remaining service defects. |
| ✓ | 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 | | |
| | | | Reviewed by: SEF |
| | | | Reviewed on: 6/29/2016 |
| | | | Updates: |
| | | | Recommendation: |
| | | | File 9- Chea |

Probate Status Hearing RE: First or Final Account

| | | |
|----------------------|--|---|
| DOD: 1/21/15 | <p>PUBLIC ADMINISTRATOR was appointed as Administrator with full IAEA authority on 5/6/15.</p> <p>Letters issued on 5/21/15.</p> <p>I & A filed on 7/9/15 showing the estate valued at \$165,000.00</p> <p>Minute order dated 5/6/15 set this status hearing for the filing of the first account or petition for final distribution.</p> <p>Status Report filed on 7/1/16 states the Public Administrator anticipated filing the final account prior to the status hearing. However, it was discovered that the decedent's gravesite has no headstone, and the PA would like time to purchase one to match the decedent's sister's. This will require a slight revision to the account that has already been prepared. The PA requests this matter be continued for another 60 days to allow time to purchase a headstone and revise the account, the file it.</p> | <p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need petition for final distribution.</p> |
| Cont. from | | |
| Aff.Sub.Wit. | | |
| Verified | | |
| Inventory | | |
| PTC | | |
| Not.Cred. | | |
| Notice of Hrg | | |
| Aff.Mail | | |
| Aff.Pub. | | |
| Sp.Ntc. | | |
| Pers.Serv. | | |
| Conf. Screen | | |
| Letters | | |
| Duties/Supp | | |
| Objections | | |
| Video Receipt | | |
| CI Report | | |
| 9202 | | |
| Order | | |
| Aff. Posting | | |
| Status Rpt | | |
| UCCJEA | | |
| Citation | | |
| FTB Notice | | |
| | | Reviewed by: KT |
| | | Reviewed on: 6/30/16 |
| | | Updates: |
| | | Recommendation: |
| | | File 10- Ward |

Page 2

Petitioner states she has no information or belief that anyone has heard from the decedent's father for more than five years, and Evidence Code §667 establishes a presumption of death for a person who has not been heard from in five years. Petitioner believes the Court should find that the decedent's father predeceased the decedent.

Petitioner states the decedent had one sibling, Curtis Otis Scott, DOD 8/30/07, who had three children: Debra Irene Byrum (Petitioner), Curtis Lawrence Scott, and Phyllis Christiansen Boyd (DOD 12/23/13). Phyllis Christiansen Boyd had two children: Justin Alan Nickenson and Trisha Pearson Col.

Pursuant to Probate Code §§ 6402(c) and 240, Petitioner states the decedent's estate should be distributed 1/3 each to Debra Irene Byrum and Curtis Lawrence Scott, and 1/6 each to Justin Alan Nickenson and Trisha A. Col.

Petitioner states the costs and attorney's fees incurred in bringing this petition should be equitably born by all entitled to distribution and should be paid from the estate.

Petitioner prays for an order that the persons entitled to distribution of the estate of the decedent are as stated above; and that the Costs and attorney's fees incurred in bringing this petition shall be paid from the estate of the decedent. Attorney shall present a petition to the Court for approval of those fees and costs and the estate shall pay those fees and costs when approved by order of the Court.

Probate Status Hearing RE: Filing of the Inventory and Appraisal

| | | |
|---|---|--|
| DOD: 09/30/14 | DON LEMLY and LINDA JENVEY , son and daughter, were appointed co-administrators with full IAEA and without bond on 07/01/15. | <p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Minute order dated 12/2/2015 from status hearing continued the matter to 7/6/2016, and states counsel requests a continuance due to an option on the real property. No appearance is necessary on 7/6/2016 if the I&A is filed at least two court days prior.</p> <ol style="list-style-type: none"> 1. Need inventory and appraisal. 2. Declaration filed 6/27/2016 states that documents are provided evidencing the contract of sale, the escrow and extension of escrow regarding the real property. However, it appears no supporting documents were attached or filed with the status report. 3. Status report filed 6/27/2016 report is not signed by the either of the fiduciaries (Don Lemly and/or Linda Jenvey), as required pursuant to Prob C §1021, 1023). |
| | | |
| | | |
| Cont. from 120215 | Letters issued 07/06/15. | |
| Aff.Sub.Wit. | Minute order from 07/01/15 set this status hearing regarding filing of the inventory & appraisal. | |
| Verified | | |
| Inventory | | |
| PTC | | |
| Not.Cred. | Declaration of personal representatives filed 11/23/2015 stated the only asset of the estate is the decedent's share of the <i>Dusan Misita Living Trust</i> . The only asset of the trust is a parcel of real property that is in the process of being sold with an anticipated sale date of 5/27/2016. | |
| Notice of Hrg | | |
| Aff.Mail | | |
| Aff.Pub. | | |
| Sp.Ntc. | | |
| Pers.Serv. | | |
| Conf. Screen | Declaration of personal representatives re: status of filing inventory and appraisal (I&A) filed 6/27/2016 states the sale date has been extended to 11/15/2016. The I&A was required to be filed before 12/2/2015. Until the real property is sold and proceeds are distributed to this estate, the administrators cannot provide an I&A. | |
| Letters | | |
| Duties/Supp | | |
| Objections | | |
| Video Receipt | | |
| CI Report | | |
| 9202 | Documents are provided evidencing the contract of sale, the escrow and extension of escrow regarding the real property owned by the trust. At such time as the real property is sold and the proceeds distributed to the decedent, the I&A will be filed with the court. It is anticipated the I&A will not be filed until on or after 11/15/2016. | |
| Order | | |
| Aff. Posting | | |
| <input checked="" type="checkbox"/> Status Rpt | | |
| UCCJEA | | |
| Citation | | |
| FTB Notice | | |
| | | Reviewed by: JF/SEF |
| | | Reviewed on: 6/30/2016 |
| | | Updates: |
| | | Recommendation: |
| | | File 12 - Lemley |

Petition for Appointment of Guardian of the Person

| | | | | |
|--|---------------|---------------------------|--|---|
| | | See petition for details. | <p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Minute Order 5/25/16: Examiner notes provided in open court. The Court grants one last continuance for the defects to be cured.</p> <p>Note: It appears all service defects have now been cured.</p> <p>Note to document preparer: For future reference, please use <u>only</u> the Mandatory Judicial Council Notice of Hearing Form GC-020 and the proofs of service that go with that form for guardianship matters instead of stand-alone proofs of service, as they do not meet Probate Code requirements alone.</p> | |
| Cont.d from 120915, 012016, 030216, 041316, 052516 | | | | |
| <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 | | | x |
| <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 checked="" type="checkbox"/> | Letters | | | |
| <input checked="" type="checkbox"/> | Duties/Supp | | | |
| <input type="checkbox"/> | Objections | | | |
| <input type="checkbox"/> | Video Receipt | | | |
| <input checked="" type="checkbox"/> | CI Report | | | |
| <input checked="" type="checkbox"/> | Clearances | | | |
| <input checked="" type="checkbox"/> | Order | | | |
| <input type="checkbox"/> | Aff. Posting | | | |
| <input type="checkbox"/> | Status Rpt | | | |
| <input checked="" type="checkbox"/> | UCCJEA | | | |
| <input type="checkbox"/> | Citation | | | |
| <input type="checkbox"/> | FTB Notice | | | |
| | | Reviewed by: skc | | |
| | | Reviewed on: 6/30/16 | | |
| | | Updates: | | |
| | | Recommendation: | | |
| | | File 13 – Knighton | | |

Probate Status Hearing RE: Filing of an Inventory and Appraisal

| | | | |
|-------------------------------------|----------------------|---|---|
| DOD: 10/2/2015 | | <p>DOLORES KENNEDY, mother, was appointed administrator with full IAEA without bond on 2/3/2016.</p> <p>Letters issued 2/5/2016.</p> <p>Inventory and appraisal filed 2/29/2016 shows estate valued at \$175,000.00.</p> | <p>NEEDS/PROBLEMS/COMMENTS:</p> <p style="text-align: center;"><u>OFF CALENDAR</u> Final I&A filed 2/29/2016.</p> |
| | | | |
| | | | |
| | | | |
| Cont. from | | | |
| <input type="checkbox"/> | Aff.Sub.Wit. | | |
| <input type="checkbox"/> | Verified | | |
| <input checked="" type="checkbox"/> | Inventory | | |
| <input checked="" type="checkbox"/> | PTC | | |
| <input type="checkbox"/> | Not.Cred. | | |
| <input type="checkbox"/> | Notice of Hrg | | |
| <input type="checkbox"/> | Aff.Mail | | |
| <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 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: SEF</p> <p>Reviewed on: 6/30/2016</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 14- Kennedy</p> | |

Probate Status Hearing RE: Filing of the Inventory and Appraisal

| | | |
|--|---|--|
| | PUBLIC GUARDIAN was appointed conservator of the estate on 3/2/2016. | <p>NEEDS/PROBLEMS/COMMENTS:</p> <p style="text-align: center;"><u>OFF CALENDAR</u> Final I&A filed 3/28/2016.</p> |
| | Letters issued 3/2/2016. | |
| | Minute order dated 3/2/2016 set this status hearing for filing of the inventory and appraisal. | |
| | Final inventory and appraisal filed 3/28/2016 shows estate valued at \$85,786.16. | |
| Cont. from | | |
| <input type="checkbox"/> Aff.Sub.Wit. | | |
| <input type="checkbox"/> Verified | | |
| <input checked="" type="checkbox"/> Inventory | | |
| <input type="checkbox"/> PTC | | |
| <input type="checkbox"/> Not.Cred. | | |
| <input type="checkbox"/> Notice of Hrg | | |
| <input type="checkbox"/> Aff.Mail | | |
| <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 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: SEF</p> <p>Reviewed on: 6/30/2016</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 15- Douthett</p> |

Petition for Appointment of Guardian of the Person

| | | | |
|--------------------------|----------------------|--|---|
| | | <u>NO TEMPORARY REQUESTED</u> | NEEDS/PROBLEMS/COMMENTS: Minute order dated 5/18/2016 continued matter to allow time for a DSS investigation. Petitioner is to property notice the mother for the 7/6/2016 hearing. |
| | | CAROLE WHITTY , non-relative, is petitioner | |
| | | Court Investigator supplemental report filed 5/12/2016. | |
| Cont. from 051816 | | CI supplemental report filed 6/30/2016. | |
| | Aff.Sub.Wit. | | |
| ✓ | Verified | | |
| | Inventory | | |
| | PTC | | |
| | Not.Cred. | | |
| | Notice of Hrg | x | |
| | | <i>See petition for details.</i> | |
| | Aff.Mail | x | |
| | Aff.Pub. | | |
| | Sp.Ntc. | | |
| | Pers.Serv. | x | |
| ✓ | Conf. Screen | | |
| ✓ | Letters | | |
| ✓ | Duties/Supp | | |
| | Objections | | |
| | Video Receipt | | |
| | CI Report | x | |
| | 9202 | | |
| ✓ | Order | | |
| | Aff. Posting | | |
| | Status Rpt | | |
| ✓ | UCCJEA | | |
| | Citation | | |
| | FTB Notice | | |
| | | | Reviewed by: SEF |
| | | | Reviewed on: 6/30/2016 |
| | | | Updates: |
| | | | Recommendation: |
| | | | File 16- Brown |

Petitioner Corina Torres (Pro Per, maternal aunt)

Petition for Appointment of Guardian of the Person

| | | | | |
|-------------------|---------------|------------------------|---|--|
| | | NO TEMPORARY REQUESTED | CORINA TORRES, maternal aunt, is Petitioner. | NEEDS/PROBLEMS/COMMENTS: Continued from 6/1/2016. Minute Order shows a special appearance by Attorney Katy Esparza, and states counsel is directed to obtain the examiner notes online. |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| Cont. from 060116 | | | | |
| | Aff.Sub.Wit. | | | |
| ✓ | Verified | | ~Please see Petition for details~ | |
| | Inventory | | | |
| | PTC | | | |
| | Not.Cred. | | | |
| ✓ | Notice of Hrg | | Court Investigator's Report was filed on 5/23/2016. | |
| | Aff.Mail | X | | |
| | Aff.Pub. | | | |
| | Sp.Ntc. | | | |
| | Pers.Serv. | X | | |
| ✓ | Conf. Screen | | | |
| ✓ | Letters | | | |
| ✓ | Duties/Supp | | | |
| | Objections | | | |
| | Video Receipt | | | |
| ✓ | CI Report | | | |
| ✓ | Clearances | | | |
| ✓ | Order | | | |
| | Aff. Posting | | | |
| | Status Rpt | | | |
| ✓ | UCCJEA | | | |
| | Citation | | | |
| | FTB Notice | | | |
| | | | | and/or |
| | | | | <ul style="list-style-type: none"> • Urbano Magana, father, as reported to Court Investigator; • Oscar Lopez Gonzalez, father, as listed on birth certificate. |
| | | | | <p>2. Proof of Service by Mail of the Notice of Hearing filed 6/6/2016 does not show that a copy of the Petition for Appointment of Guardian was served with the notice as required to:</p> <ul style="list-style-type: none"> • Sara Gonzalez, paternal grandmother listed in Child Information Attachment. • Rafael Torres, maternal grandfather; • Roberto Lopez (Note: His relationship to the minor is unspecified; need clarification from Petitioner as to his identity.) |
| | | | | <p>3. Need proof of service by mail of the Notice of Hearing with a copy of the Petition for Appointment of Guardian, or Consent to Appointment of Guardian and Waiver of Notice, or a Declaration of Due Diligence:</p> <ul style="list-style-type: none"> • paternal grandfather; (father of Urbano Magana); • paternal grandmother (mother of Urbano Magana); • Maternal grandmother. |
| | | | | Reviewed by: LEG |
| | | | | Reviewed on: 6/29/16 |
| | | | | Updates: |
| | | | | Recommendation: |
| | | | | File 17- Lopez |

| | | |
|---------------------------|---|--|
| DOD: 01/20/2016 | ALMA D. LOUSBERG, ex-spouse, is petitioner. | <p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: Page #20 is a related case. It is the Petition for Appointment of Guardian of the Estate filed by Alma D. Lousberg, mother/petitioner.</p> <p>Note: Petitioner originally filed in Pro Per however has now retained Catherine Amador.</p> <p>Minute Order of 05/12/2016: Examiner notes provided in open court.</p> <p>Minute Order of 06/01/2016: Counsel requests time to address the notice issues.</p> <p>As of this Examiner's review on 06/30/2016, there has been nothing new filed.</p> <p>The deficiencies with the pleadings include, but are not limited to, the following:</p> <ol style="list-style-type: none"> 1. It does not appear that the petitioner has the standing to petition the Court as she is not the successor in interest. The minor child, Emma Lang's is the successor in interest therefore the duly appointed guardian of her estate can petition on her behalf. 2. This petition can only pass the decedent's property to the successor in interest any other requests regarding the real property should be made in the Guardianship of the Estate case. <p style="text-align: center;">Please see additional page</p> |
| | 40 days since DOD | |
| | No other proceedings | |
| Cont. from 051216, 060116 | I&A – NEED | |
| Aff.Sub.Wit. | Will dated: 03/20/2015 | |
| ✓ Verified | | |
| Inventory | X | |
| PTC | | |
| Not.Cred. | | |
| Notice of Hrg | X | |
| Aff.Mail | X | |
| Aff.Pub. | | |
| Sp.Ntc. | | |
| Pers.Serv. | | |
| Conf. Screen | | |
| Letters | | |
| Duties/Supp | | |
| Objections | | |
| Video Receipt | | |
| CI Report | | |
| 9202 | | |
| Order | X | |
| Aff. Posting | | |
| Status Rpt | | |
| UCCJEA | | |
| Citation | | |
| FTB Notice | | |
| | | <p>Reviewed by: LV</p> <p>Reviewed on: 06/30/2016</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 19- Lang</p> |

3. Petition was opened using a Fee Waiver. Filing fees are considered cost of administration and must be paid prior to distribution of property. Filing fee of \$435 will be due prior to distribution of the real property should the Court grant this petition.
4. Need original will to be deposited with the Court pursuant to Probate Code §8200(a)(1).
5. Need Inventory and Appraisal.
6. Attachment 11 does not include the decedent's interest in real property.
7. Need Notice of Hearing.
8. Need proof of service of the Notice of Hearing on Emma Lang.
9. Need Order. Local Rule 7.1 states a proposed Order shall be submitted with all pleadings that request relief. If the proposed order is not received in the Probate Filing Clerk's Office ten (10) days before the scheduled hearing, a continuance may be required.

20 Emma Lang (GUARD/E) Case No. 16CEPR00433
Attorney Amador, Catherine A. (for Alma D. Lousberg - Petitioner – Mother)
Petition for Appointment of Guardian of the Estate (Initial)

| | | |
|---|---|--|
| Age: 11 | TEMPORARY DENIED ON 06/01/2016 | NEEDS/PROBLEMS/COMMENTS: |
| | ALMA D. LOUSBERG , mother, is petitioner and requests appointment as Guardian of the Estate without bond. | Note: Page #19 is a related case. It is the Petition to Determine Succession filed by Alma D. Lousberg, mother/petitioner. |
| Cont. from 060116 | Father: JOHN PAUL LANG , Deceased | Note: Petitioner originally filed in Pro Per however has now retained Catherine Amador. |
| <input type="checkbox"/> Aff.Sub.Wit. | Paternal Grandfather: Dennis Lang, served by mail on 06/06/2016 | Minute Order of 06/01/2016: Trailing the John Lang estate matter, 16CEPR00367. |
| <input checked="" type="checkbox"/> Verified | Paternal Grandmother: Deceased | The following issues remain: |
| <input type="checkbox"/> Inventory | Maternal Grandfather: Deceased | 1. Absent showing of good cause, it is the policy of the Court to block all funds in a guardianship estate. Petitioner states the estimated value of the estate is zero. Need clarification regarding the estimated value of the estate. |
| <input type="checkbox"/> PTC | Maternal Grandmother: Josefina Rios, served by mail on 06/06/2016 | 2. #9c. of the Order states that \$80,000.00 to be deposited into a blocked account. Is this in addition to the real property? Need clarification. |
| <input type="checkbox"/> Not.Cred. | | |
| <input type="checkbox"/> Notice of Hrg | | |
| <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 | Estimated value of the Estate - \$0 | |
| <input checked="" type="checkbox"/> Letters | Petitioner states: there is currently no money in the estate of Emma Lang, minor. Her father was violently murdered in January 2016. Decedent left a Will naming petitioner as Executor and leaving his entire estate to the minor. The entirety of the decedent's estate was a home located in Fresno and furnishings contained within. Petitioner states she is currently in the process of admitting Decedent's will to Court in a separate case and requesting that the Court allow her to sell the home. All funds will be inherited to the child, since the minor is 11 years of age, it will be necessary for petitioner to administer any and all bank accounts for her. Since there are no funds for petitioner to administer at this time, she does request that the Court grant her request to waive any and all bonds that might otherwise be necessary. | |
| <input checked="" 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 | | |
| | | Please see additional page for Status Hearings |
| | | Reviewed by: LV |
| | | Reviewed on: 06/30/2016 |
| | | Updates: |
| | | Recommendation: |
| | | File 20- Lang |

Note: If the petition is granted status hearings will be set as follows:

• **Wednesday, 08/10/2016 at 9:00a.m. in Dept. 303** for the filing of the Receipt for Blocked Account **and**

Wednesday, 12/07/2016 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal **and**

• **Wednesday, 09/06/2017 at 9:00a.m. in Dept. 303** for the filing of the first account and final distribution.

Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.

Petition to Determine Succession to Real Property

| | | |
|-------------------|--|---|
| DOD: 02/14/2016 | RITA RODRIGUEZ, CHRITINA M. ESQUIVEL (BRAVO), ALBERT G. MORENO, JR., ESTELLA M. GONZALES, GLORIA G. MORENO, and ANTHONY G. MORENO, children are petitioners. | NEEDS/PROBLEMS/COMMENTS: Minute Order of 06/02/2016: Counsel represents that they only have a copy of the will, with no original to lodge; Counsel is directed to file a verified declaration. 1. Need original will to be deposited with the Court pursuant to Probate Code §8200(a)(1). Note: Declaration filed 06/20/2016 states an original will could not be located however a copy of the decedent's will is attached. A Lost Will cannot be probated in this Summary Proceeding. Decedent's will devises both real and personally property to each of the six children. It appears that each of the six children would take equally through intestate succession. 2. Declaration of Petitioners filed 06/20/2016 states Exhibit "B" is attached as a revised Attachment 11 however it is not attached to the Declaration. Therefore the following issues remain: <ul style="list-style-type: none"> • Attachment 11 does not provide the decedent's interest in the real property. • Attachment 11 does not include the APN of the real property pursuant to Local Rule 7.12.1. |
| Cont. from 060216 | | |
| Aff.Sub.Wit. | 40 days since DOD | |
| ✓ Verified | No other proceedings | |
| ✓ Inventory | I&A - \$90,000.00 | |
| PTC | | |
| Not.Cred. | | |
| ✓ Notice of Hrg | Will dated: 01/22/1988 devises both real and personal property to all six children equally. | |
| ✓ Aff.Mail | | |
| Aff.Pub. | Petitioners requests Court determination that decedent's interest in real property located in Fresno County pass 1/6 th interest to each child. | |
| Sp.Ntc. | | |
| Pers.Serv. | | |
| Conf. Screen | | |
| Letters | | |
| Duties/Supp | | |
| Objections | | |
| Video Receipt | | |
| CI Report | | |
| 9202 | | |
| ✓ Order | | |
| Aff. Posting | | |
| Status Rpt | | |
| UCCJEA | | |
| Citation | | |
| FTB Notice | | |
| | | Reviewed by: LV |
| | | Reviewed on: 06/29/2016 |
| | | Updates: |
| | | Recommendation: |
| | | File 21- Moreno |

| | | | | |
|---|----------------------|--|--|---|
| | | <p>STEPHEN C. BETTENCOURT, Surviving Settlor, is Petitioner and states:</p> <p>Petitioner and his wife Janet C. Bettencourt established the Bettencourt Family Trust dated 4/14/08. Stephen and Janet had no children of their marriage; however, Janet had two children from a previous marriage, Patrick C. Mulhern and Summer M. Frundel, who are the contingent beneficiaries of the trust. Janet died 1/10/16.</p> <p>The trust is an intervivos revocable trust created for the benefit of Stephen and Janet during their joint lives. The trust names Stephen and Janet as co-trustees, with power to appoint successor trustees during their lives. Following Janet's death, Stephen is now the sole trustee.</p> <p>Upon the first of the settlors to die, the trust was to divide into as many as three sub-trusts: a survivor's trust, a marital trust, and a bypass trust. Petitioner states creating subtrusts no longer furthers the settlors' intent. Attorney Richard M. Aaron, Stephen and Janet's estate-planning attorney, met with Stephen and Janet to discuss their estate-planning options. See Declaration attached as Exhibit B. Mr. Aaron explained that the creation of subtrusts has historically been done for three reasons: use of estate tax exemption amounts, protection for surviving spouse against creditors, or for assurance that the disposition of the deceased spouse's share cannot be changed by the surviving spouse.</p> <p>In 2008, the settlors' estate exceeded the exclusion amount for gift and estate transfers; therefore, creating subtrusts was a prudent decision for significant transfer tax savings. In 2010, the federal government enacted a portability law, and the American Taxpayer Relief Act of 2012 made portability permanent and also increased the estate and gift tax exemption amount.</p> | <p>NEEDS/PROBLEMS/COMMENTS:</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 | | | |

SEE PAGE 2

Reviewed by: skc
Reviewed on: 6/30/16
Updates:
Recommendation:
File 22- Bettencourt

Page 2

Petitioner states in light of the increased exemption amount and the portability of the estate tax exemption, subtrusts are no longer necessary to minimize estate taxes, and in fact, will likely actually make the family worse off from an income tax standpoint, as passing Janet's assets to the bypass trust will cause them to be excluded from Stephen's estate for tax purposes and eliminate the possibility of receiving stepped-up income tax basis in the assets for future generations when Stephen dies.

In addition, elimination of creation of subtrusts will significantly reduce administrative costs and therefore preserve more of the trust estate for the beneficiaries.

When Mr. Aaron met with Stephen and Janet, the only reason they wanted a trust that required mandatory division was for tax planning purposes. They trusted each other to carry out the plan to divide the trust equally between Patrick and Summer.

Stephen states he has no intention of changing the disposition of the trust; he only wants to amend to simplify the trust and save money. Patrick and Summer are aware of this petition and consent to the amendments proposed.

See petition for proposed modification language.

Attorney William H. Coleman (for Petitioner David Proffitt)

Petition for Probate of Lost Will and for Letters Testamentary; Authorization to Administer Under the IAEA

| | | |
|--|---|---|
| DOD: 5/1/2016 | DAVID PROFFITT , brother and named Executor without bond, is Petitioner. | <p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: Proposed personal representative is a resident of North Carolina. Probate Code § 8571 states notwithstanding a waiver of bond, the Court in its discretion may require a non-resident personal representative to give a bond in an amount determined by the Court. Court may require bond in the sum of \$152,000.00.</p> <p>Note: If <i>Petition</i> is granted, Court will set Status Hearings as follows:</p> <ul style="list-style-type: none"> Monday, August 8, 2016 at 9:00 a.m. in Dept. 303, for filing proof of bond, if Court requires bond; Tuesday, December 6, 2016 at 9:00 a.m. in Dept. 303 for the filing of the final inventory and appraisal; and Wednesday, September 6, 2017 at 9:00 a.m. in Dept. 303 for the filing of the first account and/or petition for final distribution. <p>Pursuant Local Rule 7.5, if the documents noted above are filed 10 days prior to the dates listed, the hearings will be taken off calendar and no appearance will be required.</p> |
| | | |
| | | |
| | | |
| Cont. from | Full IAEA: OK | |
| <input checked="" type="checkbox"/> Aff.Sub.Wit. | | |
| <input checked="" type="checkbox"/> Verified | Lost Will Dated: 11/25/1994 | |
| Inventory | | |
| PTC | Residence: Fresno | |
| Not.Cred. | Publication: Business Journal | |
| <input checked="" type="checkbox"/> Notice of Hrg | | |
| <input checked="" type="checkbox"/> Aff.Mail W/ | | |
| <input checked="" type="checkbox"/> Aff.Pub. | Estimated value of the Estate: | |
| Sp.Ntc. | Real property - \$152,000.00 | |
| Pers.Serv. | _____ - _____ | |
| Conf. Screen | Total - \$152,000.00 | |
| <input checked="" type="checkbox"/> Letters | Probate Referee: Steven Diebert | |
| <input checked="" type="checkbox"/> Duties/Supp | Petitioner states: Petitioner and his wife waive bond in this matter, and request that bond not be required even though they recently moved to Wake Forest, North Carolina, as they are the only heirs of the estate and sole beneficiaries under Decedent's Will, which waives bond for the Petitioner as named Executor. | |
| Objections | | |
| Video Receipt | | |
| CI Report | | |
| 9202 | | |
| <input checked="" type="checkbox"/> Order | | |
| Aff. Posting | | |
| Status Rpt | | |
| UCCJEA | | |
| Citation | | |
| FTB Notice | | |
| | ~Please see additional page~ | |
| | | <p>Reviewed by: LEG</p> <p>Reviewed on: 6/30/16</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 24- Proffitt</p> |

Declaration of William H. Coleman Re Lost Will filed 5/25/2016 states: He was the attorney for the Decedent and represented her in her capacity as trustee of her parent's trust; he was the also the attorney for Decedent's parents; the Petitioner notified him of Decedent's death and provided him with a copy of her Will dated 11/25/1994, which Petitioner found after searching Decedent's residence; Decedent relied heavily on her brother for business-related matters as well as her personal and financial matters; Decedent never asked him to revise, modify, or restate her Will while working with her from 2010 until her death; members of his firm made efforts to locate the witnesses of Decedent's Will; [one witness was located, and a Proof of Subscribing Witness was filed 6/27/2016]; the photocopy of Decedent's Will attached to the [Petition and the Declaration] is, based on information and belief, believed to be the Last Will and Testament of the Decedent.

Declaration of David Allan Proffitt Re Lost Will filed 5/25/2016 states: His sister, the Decedent, had a will drafted in 1994 when she resided in Seaside, California, specifically to address the needs of a guardianship for her minor daughter. Decedent's daughter passed away on 2/9/2010 at age 16; to his knowledge, Decedent never had her 11/25/1994, Will revoked, modified, or changed; Decedent relied on him for certain matters and would have discussed with me matters concerning her estate planning and business-related affairs; it is his belief that the Decedent was aware of the contents of the Will and that it continued to reflect her wishes even after her daughter's death; he remained in periodic contact with his sister until the time of her death, and it is his belief that she did not intend to make a new will and that she meant her 11/25/1994 Will to be her last Will and testament; he and his wife are the beneficiaries under the Will, and are her only next of kin; he would be her sole heir under the laws of intestate succession; he has made a diligent search of his sister's home for the original Will dated 11/25/1994, and I have been unable to locate such original; the photocopy of the Decedent's Will attached to the [Petition and the Declaration], is a true and correct copy of the Decedent's last Will dated 11/25/1994, signed in my presence on that date by Decedent.

Spousal or Domestic Partner Property Petition

| | | |
|--|--|--|
| DOD: 1/18/2008 | AVNELL DANIELS , surviving spouse, is petitioner. | <p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Petition requests that decedent's real property pass to her pursuant to decedent's will dated 8/22/2016. However, declaration filed 5/25/2016 states petitioner is unable to locate decedent's original will. Therefore, it appears petitioner is seeking to use decedent's lost will as a basis for requesting the Court's determination that the real property pass to the surviving spouse without administration of decedent's estate. There does not appear to be authority that allows a lost will to be used in a summary proceeding. 2. Need date of death of predeceased child pursuant to Local Rule 7.1.1D. 3. Order requests court confirmation that decedent's interest in real property both passes and belongs to petitioner. Item 7 of the petition only requests the property pass to petitioner. |
| | No other proceedings. | |
| Cont. from | Will dated 8/22/1990 confirms petitioner's interest in their community property and devises the residue of his estate (that includes the real property subject to this proceeding) to petitioner. – see note 1 | |
| <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 | Petitioner states (per declaration filed 5/25/2016), that on 8/22/1990, decedent signed estate documents, including the will which was prepared by Helon & Manfredo. At the time of execution of the will and other estate planning documents, petitioner was married to decedent and was still married to him at his date of death on 1/18/2008. With the exception of one parcel of property in Fresno County, decedent's assets were held by the <i>Ed and Avnell Daniels 1990 Trust</i> . It was recently discovered that one parcel of property in Fresno was not transferred to the trust. Under decedent's will, the residue of decedent's estate goes to petitioner as surviving spouse. Accordingly, a spousal property order is necessary to transfer title of the property to surviving spouse under the will. | |
| <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 | Petitioner has been unable to locate original will, but states she knows that the copy of will attached to petition was decedent's last will. Petitioner and husband discussed making changes to the trust, but decided not to make changes and the 1990 trust and will are still the operative documents. | |
| <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 page

Reviewed by: SEF

Reviewed on: 6/30/2016

Updates:

Recommendation:

File 25- Daniels

Petitioner states, continued:

On 5/7/2008, subsequent to decedent's death, petitioner picked up his original will dated 8/22/1990 from Helon & Manfredo and took it to attorney Guy Johnston so he could assist petitioner with settling decedent's estate and trust administration. It was petitioner's understanding he was going to deposit the original Will with Fresno County. However, the court records do not show receipt. Mr. Johnston died several years ago. Based on petition and said declaration, petitioner believes the will attached to petition is the last will of the decedent, and accordingly, the real property subject to this petition should pass to her as surviving spouse by terms of decedent's will.

Attorney Steven F. Salazar (for Petitioner Kimiko Okahata, Administrator)

Petition for Settlement of First and Final Account and for Final Distribution and Allowance of Statutory Attorney's Fees and for Reimbursement of Costs of Administration

| | | | |
|--|---|-----------------|---|
| DOD: 8/27/2015 | KIMIKO OKAHATA , sister-in-law, and Administrator, is Petitioner. | | <p>NEEDS/PROBLEMS/COMMENTS:</p> <p>OFF CALENDAR</p> <p><i>Order Settling and Approving First and Final Account filed 6/22/2016.</i></p> <p>Note: Related Case 15CEPR00957 is pending for the Estate of TADASHI OKAHATA, this Decedent's brother, whose estate owns the other 50% interest in the subject real property. Status hearing is set in 15CEPR00957 for the filing of the final account on 2/2/2017.</p> |
| | Account period: 8/27/2015 – 4/30/2016 | | |
| Cont. from 062216 | Accounting | - \$417,894.56 | |
| <input type="checkbox"/> Aff.Sub.Wit. | Beginning POH | - \$410,684.39 | |
| <input checked="" type="checkbox"/> Verified | Ending POH | - \$411,361.23 | |
| <input checked="" type="checkbox"/> Inventory | <i>(50% interest in real property; and \$211,361.23 cash)</i> | | |
| <input checked="" type="checkbox"/> PTC | Administrator | - waives | |
| <input checked="" type="checkbox"/> Not.Cred. | Attorney | - \$11,308.04 | |
| <input checked="" type="checkbox"/> Notice of Hrg | <i>(statutory)</i> | | |
| <input checked="" type="checkbox"/> Aff.Mail | Costs | - \$1,485.50 | |
| <input type="checkbox"/> Aff.Pub. | <i>(filing fees, probate referee, publication, certified copies)</i> | | |
| <input type="checkbox"/> Sp.Ntc. | Closing | - \$1,500.00 | |
| <input type="checkbox"/> Pers.Serv. | <i>(reserve for payment of any tax liabilities, tax services)</i> | | |
| <input type="checkbox"/> Conf. Screen | Distribution pursuant to intestate succession and Assignments of Interest filed on various dates by all estate heirs is to: | | |
| <input type="checkbox"/> Letters | <ul style="list-style-type: none"> • KIMIKO OKAHATA – 100% interest in real property on 4424 W. Madison; • NORMA NISHIOKA – \$32,835.70 cash?; • MINEO YAMATAKE – \$32,835.70 cash?; • NANCY KONO – \$5,472.62 cash?; • MARSHA KUNISAKI – \$5,472.62 cash?; • AMY TANI – \$5,472.62 cash?; • KAREN TEBBS – \$5,472.62 cash?; • ARLENE KUBOTA – \$5,472.62 cash?; • JOYCE KAWAMOTO – \$5,472.62 cash?; • JUDY NOLEN – \$16,417.85 cash?; • PEGGY VESSEL – \$16,417.86 cash?; • DOUG YAMAOKA – \$8,208.93 cash?; • ALAN YAMAOKA – \$8,208.93 cash?; • DALE YAMAOKA – • ELAINE YAMAOKA – • TANIA VONG – \$16,417.86 cash; • JANEL OKAHATA – \$16,417.86 cash. | | |
| <input type="checkbox"/> Duties/Supp | | | |
| <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: LEG |
| Reviewed on: 6/29/16 |
| Updates: |
| Recommendation: |
| File 26- Okahata |

Petition for Appointment of Temporary Guardian

| | | | |
|-------------------------------------|---------------|---|---|
| | | <u>GENERAL HEARING 8/23/2016</u> | NEEDS/PROBLEMS/COMMENTS: |
| | | | |
| | | ANGELITA GARZA, non-relative, is petitioner | 1. Need <i>Notice of Hearing</i> .** ** Note: A proof of personal service of the temporary petition was filed that includes the correct hearing date, time and department, but no <i>Notice of Hearing</i> has been filed. The proof of service does not have the required language contained in the <i>Notice of Hearing</i> . |
| | | See petition for details. | |
| Cont. from | | | 2. Proof of personal service of temporary petition was served on Miguel Navarrette-Perez (father) with only 4 versus 5 court days before the hearing, as required. |
| <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 | x | |
| <input type="checkbox"/> | Aff.Mail | | |
| <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 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 checked="" type="checkbox"/> | UCCJEA | | |
| <input type="checkbox"/> | Citation | | |
| <input type="checkbox"/> | FTB Notice | | |
| | | | Reviewed by: SEF |
| | | | Reviewed on: 6/30/2016 |
| | | | Updates: 7/1/2016 |
| | | | Recommendation: |
| | | | File 27- Navarrette |

Petition for Appointment of Probate Conservator of the Estate

| | | | | |
|--------------------------|--------------------------------|---|---|--|
| | | Temporary Expires 7/6/16 | | <p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Court Investigator Advised Rights on 6/7/16.</p> <p>Continued from 6/22/16. Minute order states counsel is to submit declaration regarding request of monthly allowance for Bobby Wilbanks at least 1 week before hearing. Revised order needed.</p> <ol style="list-style-type: none"> Petition requests powers under Probate Code §2591. Local Rule 7.15.2 states each individual power requested must be justified by, and narrowly tailored to the specific circumstances of the case. The court may require more information regarding the requested powers. Need revised order. Need Letters <p>Reviewed by: KT</p> <p>Reviewed on: 6/29/16</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 28B- Wilbanks</p> |
| | | <p>ANGELA WILBANKS ANDERSON and ROBERT C. WILBANKS, children, are petitioners</p> | | |
| Cont. from 062216 | | Please see petition for details | | |
| | Aff.Sub.Wit. | | | |
| ✓ | Verified | Court Investigator Report filed on 6/15/16 | | |
| | Inventory | Declaration of Bobby E. Wilbanks Re Recurring Expenses filed on 6/29/16. | | |
| | PTC | | | |
| | Not.Cred. | | | |
| ✓ | Notice of Hrg | | | |
| ✓ | Aff.Mail | W/ | Note: Minute order dated 6/22/16 set the following status hearings: | |
| | Aff.Pub. | | | |
| | Sp.Ntc. | | | |
| ✓ | Pers.Serv. | <ul style="list-style-type: none"> Wednesday, July 20, 2016 at 9:00 a.m. in Department 303, for the filing of the bond (for Robert E. Wilbanks) | | |
| ✓ | Conf. Screen | | | |
| | Letters | X | <ul style="list-style-type: none"> Wednesday, November 2, 2016 at 9:00 a.m. in Department 303, for the filing of the inventory and appraisal. | |
| ✓ | Duties/Supp | | | |
| | Objections | | | |
| | Video Receipt | X | <ul style="list-style-type: none"> Wednesday, August 30, 2017 at 9:00 a.m. in Department 303, for the filing of the first account or petition for final distribution. | |
| ✓ | CI Report | | | |
| | 9202 Order | 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. | | |
| | Aff. Posting Status Rpt | | | |
| | UCCJEA | | | |
| ✓ | Citation | | | |
| | FTB Notice | | | |

29A Roger Emery Winrow (CONS/PE)

Case No. 16CEPR00402

Attorney: Heather H Kruthers (for Public Guardian - Temporary Conservator)

Attorney: Deborah K. Boyett (for Clementina Winrow – Spouse/Petitioner)

Attorney: Stanley J. Teixeira (court-appointed for Conservatee)

Attorney: Leigh W. Burnside (for Bobbie Palmer and Paulette Nash – Objectors)

Petition for Appointment of Probate Conservator of the Person and Estate

| | | | |
|-------------------------------------|---------------|--|--|
| | | TEMPORARY (PG) EXPIRES 7/6/2016 | NEEDS/PROBLEMS/COMMENTS: |
| | | CLEMENTINA WINROW , spouse, is petitioner and requests appointment as conservator of the person and estate without bond, with medical consent powers. – see note 2 | Minute order dated 6/30/2016 continued matter to 7/6/2016. |
| Cont. from 052516, 063016 | | Objections filed 5/20/2016 by Bobbie Palmer and Paulette Nash (mother and sister of proposed conservatee). | See competing petition on page 29B. |
| <input type="checkbox"/> | Aff.Sub.Wit. | | |
| <input checked="" type="checkbox"/> | Verified | | 1. Declaration filed 5/16/2016 (errata to petition) is not verified by petitioner. |
| <input type="checkbox"/> | Inventory | | 2. If petition is granted, bond is required of \$409,145.00 . (Probate Code 2320 states except as otherwise provided by statute, every person appointed as conservator shall, before letters are issued, give a bond approved by the Court.) |
| <input type="checkbox"/> | PTC | | |
| <input type="checkbox"/> | Not.Cred. | | |
| <input checked="" type="checkbox"/> | Notice of Hrg | Court Investigator report filed 5/19/2016. | |
| <input checked="" type="checkbox"/> | Aff.Mail | w/ | |
| <input type="checkbox"/> | Aff.Pub. | | |
| <input type="checkbox"/> | Sp.Ntc. | | Note: If the petition is granted, the Court will set status hearings as follows: |
| <input checked="" type="checkbox"/> | Pers.Serv. | w/ | <ul style="list-style-type: none"> • Tuesday, August 2, 2016 for filing of the bond • Tuesday, November 1, 2016 for filing the Inventory and Appraisal • Tuesday, September 5, 2017 for filing the first account |
| <input checked="" type="checkbox"/> | Conf. Screen | | Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required. |
| <input checked="" type="checkbox"/> | Letters | | |
| <input checked="" type="checkbox"/> | Duties/Supp | | |
| <input checked="" type="checkbox"/> | Objections | See petition for details. | |
| <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 | | |
| | | | Reviewed by: SEF |
| | | | Reviewed on: 7/5/2016 |
| | | | Updates: |
| | | | Recommendation: |
| | | | File 29A- Winrow |

29B Roger Emery Winrow (CONS/PE)

Case No. 16CEPR00402

Attorney: Heather H Kruthers (for Public Guardian - Temporary Conservator)

Attorney: Deborah K. Boyett (for Clementina Winrow – Spouse)

Attorney: Stanley J. Teixeira (court-appointed for Conservatee)

Attorney: Leigh W. Burnside (for Bobbie Palmer and Paulette Nash – Mother/sister - Petitioners)

Petition for Appointment of Probate Conservator of the Person and Estate

| | | | |
|--------------------------|----------------------|---|---|
| | | <u>TEMPORARY (PG) EXPIRES 7/6/2016</u> | NEEDS/PROBLEMS/COMMENTS: |
| | | <p>BOBBIE PALMER and PAULETTE NASH, mother and sister, are petitioners and request appointment as co-conservators of the person and estate with \$173,800 bond, with medical consent powers. – see note 3</p> | <p>Minute order dated 6/30/2016 continued matter to 7/6/2016.</p> |
| Cont. from 063016 | | | |
| | Aff.Sub.Wit. | <p>PUBLIC GUARDIAN was appointed temporary conservator of the person and estate on 4/26/2016.</p> | <p>Petitioner:</p> <ol style="list-style-type: none"> 1. Proof of service of <i>Citation</i> indicates it was served on Attorney Teixeira (for conservatee). Need proof of personal service of <i>Citation</i> on proposed conservatee at least 15 days prior to the hearing. 2. Need video viewing receipt for: <ol style="list-style-type: none"> a. Bobbie Palmer b. Paulette Nash 3. Petitioner requests bond of \$173,800.00. If petition is granted, bond is required of \$182,600.00, which includes cost of recovery. (Probate Code 2320 states except as otherwise provided by statute, every person appointed as conservator shall, before letters are issued, give a bond approved by the Court.) 4. Need Orders. |
| ✓ | Verified | | |
| | Inventory | | |
| | PTC | | |
| | Not.Cred. | | |
| ✓ | Notice of Hrg | | |
| ✓ | Aff.Mail | w/ | |
| | Aff.Pub. | | |
| | Sp.Ntc. | | |
| ✓ | Pers.Serv. | w/ | |
| ✓ | Conf. Screen | | |
| ✓ | Letters | | |
| ✓ | Duties/Supp | | |
| | Objections | | |
| | Video Receipt | x | |
| | CI Report | x | |
| | 9202 | | |
| | Order | x | |
| | Aff. Posting | | |
| | Status Rpt | | |
| | UCCJEA | | |
| ✓ | Citation | | |
| | FTB Notice | | |
| | | | <p>See additional page.</p> |
| | | | Reviewed by: SEF |
| | | | Reviewed on: 7/5/2016 |
| | | | Updates: |
| | | | Recommendation: |
| | | | File 29B- Winrow |

NEEDS/PROBLEMS/COMMENTS, *continued*:

Note: If the petition is granted, the Court will set status hearings as follows:

- **Tuesday, August 2, 2016** for filing of the bond
- **Tuesday, November 1, 2016** for filing the Inventory and Appraisal
- **Tuesday, September 5, 2017** for filing the first account

Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.

29C Roger Emery Winrow (CONS/PE)

Case No. 16CEPR00402

Attorney: Heather H Kruthers (for Public Guardian - Temporary Conservator)

Attorney: Deborah K. Boyett (for Clementina Winrow – Spouse)

Attorney: Stanley J. Teixeira (court-appointed for Conservatee)

Attorney: Leigh W. Burnside (for Bobbie Palmer and Paulette Nash – Mother/sister)

Probate Status Hearing re: Status on Settlement Agreement

| | | | |
|--------------------------|--|--|---|
| | | <u>TEMPORARY (PG) EXPIRES 7/6/2016</u> | <p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Minute order dated 6/30/2016 continued matter to 7/6/2016.</p> <p>1. Need stipulated settlement agreement.</p> |
| | | <p>PUBLIC GUARDIAN was appointed temporary conservator of the person and estate on 4/26/2016.</p> | |
| | | <p><i>See petition for details.</i></p> | |
| Cont. from 063016 | | | |
| Aff.Sub.Wit. | | | |
| Verified | | | |
| Inventory | | | |
| PTC | | | |
| Not.Cred. | | | |
| Notice of Hrg | | | |
| Aff.Mail | | | |
| Aff.Pub. | | | |
| Sp.Ntc. | | | |
| Pers.Serv. | | | |
| Conf. Screen | | | |
| Letters | | | |
| Duties/Supp | | | |
| Objections | | | |
| Video Receipt | | | |
| CI Report | | | |
| 9202 | | | |
| Order | | | |
| Aff. Posting | | | |
| Status Rpt | | | |
| UCCJEA | | | |
| Citation | | | |
| FTB Notice | | | |
| | | Reviewed by: SEF | |
| | | Reviewed on: 7/5/2016 | |
| | | Updates: | |
| | | Recommendation: | |
| | | File 29C- Winrow | |

Spousal or Domestic Partner Property Petition

| | | |
|--|--|--|
| DOD: 4/14/2016 | LINDA C. WHITMORE , surviving spouse, is petitioner | <p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Petitioner states decedent obtained real property prior to petitioner and decedent's marriage. Therefore, it appears at least a portion of the property petitioner is trying to pass in this spousal property petition is decedent's separate property pursuant to Family Code 770(2). Therefore, pursuant to Probate Codes 13500, 13501(a) and 6401, it appears decedent's separate property interest may not be passed via this type of proceeding.</p> |
| | No other proceedings | |
| | Decedent died intestate | |
| Cont. from | | |
| <input type="checkbox"/> Aff.Sub.Wit. | Petitioner states petitioner and decedent were together from May 1985 until decedent's death on 4/14/2016. Petitioner and decedent were married 9/7/2005 in Fresno, CA. They continuously lived together as husband and wife from the date of marriage to decedent's date of death. At the time of their marriage, decedent's assets consisted of the real property located at 2987 Terry Avenue, Clovis CA; however, both parties were employed after their marriage and contributed toward the mortgage, property tax, insurance and maintenance of the property. Decedent's net worth at the time of marriage consisted only of the real property, a small amount of cash and a vehicle. Decedent never received any property after the date of marriage by gift, bequest, devise, descent, proceeds of life insurance or joint tenancy survivorship property. Since the date of the marriage, petitioner and decedent resided in California. All assets of decedent's estate were derived from accumulations as a result of earnings by decedent during his marriage to petitioner. | |
| <input checked="" type="checkbox"/> Verified | | |
| <input type="checkbox"/> Inventory | | |
| <input type="checkbox"/> PTC | | |
| <input type="checkbox"/> Not.Cred. | | |
| <input checked="" type="checkbox"/> Notice of Hrg | | |
| <input checked="" type="checkbox"/> Aff.Mail | w/ | |
| <input type="checkbox"/> Aff.Pub. | | |
| <input type="checkbox"/> Sp.Ntc. | | |
| <input type="checkbox"/> Pers.Serv. | | |
| <input type="checkbox"/> Conf. Screen | | |
| <input type="checkbox"/> Letters | | |
| <input type="checkbox"/> Duties/Supp | | |
| <input type="checkbox"/> Objections | | |
| <input type="checkbox"/> Video Receipt | | |
| <input type="checkbox"/> CI Report | | |
| <input type="checkbox"/> 9202 | | |
| <input checked="" type="checkbox"/> Order | | |
| <input type="checkbox"/> Aff. Posting | Consents to property passing to surviving spouse are filed by sons of decedent, Tom Podesta and Mike Podesta, | |
| <input type="checkbox"/> Status Rpt | | |
| <input type="checkbox"/> UCCJEA | | |
| <input type="checkbox"/> Citation | | |
| <input type="checkbox"/> FTB Notice | Petitioner requests court confirmation that 100% interest in real property at 2987 Terry Avenue, Clovis CA and personal property including cash, vehicle and all household furnishings and personal effects, belongs to her and that 100% interest passes to her. | |
| | | Reviewed by: SEF |
| | | Reviewed on: 7/5/2016 |
| | | Updates: |
| | | Recommendation: |
| | | File 30 - Podesta |

Petition for Visitation

| | | | |
|--------------------------|----------------------|---|---|
| | | GINA MARES , Mother, is Petitioner. | <p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>CONTINUED TO</u> <u>7/20/16 @ 8:30AM IN</u> <u>DEPT. 54</u></p> <p>Note: On 6/7/16, Petitioner appeared and Co-Guardians Gail Rios and Esther Rios appeared; however, the matter was continued to 7/6/16 for proper service to be completed on all parties. On 6/27/16, Petitioner Gina Mares requested further continuance to 7/20/16.</p> <p>As of 6/27/16, the following issues remain:</p> <ol style="list-style-type: none"> 1. Need proof of service of proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Visitation on Minor Angel Rios. 2. The Court may require proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Visitation on Nathan Rios (Father). |
| | | GAIL RIOS (Paternal Aunt) and ESTHER RIOS (Paternal Great-Grandmother), were appointed Co-Guardians on 1/17/08. - <i>Gail Rios was personally served with Notice of Hearing on 4/26/16.</i> | |
| Cont. from 060716 | | See petition for details. | |
| | Aff.Sub.Wit. | | |
| ✓ | Verified | | |
| | Inventory | | |
| | PTC | | |
| | Not.Cred. | | |
| ✓ | Notice of Hrg | | |
| | Aff.Mail | | |
| | Aff.Pub. | | |
| | Sp.Ntc. | | |
| ✓ | Pers.Serv. | W | |
| | 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: 6/27/16 | |
| | | Updates: | |
| | | Recommendation: | |
| | | File 1 – Rios | |