



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.

Petition for Termination of Further Proceedings and Discharge of Personal Representative

DOD: 08/01/02	H. TY KHARAZI , Attorney for HECTOR JAVIER SAENZ, JR. , is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
Cont. from	Petitioner states:	
<input type="checkbox"/> Aff.Sub.Wit.	1. HECTOR JAVIER SAENZ, JR. , son, was appointed as Administrator of the Estate on 10/08/02 and Letters of Administration were issued on 10/09/02.	
<input checked="" type="checkbox"/> Verified	2. It was believed that the estate had sizeable assets in a bank account at Valley Oak Credit Union; however, it was later learned that the account had a balance of only \$1,476 on the date of decedent's death. Petitioner states that there are no other assets in the estate.	
<input type="checkbox"/> Inventory	3. Petitioner states that despite multiple attempts, he has not been able to make contact with the Administrator.	
<input type="checkbox"/> PTC	4. Petitioner states that the decedent owed Fresno Community Hospital thousands of dollars in medical expenses for his last illness. Therefore the estate is insolvent and no Inventory & Appraisal was ever filed.	
<input type="checkbox"/> Not.Cred.	5. Petitioner states that he advanced costs on behalf of the estate, but does not seek reimbursement at this time, nor does he believe that he will ever be reimbursed.	
<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 10/09/02		
<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	Petitioner prays for an Order:	
<input type="checkbox"/> Status Rpt	1. Terminating the probate proceeding;	
<input type="checkbox"/> UCCJEA	2. Discharging Hector Javier Saenz, Jr. as Personal Representative.	
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: JF
		Reviewed on: 07/02/14
		Updates:
		Recommendation:
		File 1 – Saenz

3 Everlener Raymond aka Evelina Raymond (Det Succ)

Case No. 12CEPR01120

Atty Krbechek, Randolph, sole practitioner (for Petitioners Mary Mcgee, Rita Jones, Earl Lockhart, Jr., Everlener Smith, Jackie Lockhart, Arthur Lockhart, David Lockhart, Ricky Lockhart, and James Lockhart)

**Notice of Motion and Motion for Order Setting Aside and Vacating
Order of Dismissal**

DOD: 7/26/2000	MARY MCGEE, RITA JONES, EARL LOCKHART, JR., EVERLENER SMITH, JACKIE LOCKHART, ARTHUR LOCKHART, DAVID LOCKHART, RICKY LOCKHART, and JAMES LOCKHART, grandchildren, are Movants.		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: Minute Order dated 2/18/2014, upon which the instant Motion is based, states: No appearances. The Court notes for the minute order that the examiner notes set forth in summary the Court's concerns. The petition is dismissed without prejudice.</p> <p>Note: Movants paid a filing fee of \$60.00 for the instant Motion. Filing fee of \$435.00 is required for the Court to consider a <i>Petition to Determine Succession to Real Property</i>, which would be set for a subsequent hearing. The instant Motion does not request nor provide support for a waiver of the filing fee for the Court to again consider the second-filed <i>Petition to Determine Succession to Real Property</i> following its dismissal on 2/18/2014.</p> <p>1. Need proposed order relating to the instant Motion for Order Setting Aside and Vacating Order of Dismissal. [Note: Proposed Order Determining Succession to Real Property was lodged with the Court.]</p> <p>~Please see additional page~</p>
Cont. from 010714			
Aff.Sub.Wit.			
<input checked="" type="checkbox"/> Verified			
Inventory			
PTC			
Not.Cred.			
<input checked="" type="checkbox"/> Notice of Hrg			
<input checked="" type="checkbox"/> Aff.Mail	W/		
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: LEG</p> <p>Reviewed on: 7/2/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 3 – Raymond</p>

~Please see additional page~

Declaration of Randolph Krbechek in Support of Motion for Order Setting Aside and Vacating Order of Dismissal filed 5/30/2014 states:

- He filed the petition in this matter, which was the second petition filed in this case; the first petition was denied on 1/31/2013 because petitioners sought more relief that the Court was able to grant;
- This is a complicated case involving property of small value; many years have elapsed, and several of the beneficiaries have died;
- The second petition was filed on 11/13/2013, and was set for hearing on 1/7/2014;
- He appeared at the hearing on 1/7/2014; the Court ordered him to file a declaration providing further clarification regarding the relief sought in the petition, and an order;
- It is his recollection that the Court tentatively granted the petition on 1/7/2014, subject to further clarification;
- Due to his mistake and inadvertence, he failed to calendar the continued date set for hearing of 2/18/2014, and the additional pleadings requested by the Court;
- To his knowledge, they did not receive notification from the Court after the 1/7/2014 hearing regarding the continued hearing date [of 2/18/2014.];
- His staff reminded him recently that they had not received an order in this matter; last week, he prepared a memorandum of points and authorities responding to the Court's inquiry regarding the petition, together with a proposed Order Determining Succession to Real Property;
- They attempted to file the memorandum of points and authorities on 5/28/2014; they were told that it could not be accepted because the Court had dismissed the petition on 2/18/2014;
- To his knowledge, they did not receive notification from the Court after the 2/18/2014 hearing regarding the dismissal;
- Having learned of the dismissal on 5/28/2014, they filed this request to set aside on the following day, 5/29/2014;
- A copy of the *Memorandum of Points and Authorities in Support of Petition to Determine Succession* that the Petitioners will file is attached as *Exhibit A*, and it responds to the Court's inquiries and supports the relief sought by Petitioners;
- The facts in this case are complicated, and the Court has experienced difficulty with this petition;
- However, with the attached memorandum of points and authorities, the Court should have all the facts needed to grant the petition;
- He apologizes to the Court for his failure to timely respond to the request for clarification made at the hearing on 1/7/2014;
- As this *Motion* is brought within the 6-month period set forth in Code of Civil Procedure § 473(b), they request that the dismissal be set aside and that the Court rule on the petition.

Memorandum of Points and Authorities in Support of Motion for Order Setting Aside and Vacating Order of Dismissal was filed 5/30/2014, stating in brief sum and sans citations and argument, that Code of Civil Procedure § 473 provides for mandatory relief from entry of default, based on the attorney's affidavit, when such default is caused by the mistake or neglect of the moving party's attorney; the failure to file the supplemental pleading was caused by the mistake or neglect of Petitioners' counsel; relief is mandatory under these circumstances; Petitioners respectfully request that Court enter an order setting aside the dismissal so that Court can review the second petition on its merits.

~Please see additional page~

NEEDS/PROBLEMS/COMMENTS, continued:

Note Re First-Filed Petition to Determine Succession: *Minute Order* dated 1/31/2013 from the first *Petition to Determine Succession* filed in this matter on **12/11/2012** states: "The Court notes for the minute order that neither the petitioners nor counsel are present. Based on the petition, the Court believes it is controlled by Probate Code 11801 and other codes and as such, cannot proceed. The petition is denied."

Note Re Second-Filed Petition to Determine Succession: *Minute Order* dated 1/7/2014 from the second *Petition to Determine Succession* filed in this matter on **11/14/2013** states: "Counsel is directed to submit a declaration and order. Matter continued to 2/18/2014."

Notes Re Dismissal:

- ***Minute Order* dated 2/18/2014**, upon which the instant *Motion* is based, states: "No appearances. The Court notes for the minute order that the examiner notes set forth in summary the Court's concerns. The petition is dismissed without prejudice."
- **Local Rule 7.4.1 provides** a matter is considered not ready for hearing if notices, supplements, or other documentation curing all discrepancies are not filed at least 24 hours in advance of the hearing date. If a regularly calendared matter is not ready on a continued date, the matter may be ordered off calendar or may be denied without prejudice unless a request for continuance is granted by the court upon the personal appearance by counsel. Attorney Krbechek states it is his recollection that the Court tentatively granted the petition on 1/7/2014, subject to further clarification. The Court dismissed the petition for non-appearance on 2/8/2014 and due to the lack of the further clarification requested of Attorney Krbechek, who appeared on 1/7/2014, and who was also requested by the Court via the *Minute Order* dated 1/7/2014 directing counsel to submit a declaration. It appears dismissal ordered by the Court on 2/18/2014 was proper based upon Local Rule 7.4.1.
- **Attorney Krbechek states to his knowledge**, they did not receive notification from the Court after the 1/7/2014 hearing regarding the continued hearing date [of 2/18/2014.] The Court does not have an affirmative duty to notify attorneys of continued hearing dates, particularly when the attorney appeared at the hearing during which continuance was granted. Court records available online reflect entries of the Probate minute orders which contain continued hearing dates of matters continued by Court at hearing.
- **Attorney Krbechek states to his knowledge**, they did not receive notification from the Court after the 2/18/2014 hearing regarding the dismissal. It is neither the affirmative duty nor the practice of the Court to notify attorneys regarding the outcomes of matters filed with the Court and set for hearing. Court records available online reflect entries of the Probate minute orders which contain outcomes of matters filed with the Court and set for hearing.

**Petition for Order for Issuance of Citation for Examination Regarding Property of the Estate
 [Probate Code §8870]**

DOD: 11-13-13	JOHN MCMURRAY , Executor with Full IAEA without bond, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: Note: Proofs of Service filed 6-17-14 indicate that the Citation was served on Alva Holford and Terri Holford on 6-9-14.
	Petitioner states that in collecting the decedent's records, papers, and property of the estate, Petitioner discovered that the decedent's spouse ALVA HOLFORD and his daughter TERRI HOLFORD were each hiding, taking and secreting from the estate much tangible personal items, records, and papers of the estate, including but not limited to clothing, antiques, jewelry, chinaware, keepsakes, pictures, oil paintings, coins, \$20 gold piece collections, guns, furniture, and many other personal items. In fact, they were attempting to sell and/or discard such items thereby preventing Petitioner from claiming such as part of the estate.	
Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
<input checked="" type="checkbox"/> Pers.Serv.		
Conf. Screen		
<input checked="" type="checkbox"/> Letters 4-11-14	Petitioner states Terri Holford and Alva Holford have each failed and refused and continue to fail and refuse to render an accounting or remit to the estate the net receipts of any items sold. Petitioner has contacted them numerous times asking to remit the net receipts to the estate and/or return the taken items to Petitioner. Each time, they have refused to comply with Petitioner's requests and conversations have become hostile.	
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
<input checked="" type="checkbox"/> Order		
Aff. Posting		
Status Rpt		
UCCJEA		
<input checked="" type="checkbox"/> Citation	Attached are various photographs of Terri Holford engaged in selling and/or discarding personal items of the estate and a sample of the missing inventory of the estate, as well as Facebook pages of Terri Holford describing her efforts to conceal and sell the belongings of the estate.	
FTB Notice	Petitioner prays for an order directing issuance of a citation to TERRI HOLFORD and ALVA HOLFORD, requiring each to appear before the Court at the time and date specified in the order to be examined under oath concerning the allegations that he/she has wrongfully taken, concealed, or disposed of property in the estate of the decedent, and to provide reason why she should not be required to account for that property.	
		Reviewed by: skc
		Reviewed on: 7-2-14
		Updates:
		Recommendation:
		File 4 - Holford

5A Daisy A. Morales & Xavier A. Morales (GUARD/P) Case No.14CEPR00317

Atty Morales, Joe Anthony (pro per Petitioner)

Atty Butler, R. Frank (for Petitioner Rita Day)

Atty Agrava, Dede J. (for Joseph Martinez)

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

Age: 9 years (twins)	TEMPORARY (granted to Rita Day and Joe Morales) EXPIRES 7/8/14.	NEEDS/PROBLEMS/COMMENTS: 1. Need Notice of Hearing. 2. Need proof of personal service of the Notice of Hearing along with a copy of the Petition on: a. David Morales (father)
	RITA DAY, maternal grandmother, and JOE MORALES, paternal uncle, are petitioners.	
	Father: DAVID MORALES	
	Mother: JACQUELINE GARCIA – deceased.	
	Paternal grandparents: Deceased	
	Maternal grandfather: Jaime Garcia – Present in court on 6/4/14.	
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 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: KT
		Reviewed on: 7/3/14
		Updates:
		Recommendation:
		File 5A - Morales

5A

5B Daisy A. Morales & Xavier A. Morales (GUARD/P) Case No.14CEPR00317

Atty Morales, Joe Anthony (pro per)

Atty Butler, R. Frank (for Rita Day)

Atty Agrava, Dede J. (for Petitioner Joseph Martinez)

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

Age: 9 years (twins)	TEMPORARY (granted to Rita Day and Joe Morales) EXPIRES 7/8/14.	NEEDS/PROBLEMS/COMMENTS: 3. Need proof of personal service of the Notice of Hearing along with a copy of the Petition on: a. David Morales (father)
	JOSEPH MARTINEZ , non-relative (mom's fiancé) petitioners.	
	Father: DAVID MORALES	
Cont. from	Mother: JACQUELINE GARCIA – deceased.	
<input type="checkbox"/> Aff.Sub.Wit.	Paternal grandparents: Deceased	
<input checked="" type="checkbox"/> Verified	Maternal grandfather: Jaime Garcia – Present in court on 6/4/14.	
<input type="checkbox"/> Inventory	Petitioner states he lived with the children and their mother for the past 3 years. He provided them with stability and a safe environment. It does not seem likely that their biological father, David Morales, can provide a safe and stable home for them. The children were not close to their maternal grandmother. Petitioner feels it would be extremely detrimental to the children to change the status quo.	
<input type="checkbox"/> PTC	Court Investigator Jennifer Daniel's Report filed on 7/1/14	
<input type="checkbox"/> Not.Cred.		
<input checked="" 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.	X	
<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: KT
		Reviewed on: 7/3/14
		Updates:
		Recommendation:
		File 5B - Morales

Petition for Determination of Entitlement to Personal Property in the Possession of Another and for Double Damages

DOD: 1/22/14		<p>LYNSEY ARCE is petitioner.</p> <p>Petitioner states she is the granddaughter of the decedent. Petitioner and her brother, MARK ARCE ("MARK"), are the only heirs of the decedent.</p> <p>Petitioner alleges that decedent died with significant assets that are under the control of and in the possession of MARK ARCE and his wife, SHARON ARCE ("SHARON").</p> <p>Petitioner is unaware of the nature of decedent's assets. MARK and SHARON have refused and continue to refuse to share the information with Petitioner despite numerous requests.</p> <p>Petitioner believes she is legally entitled to a 50% interest in all of the decedent's personal property in the possession of MARK and SHARON according to proof.</p> <p>Petitioner's lack of knowledge as to the nature and extent of the decedent's property does not preclude her from filing this claim. Petitioner can establish the facts necessary, through the discovery process, to specifically itemize the personal property she is entitled to that is in the possession of MARK and SHARON.</p> <p style="text-align: center;">Please see additional page</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of personal service of the Notice of Hearing along with a copy of the petition, at least 30 days prior to the hearing, on: <ol style="list-style-type: none"> a. Mark Arce b. Sharon Arce 3. Need copy of the Trust instrument prior to any determination as to who is entitled to the assets of the Trust. If there is no trust then a probate proceeding will need to be commenced to determine the heirs of the estate. 4. Need Order 	
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 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			X
<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: KT</p> <p>Reviewed on: 7/2/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 6 - Schmit</p>		

Petitioner states MARK and SHARON have refused to provide the Petitioner with information regarding her grandmother's estate and have specifically stated they will share only what they want. This concealment is being done in bad faith and subjects **MARK** and **SHARON** to an award of double damages. Additionally, Petitioner believes that there may be a trust for which **MARK** and **SHARON** have not provided and not given the notice as required under Probate Code §16061.7 for which double damages are proper.

Petitioner prays for an Order:

1. The court determine that **LYNSEY ARCE** is entitled to 50% of all known and after discovered personal property of the decedent, **Irene Alice Schmit**, but in the possession or under the control of **MARK ARCE** and **SHARON ARCE**, at the time of decedent's death.
2. The court determine that **MARK ARCE** and **SHARON ARCE** shall pay **LYNSEY ARCE** with the value of the property concealed or transferred in bad faith or that was transferred as a result of the undue influence of **Irene Alice Schmit** by **MARK ARCE** and/or **SHARON ARCE**.

Objection to Verified Petition for Determination of Entitlement to Personal Property in the Possession of Another and for Double Damages filed by Mark Arce and Sharon Arce on 7/3/14. Objectors state the Petition is devoid of any mention of a trust and the superior court's jurisdiction over a trust commences at Probate Code §15000 et seq. not Probate Code §850 et seq., the code upon which Petitioner bases her request for relief. Probate Code §850 et seq. governs probate litigation over adverse claims to property in decedent's estate administration.

Stated succinctly, the Petition fails to state a cause of action – a valid claim – entitling Petitioner to any form of relief from this court. As such the Petition should be dismissed.

As no valid claim exists, Respondents further request the court direct Petitioner, through her counsel, to withdraw the subpoenas allegedly served by Petitioner upon the IRS, Union Bank and Kern Schools Federal Credit Union.

DOD: 03/19/2014	JANICE ATWATER-EPPERSON , daughter is petitioner and requests appointment as Administrator with Will Annexed without bond.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: If the petition is granted status hearings will be set as follows:</p> <ul style="list-style-type: none"> • Tuesday, 12/09/2014 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal and • Tuesday, 09/08/2015 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution. <p>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.</p> <p>Reviewed by: LV</p> <p>Reviewed on: 07/02/2014</p> <p>Updates:</p> <p>Recommendation: Submitted</p> <p>File 8 - Jackson</p>
Cont. from	Named Executor declines to act.	
<input type="checkbox"/> Aff.Sub.Wit.	Full IAEA – o.k.	
<input checked="" type="checkbox"/> Verified	Will dated: 02/10/2000	
<input type="checkbox"/> Inventory	Residence: Fresno	
<input type="checkbox"/> PTC	Publication: The Business Journal	
<input type="checkbox"/> Not.Cred.	Estimated value of the Estate:	
<input checked="" type="checkbox"/> Notice of Hrg	Personal property - \$227,261.46	
<input checked="" type="checkbox"/> Aff.Mail w/	Real property - \$93,000.00	
<input checked="" type="checkbox"/> Aff.Pub.	Total: - \$320,261.46	
<input type="checkbox"/> Sp.Ntc.	Probate Referee: Rick Smith	
<input type="checkbox"/> Pers.Serv.		
<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 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		

Atty David M. Gilmore and Ryan M. Janisse (for Cindy Snow Henry – Beneficiary – Petitioner)
 Atty Armo, Lance (for Robert Snow)
 Atty Paul Franco (for Louis Brosi, III)
 Atty Wilson, Joshua G. (of Bakersfield, for Louis Brosi, Jr.)

Status Hearing Re: Settlement Agreement

	CINDY SNOW HENRY filed Notice of Motion and Motion to Compel Performance under Settlement Agreement on 3-15-11.	NEEDS/PROBLEMS/COMMENTS:
		Continued from 6-24-14
	Ms. Henry also filed Petition to Remove Trustee; Appoint Public Administrator as Trustee; Require Trustee Correct Title; and Compel Trustee to Account on 11-5-12.	Minute Order 6-24-14: Mr. Gilmore reports that the agreement has been signed by all parties on Mr. Franco's side. Continued to 7-8-14.
Cont from 062414		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg	The Court has held various settlement conferences and Court Trial hearings since then, including re: lot split and related matters.	
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen	On 3-3-14, the Court granted Ms. Henry's petition filed 11-5-12. Minute Order 3-3-14 states: The Court removes Louis Brosi, Jr. as the trustee and appoints Doris Brosi as successor trustee. An offer is made in open court. Mr. Gilmore's client is directed to respond to the offer by no later than 5:00 p.m. on 3/5/14. Parties agree that Mr. Armo's client will be paid in full \$100,000.00 by the close of business tomorrow with a joint check made out to both Mr. Armo and Robert Snow. The litigation guarantee and appraisal as to 6706 N. Chestnut shall be due by 3/12/14.	1. Need order approving Ms. Henry's petition filed 11-5-12 pursuant to the Minute Order of 3-3-14.
Letters	Additionally, the \$100,000.00 payment to Cindy Snow Henry as well as the first monthly installment shall be due by 4/1/14. Continued to 4/1/14 @ 10:00 a.m. Dept. 303	2. Need agreement per Minute Order 6-3-14.
Duties/Supp		
Objections		
Video Receipt		
CI Report 9202	At continued settlement conference on 6-3-14, the Court made additional orders. Minute Order 6-3-14 states: Parties engage in settlement discussions with the Court. Parties reach a settlement agreement as fully set forth on the record. Parties agree that the petitions will be dismissed with prejudice and the hearings set for 6/9/14 will be vacated. The Court notes that Cindy Snow Henry is not present, but has been in contact with Mr. Gilmore. Upon inquiry by the Court, Louis Brosi, III and Mr. Gilmore on behalf of his client agree to the terms and conditions of the agreement. Agreement to be prepared by Mr. Gilmore and provided to Mr. Franco by 6/6/14. Matter set for Status Hearing on 6/24/14. If everything is completed by 6/24/14, no appearances will be necessary and the matter will be taken off calendar. Set on 6/24/14 @ 9:00 a.m. Dept. 303 for: Status Hearing Re: Settlement Agreement	3. On 3-3-14, the Court appointed Doris Brosi as trustee. However, Doris Brosi has not made an appearance in this matter.
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Therefore, a filing/ appearance fee of \$435 is due from Doris Brosi.
		Reviewed by: skc
		Reviewed on: 7-2-14
		Updates:
		Recommendation:
		File 10 - Brosi

DOD: 12/07/11	KIRK HAGOPIAN , was appointed as Administrator with full authority and without bond on 07/26/12. Letters of Administration were issued on 08/01/12.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p style="text-align: center;"><u>OFF CALENDAR</u></p> <p style="text-align: center;">First and Final Account of Former Administrator filed 05/08/14; next hearing set for 07/29/14</p> <p>Gloria Hagopian was appointed as successor administrator on 05/27/14.</p>
Cont. from 090613, 110113, 111913, 010814	Inventory & Appraisal, partial no. 1 filed 05/31/13 - \$80,268.71	
Aff.Sub.Wit.	Inventory & Appraisal, partial no. 2 filed 05/31/13 - \$62,337.78	
Verified	Minute Order from 07/26/12 set this matter for status regarding filing of the Accounting and/or Petition for Final Distribution.	
Inventory	Petition for Order Compelling Respondents to Account to Administrator; For Order Directing Transfer of Personal Property to Administrator or Decedent's Estate; and for Damages filed by Administrator on 10/09/13.	
PTC	Report Regarding Status filed 10/17/13 by attorney Jeffrey Wall states: The Administrator retained Leigh Burnside to represent the estate in a proceeding to recover estate assets that may have been taken by Gaylene Bolanos and possibly others acting in concert with Ms. Bolanos. The Petition under Probate Code § 850 seeks to require Gaylene Bolanos and others to account for various estate assets that were entrusted to Ms. Bolanos that are now unaccounted for. The Petition further requests an Order directed the said parties to transfer any estate assets in their possession to the Administrator. There is an ongoing investigation of the parties being conducted by detectives at the Fresno Police Department.	
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		<p>Reviewed by: JF</p> <p>Reviewed on: 07/02/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 11A – Smart</p>

DOD: 12/07/11	<p>GLORIA HAGOPIAN, was appointed successor administrator with bond set at \$10,000.00 and the remainder of funds to be placed into a blocked account on 05/27/14.</p> <p>Order to Deposit Money Into Blocked Account was filed 06/02/14.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need bond in the amount of \$10,000.00. 2. Need Receipt and Acknowledgment of Order for the Deposit of Money into Blocked Account. 	
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: JF
			Reviewed on: 07/02/14
			Updates:
	Recommendation:		
	File 11B - Smart		

Status Hearing Re: Filing of the First Account and/or Petition for Final Distribution

DOD: 4-14-12	<p>SANTOS PEREZ was appointed as Administrator with Full IAEA with bond of \$78,000.00 on 1-10-13.</p> <p>On 1-10-13, the Court set this status hearing for the filing of the first account or petition for final distribution.</p> <p>Additional info:</p> <p>Bond was filed and Letters issued on 6-18-13.</p> <p>Final Inventory and Appraisal filed 7-24-13 indicated a total estate value of \$96,400.00 consisting of real property and a vehicle.</p> <p>On 7-29-13, the California Dept. of Health Care Services Estate Recovery Branch filed a Creditor's Claim for \$5,169.45 and a Request for Special Notice.</p> <p>Status Report filed 3-7-14 (not verified) states Mr. Fanucchi request continuance. The Spanish-speaking client has been requested to schedule an appointment to discuss closing the estate. There are issues with family members that need to be resolved before the estate can be closed.</p> <p>Status Report filed 5-8-14 by Attorney Fanucchi (not verified) states the Administrator continues to live in the house that is an asset of the estate and he wants to have the house distributed to him under <u>Marvin</u>. There are four intestate heirs – two have signed a renunciation and two have and will not, in favor of the Administrator. The Administrator and the decedent lived together from 1987 until her death on 4-14-12, more than 25 years, and the Administrator paid house payments monthly for all of that period. There are also two creditor's claims on file by DHS that need to be resolved.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 3-7-14, 5-9-14</p> <p>As of 7-2-14, nothing further has been filed.</p> <p>1. Need first account or petition for final distribution or verified written status report pursuant to local rule.</p> <p>Note: The status report filed 3-7-14 did not tell the Court the status of the estate (e.g., what issues?) and was not verified by the personal representative. Need account or verified status report per §12200, 1023, local rules.</p> <p>Note: The status report filed 5-8-14 is not verified and does not indicate an estimated time frame for closing the estate. The Court may require additional information.</p>
Cont from 030714, 050914		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		<p>Reviewed by: skc</p> <p>Reviewed on: 7-2-14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 12 – Gonzalez</p>

Amended First and Final Account and Report of Executor and Petition for its Settlement, and Final Distribution

DOD: 4/3/2002	PATRICK HARRINGTON , Executor, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
	Account period: 10/15/12 – 2/13/14	
Cont. from 032714, 042914	Accounting - \$219,020.48 Beginning POH - \$159,700.00 Ending POH - \$125,822.87	
<input type="checkbox"/> Aff.Sub.Wit.	Executor - waives	
<input checked="" type="checkbox"/> Verified		
<input checked="" type="checkbox"/> Inventory		
<input checked="" type="checkbox"/> PTC		
<input checked="" type="checkbox"/> Not.Cred.	Distribution, pursuant to Decedent's Will, is to:	
<input checked="" type="checkbox"/> Notice of Hrg	Mike Dickerson – 1974 Ford Crown Victoria and its contents.	
<input checked="" type="checkbox"/> Aff.Mail W/	Mark Grieco – DVD player and candle holder with magnifying glass.	
<input type="checkbox"/> Aff.Pub.	Brian Brown – Dispatch counsel used for Red Cross and CAP dispatching.	
<input type="checkbox"/> Sp.Ntc.	Patrick Harrington and Helen Harrington – 1997 Ford Thunderbird and \$125,822.87.	
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters 12/17/02		
<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: KT	
	Reviewed on: 7/3/14	
	Updates:	
	Recommendation: SUBMITTED	
	File 17 - Harrington	

		TEMP EXPIRES 7-8-14	<p>JAMIE M. CRAWFORD, Paternal Grandmother, is Petitioner.</p> <p>Father: TRAVIS A. STEMEN - Served by mail 5-7-14 without petition</p> <p>Mother: SARAH MOORE - Declaration of Due Diligence filed 5-29-14</p> <p>Paternal Grandfather: Deceased Maternal Grandparents: Unknown</p> <p>Petitioner states the parents are not in a position to care for the child at the time. The mother abandoned the child and has not attempted to communicate since 2009. The mother had a long history of drug addiction and mental illness. On 5-6-14, there was a situation where the father became enraged and pushed Petitioner and grabbed the child by the ear. Petitioner went to her son's parole office to notify him of this incident and the father was violated. During his arrest they found drugs at a warehouse where he had been squatting. Petitioner is afraid for the welfare of her grandson and filed this petition on the advice of CPS.</p> <p>Court Investigator Dina Calvillo filed a report on 6-30-14.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Notice of Hearing filed 5-29-14 indicates that the father was served with Notice of Hearing by mail and without a copy of the petition. Probate Code §1511 requires personal service at least 15 days prior to the hearing and requires that a copy of the petition be served with the Notice of Hearing. The Court may require continuance for proper notice. 2. Petitioner filed a declaration of due diligence for the mother. If diligence is not found, need personal service pursuant to Probate Code §1511 on Sarah Moore (Mother). 3. Need service on the maternal grandparents pursuant to Probate Code §1511 or declaration of due diligence.
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail	w/o		
	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			
			<p>Reviewed by: skc</p> <p>Reviewed on: 7-2-14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 14 - Steman</p>	

		GENERAL HEARING 8-26-14	NEEDS/PROBLEMS/COMMENTS:
		NORMA IRENE LEYVA , Paternal Grandmother, is Petitioner.	<u>Note</u> : The corresponding petition for termination of the existing guardianship is set for hearing on 8-26-14 along with Ms. Leyva’s general petition for guardianship.
		CARESS GUTIERREZ , maternal aunt, was appointed Guardian on 3-25-14.	
	Aff.Sub.Wit.	Father: ALEX ORTIZ - Consents and waives notice	
✓	Verified	Mother: SELINA GUTIERREZ. - Personally served 6-26-14	
	Inventory	Paternal grandfather: Pablo Ortiz	
	PTC	Maternal grandfather: Deceased	
	Not.Cred.	Maternal grandmother: Loretta Gutierrez	
✓	Notice of Hrg	Petitioner states the children have already been given to her by the current guardian. She is unable to care for the children because her son has been abusing Alex Jr., leaving bruises all over his body, arms, legs, back, chest, head, etc. It is in the best interest of all the children involved be with Petitioner.	
	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	According to the UCCJEA, the children have been residing with Petitioner since 6-20-14.	
			Reviewed by: skc
			Reviewed on: 7-2-14
			Updates:
			Recommendation:
			File 15 - Ortiz

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

		TEMP GRANTED EX PARTE EXPIRES 7-8-14	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Probate Code §2250(e) requires personal service of Notice of Hearing with a copy of the temp petition at least 5 court days prior to the hearing on both parents.</p> <p>Petitioner requests that the Court excuse notice to the mother for the reasons stated.</p> <p>Petitioner states the father is unknown, but does not indicate any effort to identify or locate him.</p> <p>The Court may require notice to the parents or consent or diligence.</p>
		GENERAL HEARING 8-12-14	
		ROSARIO and DANIEL REYES , Nonrelatives ("Godparents"), are Petitioners.	
	Aff.Sub.Wit.		
✓	Verified	Father: UNKNOWN Mother: NANCY FALCUCCI	
	Inventory		
	PTC	Paternal Grandfather: Unknown Paternal Grandmother: Unknown	
	Not.Cred.		
	Notice of Hrg	X Maternal Grandfather: Not listed Maternal Grandmother: Rae Falcucci	
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.	Siblings: Petra Ferris, "J.B."	
	Pers.Serv.	X Petitioners state they raised Teresa for nine years and gave her a loving home. The mother decided she wanted to try to be a parent for the last two years. However, where Teresa was residing was intolerable for an 11-year-old to be living. There was scarcely any food for her to eat. She was constantly left alone to watch her brother. She was taken out of public school where she began to fail in home study. Teresa has stated to Petitioners that she does not want to live this way. She refuses to return to the mother's house because she can't be a child living there. Petitioners state Teresa would call them at least four times a week because she had nothing to eat all day.	
✓	Conf. Screen		
	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice	Petitioners state the mother is planning to go to Tennessee on July 2. CPS recommended that Peititioners file for guardianship. Petitioners are concerned that if they give notice to the mother that she will try to take Teresa to Tennessee. Petitioners state the maternal grandfather is a convicted child molester living under an assumed name and they don't want her around someone like that.	
		Reviewed by: skc	
		Reviewed on: 7-2-14	
		Updates:	
		Recommendation:	
		File 16 - Holguin	

Petition for Termination of Guardianship

		BARBARA HUNGERFORD , Co-Guardian, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>THIS MATTER WILL BE HEARD IN DEPT. 72 AT 8:30 AM</u></p> <ol style="list-style-type: none"> Need proof of service of Notice of Hearing at least 15 days prior to the hearing on Co-Guardian Brenda Epperson and minor Elizabeth Dawson, age 15. Probate Code §1460(b)(5) requires notice to all relatives for removal of the guardian. In this case, only one of the co-guardians is requested to be removed; however, no Notice of Hearing has been served at all. The Court may require proof of service of Notice of Hearing at least 15 days prior to the hearing on all family members pursuant to Probate Code §1460(b)(5): <ul style="list-style-type: none"> - Deborah Dawson (Mother) - William Dawson (Paternal Grandfather) - Zachary Dawson (sibling)
		BARBARA HUNGERFORD , Paternal Grandmother, and BRENDA EPPERSON , Sister, were appointed as Co-Guardians on 9-4-13.	
Continued from 061914		Father: William Dawson (Deceased) Mother: Deborah Dawson	
<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	X	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		<p>Petitioner states this petition is for removal of Brenda Epperson as co-guardian only. Petitioner will continue to care for the minor as sole provider. Ms. Epperson's removal is necessary as she has recently had a break from reality. On 2-13-14, a neighbor contacted CPS and Fresno PD due to Ms. Epperson's erratic behavior in the apartment complex where she and the minor lived. Petitioner arrived and witnessed a scene that was heartbreaking: The house was beyond disorganized, filthy, Ms. Epperson's toddler was in a very old diaper, and the only food in the house was cookies which the minor intended on eating for dinner. Ms. Epperson admitted to having thoughts of hurting herself and her son and hearing voices. Both children were put into Petitioner's care and remain with her today. Ms. Epperson has since been released back into society and lives with Petitioner's separate husband. She has made no improvements and no efforts to help her issue. She does not take her medication. Petitioner requests that Ms. Epperson be removed as guardian of Elizabeth Anne Dawson.</p> <p>Court Investigator Julie Negrete filed a report on 6-12-14.</p>	
		Reviewed by: skc	
		Reviewed on: 7-2-14	
		Updates:	
		Recommendation:	
		File 1 - Dawson	

Stephan DOD: 08/09/05	<p>DENNIS FREEMAN, successor trustee, is Petitioner. Petitioner states:</p> <ol style="list-style-type: none"> Stephan F. Winter and Debbra L. Winter ("Settlers") executed the Stephan F. Winter and Debbra L. Winter Revocable Trust (the "Trust") on 02/16/94 in their capacity as Settlers and initial Trustees. The Trust was amended on 09/14/02. Petitioner is the currently acting successor trustee of the Trust. This petition concerns the ownership of the original Trust documents which Christopher Lull ("Respondent") or his agents have taken possession of and refused to deliver to the trustee. The Settlor's maintained the original trust documents in a binder. Shortly before her death, Debbra delivered the binder to real estate agent Michele Lane in connection with a real estate transaction. The real estate agent had possession of the binder when Debbra died and maintained possession of it, refusing to deliver it to anyone without a court order. Thereafter, Respondent's attorney, Sue Campbell, represented to Michele Lane that the family agreed that it was ok that Ms. Lane release the binder to Respondent in care of attorney Sue Campbell. This was not acceptable to Petitioner because (1) Petitioner was the trustee and not respondent, and (2) Respondent, Debbra's son, had been intentionally omitted from the Trust due to a long standing estranged relationship. Petitioner has demanded the release of the trust binder from Respondent's former attorney, Sue Campbell; however, initially Sue Campbell's assistant professed no knowledge of a binder being picked up by her office and later Sue Campbell professed no knowledge of a binder being picked up from Michele Lane. Petitioner's demands that Respondent deliver the binder to Petitioner's attorney have been ignored. <p>Petitioner prays for an Order:</p> <ol style="list-style-type: none"> Declaring that Petitioner is the sole owner of the original trust documents and that Respondent has no interest in the original trust documents. Directing Respondent to immediately deliver possession to Petitioner of any and all trust documents including but not limited to the original Trust, original Trust amendment, and the estate planning binder. <p style="text-align: center;">Continued on Page 2</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>CONTINUED FROM 06/16/14</u></p>
Debbra DOD: 05/13/13		
Cont. from 081213, 102113, 112013, 120913, 010614, 012814, 031014, 041514, 061614		
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail w/		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input checked="" type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
Reviewed by: JF	<p>Recommendation:</p> <p>File 1A – Winter</p>	
Reviewed on: 07/02/14		
Updates:		

Objection filed 08/07/13 by Christopher Lull, Respondent, states:

1. Petitioner does not have standing to bring this Petition. Petitioner is not the trustee because the amendment naming him as trustee was revoked. Morgan Quail witnessed the destruction of the amendment (see *Declaration of Morgan Quail*). Without the amendment, Petitioner is not the trustee or a beneficiary of the Trust and has no vested interest in the Trust.
2. Petitioner is not a relative or heir of Debra L. Winter.
3. Michele Lane, the real estate agent described in the Petition, was in possession of the original estate planning binder at the time of Debra Winter's death. Ms. Lane turned over the binder to Respondent because she found his name in the estate documents, and could not locate Petitioner's name in the binder. Because Ms. Lane could not find Petitioner's name in the documents and didn't know who he was, she refused to turn the binder over to him. Respondent's attorney has spoken to Ms. Lane and anticipates that she will be a witness in this matter. Ms. Lane stated to Respondent's attorney that Petitioner admitted to her that he never even met Debra Winter. This information supports the fact that the amendment was destroyed and not in the original estate planning binder.
4. In the absence of the original, there is a legal presumption that the document was revoked. Additionally, pursuant to Probate Code § 6120(b), we have an act of destruction consistent with the intent to revoke. This presumption cannot be overcome based on the Declaration of Morgan Quail and the expected testimony of Michele Lane.
5. Respondent, Christopher Lull, is the successor trustee of the Trust dated 07/16/94 and the primary beneficiary. He had every right to withdraw the money from Bank of America, as Trustee.

Objector prays for an Order:

1. Denying the Petition to Determine Title to and Require Transfer of Property to Trust Regarding Bank Account; and
2. Denying the Petition to Determine Title to and Require Transfer of Property to Trust.

Declaration of Morgan Quail in Support of Objection filed 08/07/13 states:

1. He is Debra Winter's nephew and probably one of her closest family members. Debra felt like a bit of an outsider in their family and felt left out. Declarant always tried to include her in his life events and she always seemed grateful to be included.
2. Their family has a lot of drama. Declarant states that he has tried to stay out of it and remain neutral. He believes that this is why Debra confided in him and spoke to him about things she might not talk about with others.
3. Approximately 2 years ago on Father's Day, Debra pulled Declarant aside and asked to talk to him. During their conversation, she removed a document titled amendment to trust from her purse and proceeded to tear it up in front of him. She stated that she wanted to keep her money in the family. Declarant also believes she was having conversations with her sister Catherine and father Stanton about this issue as well.
4. At Christmastime later that year, Declarant received a card from Debra thanking him for the talk on Father's Day.

Joint Status Report filed 12/18/13 provides an outline/summary of the petitions filed in this matter.

First Amended Objection to Petition to Determine Title to and Require Transfer of Property to Trust filed 01/07/14 states:

1. Objector, Christopher Lull, is the son of Debra L. Winter, deceased, who is the co-settlor and the successor trustee of the STEPHAN F. WINTER and DEBRA L. WINTER REVOCABLE TRUST (the "Trust") dated 02/16/94.
2. Decedent, Debra Winter ("Debra") and her husband Stephan F. Winter ("Stephan") created the Trust dated 02/16/94 in which they were both named as settlors and co-trustees. A purported Amendment to the Trust was executed on 09/14/02.
3. Under the terms of the Amendment, the successor trustee, upon the death of the first of Stephan and Debra, was named as Dennis Freeman. Further, on the death of the surviving spouse/settlor, the estate was to be distributed to Dennis Freeman, if living, and if not, to Morgan Quail.

Continued on Page 3

4. The purported Amendment to the Trust was not a true and voluntary expression of testamentary intent of the co-settlor and co-trustee, Debra Winter, but was a result of the control, demands, and undue influence of Stephan F. Winter, Debra's spouse.
5. Stephan, taking advantage of the confidential and fiduciary relationship between him and his spouse, Debra, and by reason of the trust and confidence so reposed in Stephan by Debra, was able to and did influence and control the mind and actions of Debra and induce her to sign the purported Amendment to the trust which provided, among other things, that all of the assets of the Trust be distributed upon the death of the surviving spouse to Dennis Freeman, who is unrelated to Debra, and is a cousin of Stephan.
6. Prior to signing the Amendment, Stephan exhibited animosity and opposition to Objector, who is the only child and natural heir of Debra, and attempted to, and did, alienate Debra from Objector and induced her to sign the purported Amendment to the Trust excluding Objector as a beneficiary of the Trust, contrary to the terms of the initial Trust dated 02/16/94. As a result of the undue influence, pressure, and control by Stephan, and the alienation that he induced between Debra and Objector, the Amendment dated 09/14/02, was not the true intent and testamentary wish of Debra, but was that of her husband, Stephan.
7. After Stephan's death in 2005, Debra stated her wish, and as so expressed to her family members, including her nephew, Morgan Quail, and her sister, Catherine Quail, that she did not intend to leave her estate, or any part of it, to Dennis Freeman; however, she was unaware of how and what manner to change the disposition and the purported Amendment to the Trust. Debra was under the mistaken belief that the mere destruction of the Amendment, by tearing it up, resulted in the revocation of the Amendment and would therefore result in the original Trust agreement expressing her true intentions, which included her plan to bequeath and devise all of her trust assets to her direct heirs, including her son, Objector, Christopher Lull. Debra was unable to do so at the time she signed the Amendment because she was wholly under the influence of Stephan, who proposed and dictated to Debra the purported Amendment to the Trust. As a result, the Amendment was not the true and voluntary act of Debra, but was procured as the result of the undue and unreasonable influence and control of Stephan and the mistaken belief thereafter of Debra that she had taken appropriate actions to restore her true testamentary intent, as expressed in the initial Trust Agreement dated 02/16/94.

Objector, Christopher Lull prays for an Order:

1. Denying the Petition; determining that the purported Amendment to the Trust dated 09/14/02 is not the true testamentary intent of Debra Winter; and that the terms and conditions of the trust are those set forth in the original testamentary instrument designated the "Trust Agreement" signed 02/16/94.

Petition to Determine Title to and Require Transfer of Property to Trust Regarding Bank Account [Prob. C. 850(a)(2)(3), 855, 17200(b)(6)]

Stephan DOD: 08/09/05	<p>DENNIS FREEMAN, successor trustee, is Petitioner.</p> <p>Petitioner states:</p> <p>7. Stephan F. Winter and Debra L. Winter ("Settlers") executed the Stephan F. Winter and Debra L. Winter Revocable Trust (the "Trust") on 02/16/94 in their capacity as Settlers and initial Trustees. The Trust was amended on 09/14/02.</p> <p>8. Petitioner is the currently acting successor trustee of the Trust.</p> <p>9. This petition concerns the ownership of Bank of America account no. xxxx xxx 3919 with a balance of over \$565,000 which was an asset of the Trust.</p> <p>10. Petitioner is informed and believes that Respondent, Christopher Lull, presented Bank of America on or about June 26, 2013 the original 02/16/94 Trust without including the 09/14/02 amendment and wrongfully obtained the balance of the Bank of America Account.</p> <p>Petitioner prays for an Order:</p> <p>1. Declaring that Petitioner is the sole owner of the funds in Bank of America account no. xxxx xxx 3919 and the sums wrongfully removed from said account and that Respondent has no interest in the account or the balance of the account;</p> <p>2. Directing Respondent to immediately deliver the amounts removed from the account to Petitioner;</p> <p>3. Directing Respondent to pay Petitioner's attorney's fees and costs; and</p> <p>4. Awarding Petitioner with exemplary damages against Respondent according to proof.</p> <p style="text-align: center;">Continued on Page 2</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>CONTINUED FROM</u> <u>06/16/14</u></p>
Debra DOD: 05/13/13		
Cont. from 081213, 102113, 112013, 120913, 010614, 012814, 031014, 041514, 061614		
Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
Inventory		
PTC		
Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail w/		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
<input checked="" type="checkbox"/> Objections		
Video Receipt		
CI Report		
9202		
<input checked="" type="checkbox"/> Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: JF
		Reviewed on: 07/02/14
		Updates:
		Recommendation:
		File 1B – Winter

Objection filed 08/07/13 by Christopher Lull, Respondent, states:

6. Petitioner does not have standing to bring this Petition. Petitioner is not the trustee because the amendment naming him as trustee was revoked. Morgan Quail witnessed the destruction of the amendment (see *Declaration of Morgan Quail*). Without the amendment, Petitioner is not the trustee or a beneficiary of the Trust and has no vested interest in the Trust.
7. Petitioner is not a relative or heir of Debra L. Winter.
8. Michele Lane, the real estate agent described in the Petition, was in possession of the original estate planning binder at the time of Debra Winter's death. Ms. Lane turned over the binder to Respondent because she found his name in the estate documents, and could not locate Petitioner's name in the binder. Because Ms. Lane could not find Petitioner's name in the documents and didn't know who he was, she refused to turn the binder over to him. Respondent's attorney has spoken to Ms. Lane and anticipates that she will be a witness in this matter. Ms. Lane stated to Respondent's attorney that Petitioner admitted to her that he never even met Debra Winter. This information supports the fact that the amendment was destroyed and not in the original estate planning binder.
9. In the absence of the original, there is a legal presumption that the document was revoked. Additionally, pursuant to Probate Code § 6120(b), we have an act of destruction consistent with the intent to revoke. This presumption cannot be overcome based on the Declaration of Morgan Quail and the expected testimony of Michele Lane.
10. Respondent, Christopher Lull, is the successor trustee of the Trust dated 07/16/94 and the primary beneficiary. He had every right to withdraw the money from Bank of America, as Trustee.

Objector prays for an Order:

3. Denying the Petition to Determine Title to and Require Transfer of Property to Trust Regarding Bank Account; and
4. Denying the Petition to Determine Title to and Require Transfer of Property to Trust.

Declaration of Morgan Quail in Support of Objection filed 08/07/13 states:

5. He is Debra Winter's nephew and probably one of her closest family members. Debra felt like a bit of an outsider in their family and felt left out. Declarant always tried to include her in his life events and she always seemed grateful to be included.
6. Their family has a lot of drama. Declarant states that he has tried to stay out of it and remain neutral. He believes that this is why Debra confided in him and spoke to him about things she might not talk about with others.
7. Approximately 2 years ago on Father's Day, Debra pulled Declarant aside and asked to talk to him. During their conversation, she removed a document titled amendment to trust from her purse and proceeded to tear it up in front of him. She stated that she wanted to keep her money in the family. Declarant also believes she was having conversations with her sister Catherine and father Stanton about this issue as well.
8. At Christmastime later that year, Declarant received a card from Debra thanking him for the talk on Father's Day.

**Petition to Determine Title to; Require Transfer to and Impose Constructive Trust
Over Property [Prob. C. 850(a)(2), (3), 855, 17200(b)(6)]**

Stephan DOD: 08/09/05	DENNIS FREEMAN , successor Trustee, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
Debbra DOD: 05/13/13	Petitioner states:	<u>CONTINUED FROM 06/16/14</u>
Cont. from 120913, 010614, 012814, 031014, 041514, 061614	1. Stephan F. Winter and Debbra L. Winter ("Settlers") executed the Stephan F. Winter and Debbra L. Winter Revocable Trust (the "Trust") on 02/16/94 in their capacity as Settlers and initial Trustees. The Trust was amended on 09/14/02.	
Aff.Sub.Wit.	2. Stephan Winter died 08/09/05 and Debbra Winter died 05/13/13. Petitioner is the named successor trustee of the Trust. On 08/30/13, the Court appointed Bruce Bickel as temporary trustee of the Trust.	
✓ Verified	3. This Petition concerns the conversion of Bank of America account ending in 3919 with a balance of over \$565,000.00 which was an asset of the Trust. Petitioner alleges that Respondent, Christopher Lull, removed the entire balance of the Bank of America account on or about 06/26/13 and transferred it to his personal account. Petitioner alleges that, among other things, Christopher Lull used \$125,000.00 of the wrongfully obtained funds to pay down a promissory note and deed of trust on his personal residence. These funds were paid to First Northern Bank of Dixon, California on or about 01/27/13.	
Inventory	4. <u>Constructive Trust</u> . The real property which was subject to the promissory note and deed of trust that Christopher Lull applied \$125,000.00 in payment is located on Ophir Road in Auburn, CA (legal description provided).	
PTC	Petitioner prays for an Order:	
Not.Cred.	1. Declaring that Respondent Christopher Lull holds in constructive trust the real property on Ophir Road in Auburn, CA, described in the Petition;	Reviewed by: JF
✓ Notice of Hrg	2. Authorizing the temporary trustee to take possession of and sell the real property described above to recover the \$125,000.00 plus attorneys' fees and costs in so doing;	Reviewed on: 07/02/14
✓ Aff.Mail w/	3. Directing Respondent to pay Petitioner his attorneys' fees and costs; and	Updates:
Aff.Pub.	4. Awarding Petitioner with exemplary damages against Respondent according to proof.	Recommendation:
Sp.Ntc.		File 1C – Winter
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
✓ Response		
Video Receipt		
CI Report		
9202		
✓ Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		

Continued on Page 2

Response to Petition to Determine Title To, Require Transfer to and Impose Constructive Trust Over Property filed 12/06/13 by Respondent, Christopher Lull, states:

1. Respondent admits that the STEPHAN F. WINTER AND DEBBRA L. WINTER REVOCABLE TRUST was created on 02/16/94 by Stephan and Debra Winter.
2. Respondent denies that the Amendment dated 09/14/02 is a valid and effective trust document, or "Amendment" and that said Amendment does not reflect the true intent of the co-settlor and trustee, Debra Winter.
3. Respondent denies the validity of the purported "Amendment" and, therefore, denies that Dennis Freeman is a successor trustee of the Trust.
4. Respondent denies that Fresno County is the proper venue for this action. And states that as successor trustee of the Trust the appropriate venue for this action should be in Sacramento County pursuant to Probate Code § 17002(b)(1).
5. Respondent admits that the Bank of America account described in the Petition was an asset of the Trust. Respondent denies that he has "wrongfully" taken or converted any sums from said account, or any other asset of the alleged trust, as said Amendment to the Trust is invalid and ineffective, and that the Trust, therefore, provides that Respondent is the sole successor trustee and beneficiary of the Trust.
6. Respondent admits that he has an interest in real property in Auburn, CA described in the Petition, but denies that there is any wrongful application of funds for any payment on that real property.

Affirmative Defenses:

1. The Petition fails to state facts sufficient to constitute a valid cause or causes of action against Respondent.
2. There is no basis for a "constructive trust" over the real property described in the Petition in that said real property is not, and was not, an asset of the Trust and thereby the remedy of "constructive trust" is not available under Civil Code §§ 2223 and 2224 as the Trust has not right, title, claim, or interest in the real property. (Citation provided)
3. The Petition has no ground to assert, nor is it alleged, that there is any basis for a claim of "exemplary damages".
4. The Petitioner fails to allege any statutory grounds, or any other legal right, for attorney's fees in the filing of this Petition and that attorney's fees are not recoverable to the Petitioner pursuant to Civil Code § 1021 and 1026.

Respondent prays for an Order:

1. That the Petition and each claim therein be dismissed against Respondent and that Petitioner take nothing by reason of his complaint; and
2. For costs incurred herein.

Stephan DOD: 08/09/05	Dennis Freeman filed his original Petition to Determine Title To and Require Transfer of Property to Trust on 6-25-13 (Page A).	NEEDS/PROBLEMS/COMMENTS:
Debra DOD: 05/13/13	At the hearing on that petition on 12-9-13, the Court continued the matter and also set this Status Hearing.	CONTINUED FROM 06/16/14
	Since the filing of Mr. Freeman's original petition, numerous additional petitions have come before the Court.	
Cont. from 010614, 012814, 031014, 041514, 061614	At this time, the following matters are pending on this calendar:	
Aff.Sub.Wit.	A. Dennis Freeman's Petition to Determine Title To and Require Transfer of Property to Trust (filed 6-25-13)	
Verified	B. Dennis Freeman's Petition to Determine Title To and Require Transfer of Property to Trust re Bank Account (filed 7-2-13)	
Inventory	C. Dennis Freeman's Petition to Determine Title To; Require Transfer To and Impose Constructive Trust Over Property (filed 10-21-13)	
PTC	D. This Status Hearing set by the Court per Minute Order 12-9-13 at the hearing on Dennis Freeman's Petition to Determine Title to and Require Transfer of Property to Trust (Page A).	
Not.Cred.	E. Dennis Freeman's Petition to Compel Christopher Lull to Redress Breach of Trust by Payment of Money or Otherwise and for Double Damages (filed 11-26-13)	
Notice of Hrg	F. Dennis Freeman's Petition for Order Confirming Trust Assets (filed 5-1-14)	
Aff.Mail	G. Dennis Freeman's Notice of Motion for an Order Compelling Responses to Form Interrogatories (filed 2-26-14)	
Aff.Pub.	H. Christopher Lull's First Amended Petition to Determine Validity of Purported Trust, for Order Determining Interest in Trust Property and for Revocation of Trust Amendment (filed 4-3-14)	
Sp.Ntc.	I. Dennis Freeman's Notice of Motion and Motion for Monetary and Terminating Sanctions and Attorneys' Fees for Misuse of the Discovery Process, Memorandum of Points and Authorities, Declaration of Jeffrey B. Pape and Order (filed 5-20-14)	
Pers.Serv.	The following additional matter also remains pending:	
Conf. Screen	<ul style="list-style-type: none"> Dennis Freeman's Order to Show Cause Re Contempt (filed 2-4-14) 	
Letters		
Duties/Supp		Reviewed by: JF
Objections		Reviewed on: 07/02/14
Video Receipt		Updates:
CI Report		Recommendation:
9202		File 1D – Winter
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		

Atty Pape, Jeffrey B. (for Dennis Freeman – Successor Trustee – Petitioner)
Atty Shahbazian, Steven L. (for Christopher Lull – Respondent and Objector)

Petition to Compel Christopher Lull to Redress Breach of Trust by Payment of Money or Otherwise and for Double Damages

<table border="1"> <tr><td>Stephan Winter</td></tr> <tr><td>DOD: 8-9-05</td></tr> <tr><td>Debbra Winter</td></tr> <tr><td>DOD: 5-13-13</td></tr> <tr><td> </td></tr> <tr><td> </td></tr> <tr><td>Cont. from 012814, 031014, 041514, 061614</td></tr> <tr><td><input type="checkbox"/> Aff.Sub.Wit.</td></tr> <tr><td><input checked="" type="checkbox"/> Verified</td></tr> <tr><td><input type="checkbox"/> Inventory</td></tr> <tr><td><input type="checkbox"/> PTC</td></tr> <tr><td><input type="checkbox"/> Not.Cred.</td></tr> <tr><td><input checked="" type="checkbox"/> Notice of Hrg</td></tr> <tr><td><input checked="" type="checkbox"/> Aff.Mail w</td></tr> <tr><td><input type="checkbox"/> Aff.Pub.</td></tr> <tr><td><input type="checkbox"/> Sp.Ntc.</td></tr> <tr><td><input type="checkbox"/> Pers.Serv.</td></tr> <tr><td><input type="checkbox"/> Conf. Screen</td></tr> <tr><td><input type="checkbox"/> Letters</td></tr> <tr><td><input type="checkbox"/> Duties/Supp</td></tr> <tr><td><input checked="" type="checkbox"/> Objections</td></tr> <tr><td><input type="checkbox"/> Video Receipt</td></tr> <tr><td><input type="checkbox"/> CI Report</td></tr> <tr><td><input type="checkbox"/> 9202</td></tr> <tr><td><input checked="" type="checkbox"/> Order</td></tr> <tr><td><input type="checkbox"/> Aff. Posting</td></tr> <tr><td><input type="checkbox"/> Status Rpt</td></tr> <tr><td><input type="checkbox"/> UCCJEA</td></tr> <tr><td><input type="checkbox"/> Citation</td></tr> <tr><td><input type="checkbox"/> FTB Notice</td></tr> </table>	Stephan Winter	DOD: 8-9-05	Debbra Winter	DOD: 5-13-13			Cont. from 012814, 031014, 041514, 061614	<input type="checkbox"/> Aff.Sub.Wit.	<input checked="" type="checkbox"/> Verified	<input type="checkbox"/> Inventory	<input type="checkbox"/> PTC	<input type="checkbox"/> Not.Cred.	<input checked="" type="checkbox"/> Notice of Hrg	<input checked="" type="checkbox"/> Aff.Mail w	<input type="checkbox"/> Aff.Pub.	<input type="checkbox"/> Sp.Ntc.	<input type="checkbox"/> Pers.Serv.	<input type="checkbox"/> Conf. Screen	<input type="checkbox"/> Letters	<input type="checkbox"/> Duties/Supp	<input checked="" type="checkbox"/> Objections	<input type="checkbox"/> Video Receipt	<input type="checkbox"/> CI Report	<input type="checkbox"/> 9202	<input checked="" type="checkbox"/> Order	<input type="checkbox"/> Aff. Posting	<input type="checkbox"/> Status Rpt	<input type="checkbox"/> UCCJEA	<input type="checkbox"/> Citation	<input type="checkbox"/> FTB Notice	<p>DENNIS FREEMAN, Successor Trustee, is Petitioner.</p> <p>Petitioner states: Petitioner Dennis Freeman is the sole beneficiary and named successor trustee of the trust pursuant to the 9-14-02 amendment. However, Respondent CHRISTOPHER LULL, with full knowledge of said trust amendment, wrongfully exercised powers under the trust instrument as the purported trustee as described below. On 8-30-13, the Court appointed BRUCE BICKEL as temporary trustee pending resolution of these matters.</p> <p>Petitioner states Respondent wrongfully procured Bank of America account xx3919 with a balance of over \$565,000, which was an asset of the trust, removed the entire balance on or about 6-26-13, and transferred it to a new trust account at Bank of America naming himself as trustee, without including the 9-14-02 amendment for the bank, in furtherance of his scheme. Petitioner states Respondent then transferred the money belonging to the trust to a personal bank accounts at Bank of America, Chase Bank, and/or business accounts at First Northern Bank of Dixon, California and paid a number of personal debts and/or non-trust related expenditures all to benefit himself. See list provided in petition.</p> <p>Petitioner states on or about 8-8-13, this Court ordered Respondent to preserve the assets of the trust. On 10-15-13, Respondent testified that all of the trust assets have been spent, based on his name is the only one in the trust. Petitioner states that as of 8-8-13, Respondent still had at least \$377,500 of trust funds on deposit in his personal and business accounts. These sums were still trust assets despite his efforts to conceal these monies. This was an egregious and intentional violation of the Court's order and was done for the sole purpose of defeating the recovery of the trust assets from him.</p> <p style="text-align: center;"><u>SEE ADDITIONAL PAGES</u></p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>CONTINUED FROM 06/16/14</u></p> <hr/> <p>Reviewed by: JF</p> <hr/> <p>Reviewed on: 07/02/14</p> <hr/> <p>Updates:</p> <hr/> <p>Recommendation:</p> <p>File 1E - Winter</p>
Stephan Winter																																
DOD: 8-9-05																																
Debbra Winter																																
DOD: 5-13-13																																
Cont. from 012814, 031014, 041514, 061614																																
<input type="checkbox"/> Aff.Sub.Wit.																																
<input checked="" type="checkbox"/> Verified																																
<input type="checkbox"/> Inventory																																
<input type="checkbox"/> PTC																																
<input type="checkbox"/> Not.Cred.																																
<input checked="" type="checkbox"/> Notice of Hrg																																
<input checked="" type="checkbox"/> Aff.Mail w																																
<input type="checkbox"/> Aff.Pub.																																
<input type="checkbox"/> Sp.Ntc.																																
<input type="checkbox"/> Pers.Serv.																																
<input type="checkbox"/> Conf. Screen																																
<input type="checkbox"/> Letters																																
<input type="checkbox"/> Duties/Supp																																
<input checked="" 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																																

Page 2

Petitioner states Respondent was ordered on 8-30-13 to provide an accounting of the expenditure of the trust funds by him. He has refused and continues to refuse to do so consistent with his efforts to abscond with the trust funds.

Petitioner prays for an order as follows:

1. **Ordering Christopher Lull to redress the breaches of trust described above by payment of all sums wrongfully misappropriated from the trust and reimbursing the trust for all losses occasioned by his wrongful actions;**
 2. **Surcharging Christopher Lull twice the value of the property wrongfully misappropriated from the trust according to proof pursuant to Probate Code §859;**
 3. **For attorneys' fees;**
 4. **For costs herein;**
 5. **For such orders as the Court deems necessary and proper.**
-

Response and Objection filed 1-17-14 by Christopher Lull states:

Respondent denies that Petitioner is the successor trustee of the trust and denies that he "wrongfully exercised" the powers under the trust instrument identified as the "Winter Trust dated February 16, 1994." Respondent is the rightful successor trustee of said trust.

Respondent further denies that Fresno County is the appropriate venue for this proceeding and that the appropriate venue is the County of Placer.

Respondent denies that he has wrongfully procured any funds from the trust and that under the terms of the trust he is the rightful successor trustee and beneficiary. Further the allegations in Paragraph 6 are defective and should be stricken as material matters alleged on hearsay information not within Petitioner's personal knowledge. Authority provided.

Respondent denies he has "wrongfully" taken or "absconded" with assets of the trust and alleges that he is the successor trustee and beneficiary. Further, any said claims of violation of the trust, or wrongful misappropriation of trust funds pursuant to §850(a)(3) are insufficient and premature. Objection and a request to strike is hereby made to the recitation of testimony at a prior hearing by the respondent as the Court has made no final judgment or order in these matters; therefore, such testimony should not be considered by the Court, or receive judicial notice under Evidence Code §452, as such testimony is not an order, finding of fact or judgment of the court. Authority provided.

Respondent alleges there are not sufficient grounds for "surcharging" the responding party herein for "double damages" as there has not been any "bad faith" wrongful taking by this responding party.

Respondent further objects to any claim for "attorney's fees." There are no grounds alleged to claim same and this action is subject to the provisions of Civil Code §1021.

Respondent prays that the petition to "redress breach of trust" be dismissed; that none of the relief as requested therein be granted; for costs of suit incurred.

7. On or about 04/18/13, Settlor Debra L. Winter sold San Jose residence and purchased another residence located at 26321 Golf Links Drive, Pioneer, CA. Petitioner alleges that a portion of the Trust's cash proceeds from the sale was used in the down payment for the new residence and within 30 days of acquiring the residence, Debra Winter passed away which prevented her from making a formal transfer to the Trust. Given these circumstances, Petitioner requests the Court to confirm that the real property commonly known as 26321 Golf Links Drive, Pioneer, CA is an asset of the Trust and is subject to the management and control of Bruce Bickel as temporary trustee.
8. Pursuant to the terms of the Trust, Debra Winter's Will, and Transmutation of Separate Property to Community Property, Petitioner believes that it was never Debra Winter's intent to defeat the purpose of the Trust by holding the real property in her individual name thus subjecting said assets to the jurisdiction of the Probate Court at her death.

Petitioner prays for an Order as follows:

1. The Stephan F. Winter and Debra L. Winter Revocable Trust is valid;
2. The personal property at 26321 Golf Links Drive, Pioneer, CA are assets of the Stephan F. Winter and Debra L. Winter Revocable Trust;
3. The real property commonly known as 26321 Golf Links Drive, Pioneer, CA is an asset of the Stephan F. Winter and Debra L. Winter Revocable Trust and is subject to the management and control of Bruce Bickel as temporary trustee;
4. For costs herein; and
5. For other such orders as the court deems proper.

Objections filed 6-12-14 by Christopher Lull states the proposed petition to confirm and transfer certain personal and real property to the trust represents an attempt by the petitioner to transfer certain assets, including the decedent's residence in Amador County, to the trust. Title to said residence is held at the date of Debra Winter's death, in her name individually and not as a trustee of the trust. The application under Heggstad authority is premature in that the purported will that the petitioner is proposing to use as a "pour-over" instrument is only a copy, and the original will has not been produced or proven. There is evidence that the will may have been in Debra Winter's possession at her death, and therefore there is a rebuttable presumption that it was destroyed with intent to revoke. Without a valid and proven will, the presumption arises that the decedent died intestate and therefore under §6400 her "estate" would devolve to intestate heir, Christopher Lull. Petitioner would not qualify under any circumstances as an heir of the decedent, as he was a cousin of the decedent's predeceased spouse.

Objector prays that the petition be denied and that said real and personal properties which are the subject matter of said petition not be transferred to, or identified as an asset of the trust; for costs of suit incurred; and for such other orders as the Court deems just and proper.

**First Amended Petition to Determine Validity of Purported Trust, for Order
Determining Interest in Trust Property and for Revocation of Trust Amendment**

		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>CONTINUED FROM 06/16/14</u></p> <p><u>Notes not prepared for this matter</u></p>
Cont. from 051914, 061614		
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: JF
		Reviewed on: 07/02/14
		Updates:
		Recommendation:
		File 1H - Winter

**Notice of Motion and Motion for Monetary and Terminating Sanctions and
 Attorneys' Fees for Misuse of the Discovery Process, Memorandum of Points and
 Authorities, Declaration of Jeffrey B. Pape and Order**

		<p>DENNIS FREEMAN, Successor Trustee, is Petitioner.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>CONTINUED FROM 06/16/14</u></p>
		<p>Petitioner moves the Court for an order imposing sanctions in the form of monetary and terminating sanctions against</p>	
Cont. from 061614		<p>CHRISTOPHER LULL for misuse of the discovery process during this litigation and for violating Court order regarding discovery.</p>	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input type="checkbox"/>	Verified	<p>See Memorandum of Points and Authorities and Declaration of Jeffrey B. Pape in support of Motion.</p>	
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC	<p>On 6-11-14, Attorney Shahbazian filed "Respondent Christopher Lull's Memorandum of Points and Authorities in Opposition to Notice of Motion and Motion for Monetary and Terminating Sanctions and Attorney's Fees for Misuse of the Discovery Process."</p>	
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg	<p>On 6-13-14, Attorney Jeffrey B. Pape filed a declaration and a brief in support the petition.</p>	
<input checked="" 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 checked="" type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: JF
			Reviewed on: 07/02/14
			Updates:
			Recommendation:
			File 11 - Winter