



## 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.

**Probate Status Hearing Re: Failure to File the Inventory and Appraisal and for Failure to File a First Account or Petition for Final Distribution**

<b>DOD: 06/13/2003</b>	<b>RICHARD MONIZ</b> and <b>HELEN MONIZ</b> , were appointed Executors with full IAEA authority without bond on 09/30/2002.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Minute Order of 05/30/2014: No appearances. The Court sets the matter for an Order to Show Cause on 07/07/2014 regarding failure to appear. The Court orders Michael Milnes to be personally present on 07/07/2014.</b></p> <p><b>Copy of Minute Order mailed to Michael Milnes on 06/02/2014.</b></p> <p><b>Minute Order of 02/07/2014: No appearances. Mr. Milnes is directed to contact his clients regarding this matter.</b></p> <p><b>Copy of Minute Order mailed to Michael Milnes on 03/06/2014.</b></p> <p>1. Need Final Inventory and Appraisal and First Account or Petition for Final Distribution or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.</p>
	Letters issued on 02/23/2004.	
<b>Cont. from 020714, 032814, 053014</b>	Inventory and Appraisal was due 02/23/2004.	
<b>Aff.Sub.Wit.</b>	First Account or Petition for Final Distribution was due on 11/2004.	
<b>Verified</b>	Notice of Status Hearing was mailed to Michael Milnes, Attorney, Richard Moniz, and Helen Moniz on 11/20/2013.	
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
		<b>Reviewed by: LV</b>
		<b>Reviewed on: 07/01/2014</b>
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 1A – Gracie</b>

**Order to Show Cause Re: Failure to Appear**

	<b>RICHARD MONIZ</b> and <b>HELEN MONIZ</b> , were appointed Executors with full IAEA authority without bond on 09/30/2002.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
<b>Cont. from</b>	<b>Minute Order of 05/30/2014:</b> No appearances. The Court sets the matter for an Order to Show Cause on 07/07/2014 regarding failure to appear. The Court orders Michael Milnes to be personally present on 07/07/2014.	
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>	Notice of Order to Show Cause was mailed to Attorney Michael Milnes on 06/02/2014.	
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
		<b>Reviewed by:</b> LV
		<b>Reviewed on:</b> 07/01/2014
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 1B - Gracie</b>

**Probate Status Hearing Re: Failure to File the Inventory and Appraisal and or Failure to File a First Account or Petition for Final Distribution**

<b>DOD: 7-23-04</b>	<b>CRAIG ADAMS</b> , Son, was appointed as Administrator with Full IAEA without bond on 3-29-05 and Letters issued on 3-30-05.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <ol style="list-style-type: none"> <li><b>1. Need Inventory and Appraisal pursuant to Probate Code §8800.</b></li> <li><b>2. Need accounting and petition for final distribution pursuant to Probate Code §12200.</b></li> </ol> <p><b>Note:</b> Pursuant to Assignment of Interest filed 3-30-05 by Terry Adams, Administrator Craig Adams appears to be the sole heir of the estate. However, the estate must be properly closed with notice as appropriate.</p> <p><b>Note:</b> On 4-25-14, Attorney Val Dornay submitted a Request for Dismissal; however, dismissal cannot be entered because Letters have issued. Therefore, a report of administration is required with noticed hearing. See Probate Code §12200.</p> <p><b>Note:</b> On 6-26-14, Attorney Dornay again submitted a Request for Dismissal. Again, dismissal cannot be entered because Letters have issued.</p>
<b>Cont From 021414, 053014</b>	The original petition alleged real property valued at \$105,000.00, but encumbered for \$90,000.00.	
<b>Aff.Sub.Wit.</b>	However, no Inventory and Appraisal was ever filed pursuant to Probate Code §8800.	
<b>Verified</b>	No accounting or petition for final distribution was ever filed pursuant to Probate Code §12200.	
<b>Inventory</b>	The Court set this status hearing for failure to file Inventory and Appraisal and failure to file accounting or petition for final distribution. Both attorney and personal representative are ordered to appear.	
<b>PTC</b>	Notice of Status Hearing was mailed to Attorney Val J. Dornay and Craig Adams on 11-21-13.	
<b>Not.Cred.</b>	<b>Note:</b> The Notice to Administrator Craig Adams was returned by the Post Office, unable to forward.	
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
		<b>Reviewed by:</b> skc
		<b>Reviewed on:</b> 7-1-14
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 2A – Adams</b>

**Order to Show Cause Re: Failure to Appear**

	<b>CRAIG ADAMS</b> , Son, was appointed as Administrator with Full IAEA without bond on 3-29-05 and Letters issued on 3-30-05.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Note: Mr. Dornay has twice attempted to use the Request for Dismissal Judicial Council Form CIV-110 to dismiss the matter. However, the matter cannot be administratively dismissed because Letters have issued. Therefore, the estate must be properly closed, with petition, hearing and appropriate notice to all entitled thereto.</b></p>
	The original petition alleged real property valued at \$105,000.00, but encumbered for \$90,000.00.	
<b>Aff.Sub.Wit.</b>	However, no Inventory and Appraisal was ever filed pursuant to Probate Code §8800.	
<b>Verified</b>	No accounting or petition for final distribution was ever filed pursuant to Probate Code §12200.	
<b>Inventory</b>	The Court set status hearing for failure to file Inventory and Appraisal and failure to file accounting or petition for final distribution. Both attorney and personal representative are ordered to appear on 2-14-14.	
<b>PTC</b>	Note: The notice to the Administrator was returned by the post office.	
<b>Not.Cred.</b>	On 2-14-14, the status hearing was continued to 5-30-14; however, Mr. Dornay did not appear on that date and the Court set this Order to Show Cause Re Failure to Appear.	
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
		<b>Reviewed by:</b> skc
		<b>Reviewed on:</b> 7-1-14
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 2B - Adams</b>



Atty **Teixeira, J. Stanley (for Conservator Beverly Ann Hall)**

**(1) First Account and Report of Conservator and (2) Petition for Allowance of Fees for Attorney and (3) Petition for Reduction of Bond**

		<p><b>BEVERLY ANN HALL</b>, Sister and Conservator of the Person and Estate, is Petitioner.</p> <p><b>Account period: 4-4-13 through 1-31-14</b>                  Accounting: \$117,221.72                  Beginning POH: \$0.00                  Ending POH: \$66,121.73</p> <p><b>Conservator: Not requested.</b>                  Note: Pursuant to Petition and Order dated 11-12-13, Petitioner has received \$6,396.08 for services and reimbursement.</p> <p><b>Attorney Teixeira: \$1,700.00</b> for services from 10-1-13 through 2-22-14 – see itemized declaration.                  Note: Pursuant to Petition and Order dated 11-12-13, Attorney Teixeira has received a total of \$14,792.76 in fees and costs for the period of 1-15-13 to 9-30-13.</p> <p><b>Attorney Helon: \$1,054.50</b> – Court appointed attorney for Conservatee. See itemized declaration.</p> <p><b>Current Bond: \$182,600.00 - Petitioner states the current bond is excessive</b> because the accounting shows the current balance of the conservatorship is \$66,121.73. That amount will be reduced by the fees and costs requested to approx. \$63,000.00. Therefore, the bond should be reduced to \$69,476.00 based on annual gross income of \$160.00 (interest) and 10% recovery cost. The Conservatee will not suffer harm as a result of reduction of the bond because the only asset of the conservatorship estate is the Wells Fargo account. The conservatee's daily needs and care are provided by resources outside of the conservatorship estate and those resources will continue to be available for her needs and care.</p> <p><b>Petitioner requests an order:</b></p> <ol style="list-style-type: none"> <li>1. Approving, allowing and settling the account and report as filed;</li> <li>2. Authorizing payment to Attorney Teixeira in the amount of \$1,700.00 for services to the conservatorship estate;</li> <li>3. Authorizing payment to Attorney Helon of \$1,054.50 for services on behalf of the Conservatee;</li> <li>4. Reducing the bond to \$69,476.00; and</li> <li>5. Any and all further relief that the Court deems just and proper.</li> </ol>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Continued from 4-14-14, 5-19-14</b></p> <p><b>Minute Order 5-19-14:</b> The Court waives the need for an accounting for the period through January 2014 noting that Social Security funds were involved for which an accounting is not required. The Court will require an accounting for the period after January 2014. The petition for allowance of fees is granted and the remaining issues are continued to 7/7/14. Petition granted. Order to be signed ex parte. Continued to 7/7/14 @ 9:00 a.m. Dept. 303</p> <p><b>SEE ADDITIONAL PAGES</b></p> <p><b>Reviewed by:</b> skc</p> <p><b>Reviewed on:</b> 7-1-14</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b>                  File 6- Dhooghe</p>
<b>Cont from 041414, 051914</b>			
	<b>Aff.Sub.Wit.</b>		
✓	<b>Verified</b>		
	<b>Inventory</b>		
	<b>PTC</b>		
	<b>Not.Cred.</b>		
✓	<b>Notice of Hrg</b>		
✓	<b>Aff.Mail</b>	w/o	
	<b>Aff.Pub.</b>		
	<b>Sp.Ntc.</b>		
	<b>Pers.Serv.</b>		
	<b>Conf. Screen</b>		
	<b>Letters</b>		
	<b>Duties/Supp</b>		
	<b>Objections</b>		
	<b>Video Receipt</b>		
	<b>CI Report</b>		
	<b>2620(c)</b>	X	
✓	<b>Order</b>		
	<b>Aff. Posting</b>		
	<b>Status Rpt</b>		
	<b>UCCJEA</b>		
	<b>Citation</b>		
	<b>FTB Notice</b>		

Page 2

**NEEDS/PROBLEMS/COMMENTS:**

**The following items were previously noted. Please see summary of Declaration filed 5-7-14 following the notes:**

1. Petitioner states the conservatee's daily needs and care are provided by resources outside of the conservatorship estate. Need clarification. The original petition for conservatorship indicated that Petitioner was already a "payee" for the Conservatee, but did not request to continue to hold assets outside of the conservatorship. Cal. Rules of Court 7.1059, Standards of Conduct for Conservator of the Estate, provides that the Conservator shall hold title reflecting the conservatorship in accounts. Probate Code §2890 et seq., provides the procedure for taking control of assets and accounts. Probate Code §2620(c) requires account statements at accounting. Therefore, need clarification: What are the "resources outside of the conservatorship estate" and why are they not included? There does not appear to be any order authorizing assets to be held outside of the conservatorship estate.

~~For example: The Disbursements Schedule indicates a payment of \$3,007.70 to "Motorola Pension Plan." The attorney fee declaration indicates that he spent time handling a pension overpayment. Therefore, it appears that the Conservatee receives pension income that is not accounted for in this accounting. Further, if an overpayment of such outside funds required repayment, why was it taken from the conservatorship estate instead of the account that the payments were paid to?~~

~~In reviewing the file for clues as to the conservatee's income, it appears that a declaration filed 11-8-13 states that the conservatee's income consists of SSI payments handled by "a representative payee" and not subject to conservatorship. However, this does not explain the Motorola pension overpayment. Further, since conservatorship has been established, income and expenses from all sources should be included in the account, including Social Security. See Conservatorship handbook.~~

~~Therefore, need amended account including all assets and income as well as documentation such as account statements as required by Probate Code §2620(c).~~

***Examiner's Note: According to the minute order of 5-19-14, inclusion of social security funds is not required for this account period. The Court may wish to clarify whether the Minute Order of 5-19-14 clears the above Examiner's Note.***

**SEE ADDITIONAL PAGES**

**NEEDS/PROBLEMS/COMMENTS (Cont'd):**

2. Petitioner requests that the bond be reduced. However, pursuant to above, this does not appear appropriate, given that no information has been provided to the Court regarding the conservatee's income.
3. Probate Code § 1063(h) states if the conservator has knowledge of real property located in a foreign jurisdiction, an additional schedule shall be included in the account that identifies the real property with a fair market value and state what actions have been taken to preserve and protect the property.

This Conservatee owns residential real property in Arizona. The Disbursements Schedule indicates that expenses of \$24,581.14 were paid in connection with that property, including property tax, repairs, and payoff of the mortgage (\$21,931.54).

Therefore, need explanation. What is the status of the house – Vacant? Occupied? Is there rent being received? If not, why not? Does the Conservator intend to sell the property in the future? How was it in the conservatee's best interest to pay off the mortgage in its entirety?

Update: See Declaration filed 6-19-14.

4. Disbursements Schedule indicates a payment of \$941.10 to an Arizona attorney, which does not appear to have been authorized by this Court. Need clarification with reference to Probate Code § 2640 et seq., Cal. Rules of Court.

Update: See Declaration filed 5-7-14.

**Declaration of Beverly Ann Hall filed 5-7-14 states** that references to "other resources" refer only to funds received as representative payee. Other than those funds and funds held in the conservatorship estate, there are no other resources. Although perhaps not explicitly stated in the petition for conservatorship, the estimates contained in the petition, the reasons stated therein for requesting conservatorship of the estate, and the declaration of Mr. Teixeira concerning the amount of the original bond had only to do with assets that the Conservatee might be entitled to as a result of her husband's death, which was the payments he had been receiving from the Motorola pension plan. The Motorola Pension Plan did not know that he had died and thus payments continued after his death into an account which existed for the purpose of making mortgage payments on the property to which the Conservatee became entitled. It took a while to clear this matter up with the credit union and the pension plan. However, no pension payments were made to the Conservatee during this account period.

The Conservatee received two residential properties in Arizona upon her husband's death. One was sold and proceeds are held by the conservator of the estate. It was an oversight that the other was not identified on a schedule. Please see attached exhibit A. The family home has not been sold. It is properly insured. Family members in Arizona check on it regularly. It is available and used for family gatherings and use of the swimming pool in order to make it appear occupied.

The accounting presented disbursements of only \$1,733.00 for property repairs. Some of that was for work that had been done on the property that was sold and the contractor had agreed to wait until the property was sold so that funds would be available for that work and to complete some work on the remaining property. Ms. Hall states she has also used her own personal funds, time, and effort, without requesting compensation, for repair, improvement, and maintenance of the remaining AZ property.

It is a matter of simple mathematics that it was in the conservatee's best interest to pay off the mortgage of the remaining home. The interest earned on funds held in the conservatorship estate is far less than interest being paid out on the mortgage. The payoff is saving money.

**SEE ADDITIONAL PAGES**

For sale of the AZ property, it was required to employ an attorney for the transaction. It may have been possible to include that expense as a cost paid out of escrow, but it was nonetheless a necessary expenditure to conclude the sale. To seek approval for this aspect of the sale process would have included additional expense and delay.

**Declaration of Beverly Ann Hall filed 6-19-14 states** she had been taking care of her sister for more than two years, and conservatorship became necessary when Christine's husband died. However, the only purpose for the conservatorship was to lay claim to real property in Arizona to which Christine was entitled, but for which the husband's brother was trying to manipulate and claim as his own. Petitioner now understands that even though she pays for some of Christine's expenses out of her own funds, she will now have to report on the use of Christine's Social Security so that expenditures will be segregated without consideration given for expenses she has absorbed or for the care and shelter provided; i.e., that separate claim will be made for provided services and expenses for Christine that are paid out of Petitioner's own funds.

As for the residential property in Arizona, some of the taxes and insurance have been paid out of Christine's funds. Although Petitioner has held onto the family home because at this time additional funds are not needed and there are sentimental reasons for maintaining it, Petitioner will move for it's sale if the Court requires that it be sold.

However, Petitioner would like it known that she is not doing anything different from what Christine and her husband did while residing in Arizona. The second property that was sold was maintained for family, local and far, so that everyone could have a place to stay as needed. Petitioner has tried to maintain the family tradition.



Atty Kruthers, Heather H., of County counsel's Office (for Petitioner Public Guardian)  
 Atty Walters, Jennifer, of Walters & Moshrefi (Court-appointed for Conservatee)  
 Atty Amador, Catherine A., of Pascuzzi, Moore & Stoker (for Albert Rousseau, son)

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

<b>Age: 87 years</b>		<p><b>PUBLIC GUARDIAN</b>, Conservator of the Person court-appointed on 2/10/2014 with medical consent and dementia powers, is Petitioner and requests appointment as Conservator of the Estate without bond.</p> <p><b>Estimated Value of the Estate:</b>                  Personal property - <b>\$16,481.98</b>  <hr/>                 Total - <b>\$16,481.98*</b>                  (*other assets held in trust)</p> <p><b>Capacity Declaration, M.D., filed 2/6/2014.</b></p> <p><b>Petitioner states</b> that on 2/10/2014 Petitioner (PG) was appointed the Conservator of the person of the Conservatee with medical powers; her son, <b>ALBERT ROUSSEAU</b>, had filed a petition for his daughter, <b>ANDREA ROUSSEAU</b>, to become Conservator, and it was denied; since appointment, the PG has been coordinating care providers, and Albert and the Conservatee's other son, <b>JEAN ROUSSEAU</b>, have been managed the estate assets which are primarily held in the <b>LIZIBET E. ROUSSEAU LIVING TRUST</b>; however, the care providers are not paid on time, they are not given enough money to buy all the groceries and prescriptions, and the house needs repairs that the family has not made; despite assurances by Albert and Jean, nothing has improved.</p> <p align="center">~Please see additional page~</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Court Investigator Advised Rights on 6/13/2014.</b></p> <p><b>Note:</b> Notice of Non-Availability of Counsel filed 6/4/2014 states Attorney Jennifer Walters will not be available for all purposes from <b>7/21/2014 through and including 8/1/2014.</b></p> <p><b>Note:</b> Proposed First Amended Letters of Conservatorship submitted by Petitioner are not signed by the Public Guardian.</p> <p><b>Note:</b> If <i>Petition</i> is granted, Court will set status hearings as follows:</p> <ul style="list-style-type: none"> <li>• <b>Monday, November 10, 2014 at 9:00 a.m. in Dept. 303</b> for filing of inventory and appraisal; and</li> <li>• <b>Monday, September 7, 2015 at 9:00 a.m. in Dept. 303</b> for filing of first account of the conservatorship.</li> </ul> <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>
<b>Cont. from</b>			
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/>	<b>Verified</b>		
<input type="checkbox"/>	<b>Inventory</b>		
<input type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>		
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>		
<input checked="" type="checkbox"/>	<b>Aff.Mail</b> W/		
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input checked="" type="checkbox"/>	<b>Pers.Serv.</b> W/		
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input checked="" type="checkbox"/>	<b>Letters</b>		
<input type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input checked="" type="checkbox"/>	<b>CI Report</b>		
<input checked="" type="checkbox"/>	<b>PG Report</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input checked="" type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		
		<p><b>Reviewed by:</b> LEG</p> <p><b>Reviewed on:</b> 7/1/14</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 8 - Rousseau</b></p>	

**Petitioner states, continued:**

- The PG asserts that the only way to ensure the payment of care providers, prescriptions, and personal items, as well as maintaining the Conservatee's home, is by appointment of the PG as Conservator of Mrs. Rousseau's estate;
- It is the PG's plan to have Albert and Jean, as Trustees, make bi-annual deposits to the Conservatorship Estate, and the PG will pay all bills directly related to the Conservatee, such as utilities, food, prescriptions, care providers, etc.;
- It is the PG's understanding that although the PG does not intend to seek appointment as successor trustee at this time, the family will object to this *Petition*.

**Court Investigator Jennifer Daniel's Report was filed on 6/30/2014.**

**Petition for Probate of Will and for Letters Testamentary; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)**

		<b>DONALD MORTON</b> , Son and named Co-Executor without bond, is Petitioner.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. The decedent's will is not self-proving. Need Proof of Subscribing Witness (DE-131) pursuant to Probate Code §8220.</p> <p>2. On 6-24-14, Petitioner filed an ex parte request for Stipulated Order for Appointment of Executor, Distribution, Waiver of Bond, and Request for Special Notice between himself and Greg A. Watkins as the two heirs of this estate. Mr. Watkins is represented by Attorney Ronald L. Calhoun.</p> <p>The Court denied the request on 6-26-14, noting that the Petition for Probate had not yet been heard.</p> <p>However, the stipulation states: "A Request for Special Notice is being filed with the Tulare Superior Court by Attorney Calhoun directly."</p> <p><u>Note:</u> No Request for Special Notice has been filed in this case.</p> <p><u>Therefore, need clarification:</u> Are there proceedings in Tulare Superior Court that may affect these proceedings?</p> <p><u>Note:</u> Please note that although the stipulation provides an agreement between the heirs regarding distribution of assets, any distribution will subject to Court authorization and is premature at this time.</p> <p>Reviewed by: skc</p> <p>Reviewed on: 7-1-14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 11 – Morton</p>
		Named Co-Executor Judy Watkins is deceased.	
Cont. from 060414, 061814		Full IAEA – ok	
<input type="checkbox"/>	Aff.Sub.Wit.	X	
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory	Will dated 1-4-1980	
<input type="checkbox"/>	PTC	Residence: Kingsburg, CA	
<input type="checkbox"/>	Not.Cred.	Publication: Fresno Business Journal	
<input checked="" type="checkbox"/>	Notice of Hrg	<b>Estimated value of estate:</b>	
<input checked="" type="checkbox"/>	Aff.Mail	Real property: \$168,000.00	
<input checked="" type="checkbox"/>	Aff.Pub.	Probate Referee: Steven Diebert	
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen	<b>Note:</b> If the petition is granted status hearings will be set as follows:	
<input checked="" type="checkbox"/>	Letters	<ul style="list-style-type: none"> <li>• <b>Monday 11-17-14</b> at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal and</li> <li>• <b>Monday 11-16-15</b> at 9:00a.m. in Dept. 303 for the filing of the first account/petition for final distribution.</li> </ul>	
<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	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 type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

Atty **Brawley, Mason L., of Berliner Cohen of Merced (for Petitioners Eugene Espinola, Marvin Espinola, and Margaret Corvello)**

**Petition for Order Instructing Trustees to Provide Supporting Documentation,  
Compelling Trustees to account**

		<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>CONTINUED TO 7/21/2014</b> Per Attorney request</p>
<b>Cont. from</b>		
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
		<b>Reviewed by:</b> LEG
		<b>Reviewed on:</b> 6/30/14
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 12 - Espinosa</b>

**Petition for Probate of Will and for Letters Testamentary; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)**

<b>DOD: 03/21/2014</b>	<b>JUAN CARLOS VALENCIA</b> , son/named executor, is petitioner without bond.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. Need Affidavit of Publication in the correct newspaper pursuant to Local Rule 7.9A. Petition indicates decedent's residence at the time of death was Kerman, California, therefore the correct publication should be The Kerman News. Petitioner published in The Business Journal.  <b>Note: If the petition is granted status hearings will be set as follows:</b>  <ul style="list-style-type: none"> <li>• <b>Tuesday, 12/09/2014 at 9:00a.m. in Dept. 303</b> for the filing of the inventory and appraisal <u>and</u></li> <li>• <b>Tuesday, 09/08/2015 at 9:00a.m. in Dept. 303</b> for the filing of the first account and final distribution.</li> </ul> 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.
	Full IAEA – o.k.	
	Will dated: 01/07/2012	
<b>Cont. from</b>	Residence: Kerman Publication: The Business Journal	
<input checked="" type="checkbox"/> <b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/> <b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>	<b>Estimated value of the Estate:</b> Real property - \$150,000.00	
<b>Not.Cred.</b>	Probate Referee: Steven Diebert	
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>		
<input checked="" type="checkbox"/> <b>Aff.Mail</b>	w/	
<input checked="" type="checkbox"/> <b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<input checked="" type="checkbox"/> <b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<input checked="" type="checkbox"/> <b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
<b>Reviewed by:</b> LV		
<b>Reviewed on:</b> 07/01/2014		
<b>Updates:</b>		
<b>Recommendation:</b>		
<b>File 15 - Ledesma</b>		

Atty Alabart, Javier A. (for Petitioner Alfredo Banda Arriaga, father)  
 Atty Fanucchi, Edward L. (for Respondent Maria Luisa Sanchez, purported spouse)  
 Atty Kruthers, Heather H. (for Public Administrator, Administrator of the Estate)

**Probate Status Hearing Re: Settlement Agreement Filed**

<b>DOD: 5/14/2004</b>	<p><b>ALFREDO BANDA ARRIAGA</b>, father, filed a <i>Petition for Preliminary Distribution of Decedent Estate Assets</i> on 10/2/2013, requesting an order for a preliminary distribution of the estate assets, representing that the Petitioner is the sole-surviving parent of the Decedent, and the sole-surviving devisee of the Will signed by the Decedent on 10/16/1997.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Continued from 6/6/2014.</b> Minute Order states Mr. Fanucchi advises the Court that they are waiting to hear from Mr. Alabart.</p> <p>1. Need settlement agreement.</p> <p><b>Notes for Background:</b></p> <ul style="list-style-type: none"> <li>Minute Order dated 4/22/2014 from the Settlement Conference states the Court signs Order Appointing Court Approved Reporter as Official Reporter Pro Tempore. Clients are not present in court. Agreement stated in open court and is on record. Mr. Alabart will prepare the settlement agreement. Status hearing set for 6/6/2014 can come off if agreement filed. The Court Trial date of 6/2/2014 is vacated.</li> <li><b>PUBLIC ADMINISTRATOR'S Amended First and Final Account</b> of the Public Administrator was approved on 6/25/2012 via <i>Order After Hearing Settling Amended First and Final Account, etc.</i>, finding that after payment of commissions, fees and costs in the amount of <b>\$19,643.43</b>, there will be <b>\$89,703.10</b> to distribute upon further Court order regarding entitlement to final distribution.</li> </ul>
<b>Cont. from</b>	<p><b>MARIA LUISA SANCHEZ</b>, purported spouse, filed an <i>Opposition to Alfredo Banda Arriaga's Petition for Preliminary Distribution of Decedent Estate Assets</i> on 10/25/2013, representing that this Court ruled 6 years ago that distribution of the estate is controlled by the decree of the Mexican court finding that Ms. Sanchez is the sole heir to the Decedent's estate.</p>	
<b>Aff.Sub.W</b>	<p><b>Order on Arriaga's Petition for Preliminary Distribution of Decedent's Estate's Assets filed on 1/24/2014</b> denies Arriaga's Petition and declines to distribute further assets to Sanchez. The <i>Order</i> concludes:</p> <ul style="list-style-type: none"> <li>Court has expressly found that two issues remain to be tried as to the parties' relative claims to the estate: (1) whether Arriaga's challenge to the orders in Sanchez' favor are untimely and barred; or (2) whether Sanchez' challenge to the estate's distribution was untimely, void and barred;</li> <li>These two issues depend on disputed issues of fact: (1) the address of Arriaga and his wife before and after the time of the filing of the <i>Petition for Probate</i>; (2) the Arriagas' contact, direct or indirect, with the Public Administrator who provided notice of the Petition; and (3) Arriagas' knowledge of the ongoing probate.</li> <li>Also to be tried is the validity of the order for preliminary distribution to Sanchez, as set forth by the Court in its last order dated 8/21/2013.</li> </ul>	
<b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/S</b>		
<b>Objection</b>		
<b>Video Rct</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Post</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
		<b>Reviewed by:</b> LEG
		<b>Reviewed on:</b> 7/1/14
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 16 – Banda-Nieto</b>

<b>DOD: 7-17-07</b>	<b>MICHELLE SEYMOUR</b> , Daughter, was appointed Administrator with Full IAEA without bond and Letters issued on 9-11-07.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p style="text-align: center;"><b><u>OFF CALENDAR</u></b></p> <p><b>Petition filed 6-19-14 is set for hearing on 7-23-14.</b></p>
<b>Cont From 042514, 050814</b>	The Administrator is a resident of Ocean Springs, Mississippi.	
<b>Aff.Sub.Wit.</b>	Final I&A filed 9-26-07 indicates a total estate value of \$211,500.00 consisting of real property valued at \$210,000.00 and personal property.	
<b>Verified</b>	Two Creditor's Claims were filed as follows:	
<b>Inventory</b>	1) St. Agnes Medical Center \$887.75	
<b>PTC</b>	2) Hematology Oncology Medical Group of Fresno \$3,512.00	
<b>Not.Cred.</b>	Nothing further was filed in this matter.	
<b>Notice of Hrg</b>	On 2-14-14, the Court set this status hearing for failure to file a petition for final distribution pursuant to Probate Code §12200 and sent notice to Attorney Moore and the Administrator.	
<b>Aff.Mail</b>	<b>Unverified Status Report filed 4-17-14 by Attorney Moore states</b> this is an estate with no assets. The attorney has prepared a "Petition by Attorney on Deferral of Filing Fee for Termination of Administration of Estate Having No Assets" awaiting the Court's determination on accepting the petition for filing. The attorney currently has two additional estates to be closed that were continued to 5-8-14. On 3-14-14, in connection with the Estate of Vanessa Jackson, Judge Oliver indicated that this matter could also be heard on 5-8-14. It is therefore requested that this hearing be continued to 5-8-14 for consideration of the deferral of filing fee to close this estate.	
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
		<p><b>Reviewed by:</b> skc</p> <p><b>Reviewed on:</b> 7-1-14</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 18 – Mayfield</b></p>

Probate Status Hearing Re: Failure to File a First Account or Petition for Final Distribution

<b>DOD: 04/15/2005</b>	<b>MARY GALLEGOS-BATES</b> , sister, was appointed Administrator with full IAEA without bond on 08/02/2005.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Note:</b> Attorney Patricia Carrillo was relieved as counsel to Mary Gallegos-Bates on 04/02/2014.</p> <p><b>Continued from 05/07/2014.</b></p> <p><b>Minute Order of 04/02/2014:</b> Ms. Carrillo is directed to provide Ms. Gallegos-Bates any documents she has. Matter continued for Ms. Gallegos-Bates to hire new counsel.</p> <p>1. Need First Account or Petition for Final Distribution or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.</p>	
	Letters issued on 08/11/2005.		
<b>Cont. from 022114 , 040214, 050714</b>	Inventory and Appraisal was filed on 09/28/2005 shows an estate valued at \$200,000.00 consisting of real property.		
<b>Aff.Sub.Wit.</b>			
<b>Verified</b>			
<b>Inventory</b>			
<b>PTC</b>	First Account or Petition for Final Distribution was due on 10/2006.		
<b>Not.Cred.</b>			
<b>Notice of Hrg</b>	Notice of Status Hearing was mailed to Attorney Patricia Carrillo and Mary Gallegos-Bates on 11/22/2013.		
<b>Aff.Mail</b>			
<b>Aff.Pub.</b>			
<b>Sp.Ntc.</b>			
<b>Pers.Serv.</b>			
<b>Conf. Screen</b>			
<b>Letters</b>			
<b>Duties/Supp</b>			
<b>Objections</b>			
<b>Video Receipt</b>			
<b>CI Report</b>			
<b>9202 Order</b>			
<b>Aff. Posting</b>			
<b>Status Rpt</b>			
<b>UCCJEA</b>			
<b>Citation</b>			
<b>FTB Notice</b>			
			<b>Reviewed by:</b> LV
			<b>Reviewed on:</b> 07/01/2014
			<b>Updates:</b>
		<b>Recommendation:</b>	
		<b>File 19 – Gallegos</b>	

		<b>CHARLOTTE A. YOUNG</b> , Daughter and Conservator without bond, is Petitioner.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Continued from 5-5-14. As of 7-1-14, nothing further has been filed.</b></p> <p><b>1. <u>Need amended accounting.</u></b>  <b>The Accounting as presented does not meet the requirements of Probate Code §§ 2620, 1060.</b></p> <p><b><u>Issues include but are not limited to:</u></b></p> <ul style="list-style-type: none"> <li>- Accounting does not balance</li> <li>- Beginning property on hand (POH) does not match the Inventory and Appraisal</li> <li>- There are no receipts indicated (e.g., the conservatee's income)</li> <li>- Petitioner indicates \$15,671.45 in distributions to the Conservatee, but no explanation is provided</li> <li>- Petitioner does not include most the required schedules (receipts, disbursements, POH)</li> <li>- Petitioner does not provide account statements</li> <li>- Petitioner does not provide statements from the care home</li> </ul> <p><b>2. When an amended accounting is filed, Notice of Hearing must be provided pursuant to Probate Code §1460.</b></p> <p><b><u>Petitioner is strongly encouraged to seek attorney assistance to prepare an amended account.</u></b></p>
		Account period: 4-4-13 through 2-28-14	
<b>Cont from 050514</b>		Accounting: ?? Beginning POH: \$593 Distributions: \$15,671.45 Ending POH: \$593	
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input type="checkbox"/>	<b>Verified</b>		
<input type="checkbox"/>	<b>Inventory</b>		
<input type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>		
<input type="checkbox"/>	<b>Notice of Hrg</b>	Conservator: Waived	
<input type="checkbox"/>	<b>Aff.Mail</b>	No prayer or request for authorization is included.	
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input checked="" type="checkbox"/>	<b>Letters</b>	4-4-13	
<input type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input checked="" type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input type="checkbox"/>	<b>Order</b>	X	
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		
		<b>Reviewed by: skc</b>	
		<b>Reviewed on: 7-1-14</b>	
		<b>Updates:</b>	
		<b>Recommendation:</b>	
		<b>File 21 - Hopkins</b>	

	<b>TRINETTA JACKSON</b> , Daughter, was appointed as Administrator with Full IAEA without bond and Letters issued on 7-25-06.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <u><b>OFF CALENDAR</b></u>  Petition filed 6-19-14 is set for hearing on 7-23-14.
	Final Inventory and Appraisal filed 11-15-06 indicates a total estate value of \$270,000.00 consisting of real property.	
	On 12-20-13, the Court set status hearing for failure to file a petition for final distribution and sent notice to Attorney Susan Moore.	
<b>Cont. from 031414, 050814</b>		
<b>Aff.Sub.Wit.</b>		
<b>Verified Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
		<b>Reviewed by:</b> skc
		<b>Reviewed on:</b> 7-1-14
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 26 – Jackson</b>