



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.

**(1) First and Final Accounting and Report of Status Administration and Petition
 Thereof and (2) for Final Distribution**

DOD: 8/5/2001	VICTOR W. SIDERS , Administrator with Will Annexed, is petitioner. Account period: 3/21/03 – 12/8/13	NEEDS/PROBLEMS/COMMENTS: Continued from 5/21/14. As of 7/3/14 the following issues remain. Need Amended First and Final Account based on the following: 1. Accounting does not comply with Probate Code §1060 et seq. 2. Inventory and appraisal was not signed by the probate referee and does not include any property. Attached to the inventory and appraisal is a summary of account that does not comply with Probate Code §1060. 3. Need Notice of Hearing. 4. Need proof of service of the Notice of Hearing on Brian L. Fox pursuant to his Request for Special Notice filed on 3/10/03.
Cont. from 041614, 052114		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
	Reviewed by: KT	
	Reviewed on: 7/3/14	
	Updates:	
	Recommendation:	
	File 1 – Siders	

DOD: 9-19-03	<p>HUBERT DONNY, Co-Executor with Full IAEA without bond, filed his First and Final Report of Administration, and Petition for Final Settlement, and for Final Distribution, Accounting Waived, on 4-10-14.</p> <p>Minute Order from hearing on 5-21-14 states: Mr. Renge informs the Court that distribution has already been made and creditors have been noticed. Regarding #2 on examiner notes, the Court will accept rather than ratify. Mr. Renge will file Supplement petition regarding how the proceeds were distributed and curing the other defects on examiner notes. Petition granted upon reviewing supplement petition. Status may come off hearing if supplement Cures all defects. Set on: 7/9/14 at 09:00a.m. in Dept 303 for: Status. Petition is granted. Order to be signed ex parte.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need revised order for signature pursuant to Minute Order 5-21-14.</p> <p>Note: There was a proposed order previously submitted for signature at the hearing on 5-21-14; however, it was not signed, and the minute order indicates that an order was to be signed ex parte. However, no new proposed order has been submitted for signature.</p> <p>2. Need status of supplement pursuant to Minute Order 5-21-14.</p>
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: skc
		Reviewed on: 7-3-14
		Updates:
		Recommendation:
		File 4 - Donny

Status

DOD: 04/17/03	ANNA WINGERT , spouse, was appointed as Executor on 12/13/05.	NEEDS/PROBLEMS/COMMENTS: 1. Need updated status report.
	I & A, Final filed 11/09/06 - \$6,000.00	
	Anna Wingert died on 12/14/06.	
Cont. from		
Aff.Sub.Wit.		
Verified	KEVIN WINGERT , son, was appointed successor executor without bond on 05/21/14. Letters were issued on 05/21/14.	
Inventory		
PTC		
Not.Cred.		
Notice of Hrg	Minute Order from hearing on 05/21/14 set this matter status on 07/09/14.	
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: 07/03/14
		Updates:
		Recommendation:
		File 5 – Wingert

	PUBLIC GUARDIAN , Conservator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
	Petitioner states the Conservatee resides in her own home in Auberry, California. She has a long history of living in motels, board and care homes, and other facilities. Her home provides her with stability that she did not have previously.	
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail	w	
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input 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		
	As of 5-1-14, the Conservatee had a balance of \$12,023 in her Public Guardian pooled trust account. Her monthly expenses exceed her income by a significant amount. In order for the Conservatee to remain in her home, she needs more income or an influx of cash. The only option is to obtain a reverse mortgage on the real property.	Reviewed by: skc
	Although the amount received will not be able to maintain the Conservatee at home for her life, Petitioner believes it will at least allow her to remain there for another 18 months.	Reviewed on: 7-3-14
	The Public Guardian intends to obtain the reverse mortgage from Security Lending in Fresno and has been working with a home equity retirement specialist there, who provided the following information specific to the conservatee's real property:	Updates:
	The value of the house is approx. \$80,000. The Conservator could access \$41,291.75 of the equity. Due to recent rule changes, \$22,891 would be paid out in the first 12 months. Then she could access the remaining \$18,400.	Recommendation:
	There is an option to take a monthly amount for as long as she lives in the home, but that amount is only \$259.71, and she cannot afford to remain in the home with such a small amount supplementing her current income. Therefore, the Conservator will opt for the two lump sums.	File 6 – Klein
	As long as the Conservatee remains in her home, she will not have a mortgage payment. In addition, the reverse mortgage loan will not come due until she dies or is required to reside outside of her home for more than one year. The Public Guardian does not intend to move her from her home and does not foresee her requiring a lengthy stay in a hospital or other facility.	
	Petitioner prays that the Court find that it is in the Conservatee's best interest to remain living in her home; and the court authorize the Public Guardian to enter into a reverse mortgage transaction on behalf of the Conservatee to encumber the property as indicated above.	

DOD: 12-21-05	KAMALJIT K. ASHAT , Surviving Spouse, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
	Petitioner was appointed Administrator of the Estate of Sukhjinder Ashat on 2-10-09.	
Cont. from 042814, 050814, 061814	Decedent died intestate	
Aff.Sub.Wit.		
Verified	Petitioner requests Court confirmation that Petitioner's 50% community property interest in certain real property on Blackstone Ave., in Fresno belongs to her.	
Inventory		
PTC		
Not.Cred.		
Notice of Hrg	Petitioner states she and the decedent acquired the subject property with the earnings and accumulations from said earnings during their marriage; therefore, the property constituted community property of the spouses. Title stands in the decedent's name alone because he purchased the property, with Petitioner's consent, while she was on vacation out of the country and was unavailable to sign purchase and loan documents. The property was reported on the joint income tax returns of the spouses as their community property.	
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report	Declaration of attorney Cowan (not verified by Petitioner) states Petitioner and the decedent were married on 12-5-81 and provides legal description of property.	
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: skc
		Reviewed on: 7-2-14
		Updates:
		Recommendation:
		File 7A - Ashat

DOD: 12-21-05	KAMALJIT K. ASHAT , Administrator with full IAEA without bond, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: On 9-12-13, the Court imposed sanctions of \$500 each to both Attorney Cowin and the Administrator, and also set an Order to Show Cause for 10-17-13. On 10-17-13, the OSC was dismissed, but the Court did not address the sanctions that were imposed on 9-12-13. Therefore, it appears the sanctions remain due. Examiner Notes for hearing 5-8-14 noted that the sanctions remain due; however, Judge Smith continued the matter for Judge Oliver to hear.</p> <p>Declaration of William Cowan filed 6-17-14 states he apologizes to the Court that he was very ill the morning of 4-28-14. He appeared on 5-8-14. He again apologizes to the Court that he was not able to notify his office in time to advise the Court that he could not appear. He respectfully requests that the Court not order sanctions against him.</p>	
	Accounting is waived.		
Cont. from 061814	I&A: \$65,000.00		
<input type="checkbox"/> Aff.Sub.Wit.	POH: \$65,000.00 (real property interest)		
<input checked="" type="checkbox"/> Verified	Administrator (Statutory): Waived		
<input checked="" type="checkbox"/> Inventory	Attorney (Statutory): \$2,600.00		
<input checked="" type="checkbox"/> PTC	Distribution pursuant to intestate succession:		
<input checked="" type="checkbox"/> Not.Cred.	Kamajit K. Ashat – Real property interest valued at \$65,000.00.		
<input checked="" type="checkbox"/> Notice of Hrg			
<input checked="" type="checkbox"/> Aff.Mail	w/o		
<input type="checkbox"/> Aff.Pub.			
<input type="checkbox"/> Sp.Ntc.			
<input type="checkbox"/> Pers.Serv.			
<input type="checkbox"/> Conf. Screen			
<input checked="" type="checkbox"/> Letters			
<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: skc
			Reviewed on: 7-2-14
		Updates:	
		Recommendation:	
		File 7B - Ashat	

**Second Account and Report of Trustee of Christine Romar Beneficiary Trust;
 Petition to Settle Account; and to Fix & Allow Trustee and Attorney Fees**

Beneficiary Age: 15	GOOD SHEPHERD FUND , trustee, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
	Account period: 05/01/11 – 04/30/13	1. At the last accounting, it appeared that the beneficiary was a client of CVRC. Therefore, need proof of service at least 15 days before the hearing of <i>Notice of Hearing</i> .
Cont. from	Accounting - \$72,885.82	2. Need Order.
<input type="checkbox"/> Aff.Sub.Wit.	Beginning POH - \$66,961.53	
<input checked="" type="checkbox"/> Verified	Ending POH - \$67,078.18	
<input type="checkbox"/> Inventory	Trustee - \$2,656.25 (per itemization and declaration for 21.25 hours @ \$125/hr.)	
<input type="checkbox"/> PTC	Attorney - \$1,095.00 (per itemization for 2.4 hours @ \$275/hr. and costs of \$435 for filing fees)	Note: A status hearing will be set as follows:
<input type="checkbox"/> Not.Cred.		<ul style="list-style-type: none"> Wednesday, 06/22/16 at 9:00 am in Dept. 303 for filing of the 3rd Account
<input checked="" type="checkbox"/> Notice of Hrg	Petitioner prays for an Order:	
<input checked="" type="checkbox"/> Aff.Mail w/	1. Approving, allowing and settling the second account;	
<input type="checkbox"/> Aff.Pub.	2. Authorizing the trustee fees; and	
<input type="checkbox"/> Sp.Ntc.	3. Authorizing the attorney fees and costs reimbursement.	
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input checked="" type="checkbox"/> 2620(c)		
<input type="checkbox"/> Order x		
<input type="checkbox"/> Aff. Posting		Reviewed by: JF
<input type="checkbox"/> Status Rpt		Reviewed on: 07/03/14
<input type="checkbox"/> UCCJEA		Updates:
<input type="checkbox"/> Citation		Recommendation:
<input type="checkbox"/> FTB Notice		File 8 - Romar

(1) Co-Administrator's Petition for Approval of First and Final Account and Report; (2) for Approval of Payment of Statutory and Extraordinary Fees to Co-Administrators and Reimbursement of Costs Advanced; (3) for Approval of Payment of Statutory and Extraordinary Attorney's Fees; and (4) for Final Distribution

DOD: 1-23-11		LESLEY WAGNER and MEAGAN WAGNER,	NEEDS/PROBLEMS/COMMENTS:
		Co-Administrators with Full IAEA without bond, are Petitioners.	
		Account period: 7-27-11 through 5-28-14	
	Aff.Sub.Wit.	Accounting: \$220,261.20	
✓	Verified	Beginning POH: \$210,000.00	
✓	Inventory	Ending POH: \$147,962.90 (cash)	
✓	PTC	Co-Administrators (Statutory): \$7,405.22	
✓	Not.Cred.	(To be split \$3,702.61 each)	
✓	Notice of Hrg	Co-Administrators (Extraordinary): \$1,000.00	
✓	Aff.Mail	(Per Local Rule 7.18.B.2., for the sale of the real property, to be split \$500.00 each)	
	Aff.Pub.		
	Sp.Ntc.	Attorney (Statutory): \$7,405.22	
	Pers.Serv.	Attorney (Extraordinary): \$1,000.00	
	Conf. Screen	(Per declaration, \$500.00 for legal services in connection with the sale of the residence, \$500.00 estate banking matters)	
✓	Letters	7-27-11	
	Duties/Supp	Costs: \$435.00 (advanced by the attorney for the filing of this petition)	
	Objections	Reimburse Co-Administrators per itemization set forth in petition for expenses of administration:	
✓	9202	Lesley Wagner: \$9,603.75	
✓	Order	Meagan Wagner: \$1,522.00	
	Aff. Posting	Closing: \$3,000.00	
	Status Rpt	Distribution pursuant to intestate succession and Assignment of Interest:	
	UCCJEA	Virginia Wagner: \$15,000.00	
	Citation	Lesley Wagner: \$37,834.74	
✓	FTB Notice	Meagan Wagner: \$37,834.74	
		Melissa Wagner: \$25,922.23	
			Reviewed by: skc
			Reviewed on: 7-3-14
			Updates:
			Recommendation:
			File 9 – Wagner

(1) First and Final Account and Report of Administrator and Petition for Settlement Thereof and (2) for Allowance of Administrator's Compensation for Ordinary Services and (3) for Allowance of Attorney Fees for Ordinary Services and for Extra-Ordinary Services and for (4) Final Distribution

DOD: 8-28-11	ERNEST ONG , Administrator with Full IAEA without bond, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
	Account period: 8-28-11 through 1-10-14	<u>Continued from 3-24-14, 4-14-14, 5-14-14</u>
Cont. from 032414, 041414, 051414	Accounting: \$ 453,213.84	<u>SEE ADDITIONAL PAGES</u>
<input type="checkbox"/> Aff.Sub.Wit.	Beginning POH: \$ 336,683.52	
<input checked="" type="checkbox"/> Verified	Ending POH: \$ 71,844.33 (cash)	
<input checked="" type="checkbox"/> Inventory	Administrator (Statutory): \$10,858.27 (See <i>NEEDS/PROBLEMS/COMMENTS.</i>)	
<input checked="" type="checkbox"/> PTC	Attorney (Statutory): \$10,858.27 (See <i>NEEDS/PROBLEMS/COMMENTS.</i>)	
<input checked="" type="checkbox"/> Not.Cred.	Attorney (Extraordinary): \$4,520.00 (for work in connection with the sale of the real property, including avoiding foreclosure and preparation of the various agreements, consents and negotiations with the beneficiaries, unusual circumstances requiring negotiations with creditors and beneficiaries, establishing an ancillary probate for out of state property. Work also included resolving another estate administration in Stanislaus County for which this decedent was the administrator. Extraordinary services total \$6,370.00 for 11 attorney hours @ \$200/hr and 40.5 paralegal hours @ \$100/hr. Attorney will accept the reduced amount of \$4,520.00.	
<input checked="" type="checkbox"/> Notice of Hrg	Closing: \$500.00	
<input checked="" type="checkbox"/> Aff.Mail w	Distribution pursuant to intestate succession, Agreement Among Beneficiaries, and various disclaimers:	
<input type="checkbox"/> Aff.Pub.	Arlene Ong: \$15,035.95	
<input type="checkbox"/> Sp.Ntc.	Kathleen Ruiz: \$15,035.95	
<input type="checkbox"/> Pers.Serv.	Christofer Gong-Chun: \$15,035.95	
<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 checked="" type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input checked="" type="checkbox"/> FTB Notice		
		Reviewed by: skc
		Reviewed on: 7-2-14
		Updates:
		Recommendation:
		File 10 – Gong-Chun

NEEDS/PROBLEMS/COMMENTS:

1. Petitioner states that pursuant to the Agreement Among Beneficiaries, Michael Gong-Chun was allowed to purchase the residence at a reduced price, taking into consideration payments made to the mortgage company and rent paid to the estate as his share of the estate. However, he then signed a Disclaimer of Interest in the estate. A disclaimer is irrevocable per Probate Code §281 and results in distribution as if the disclaimant had predeceased the decedent. Petitioner assumes the beneficiaries are now the three remaining siblings pursuant to the Agreement; however, it appears that Michael Gong-Chun's issue are now entitled to his share of the remainder of estate. The Court may require authority for omitting Michael Gong-Chun's issue from distribution of the remainder of the estate with reference to the Disclaimer.

Update: On 6-24-14, Petitioner filed Assignments of Interest from Allan Matthew Gong Chun, Michael Jonathan Gong Chun, and Sherri Elizabeth Gong Chun, children of Michael Gong Chun, that assigned their interests back to the estate.

Examiner's Note: It appears that these assignments provide a solution to the issue created by Michael's disclaimer. However, rather than clear the note, I will leave it to the Court's discretion. However, the following remaining issues do not appear to have been addressed:

2. The agreement and attached lease indicate that Michael Gong-Chun was paying rent; however the Receipts Schedule does not indicate rent received by the estate. Need clarification. Who was the rent paid to? The Disbursements Schedule indicates that the estate was paying for household expenses such as AT&T and mortgage payments after the death of the decedent, when it appears the house was occupied by Michael Gong-Chun. Need clarification.
3. The accounting does not appear to be prepared correctly. The Receipts Schedule includes items that are not "receipts" pursuant to Probate Code §1061(a)(3). For example:

- The estate obtained a \$10,000.00 loan from Jong Chun, to pay off the auto loan before selling the vehicle (which loan was not authorized by the Court pursuant to Probate Code §9800 et seq.). That \$10,000.00 was repaid with interest and is not a "receipt" for purposes of calculating compensation.

- Similarly, Disbursements Schedule indicates \$56.04 was paid to California Baptist Foundation for "Court in Hawaii (Estate Admin.);" Receipts Schedule indicates this same amount was received as reimbursement on 1-10-14. If this was a loan, this amount is also not a "receipt" for compensation purposes.

- The vehicle, originally valued at \$25,000.00, was then sold for \$28,000.00, resulting in a \$3,000.00 gain from the original I&A value. However, in addition to the \$3,000.00 gain, Petitioner included the \$25,000.00 balance as a "receipt." This is not correct. The \$25,000.00 is already included in as an asset on the I&A. That value does not get counted twice in calculating the statutory fee.

- A brokerage account valued at \$8,062.38 is Item No. 2 on I&A Partial No. 2 filed 8-30-12. The transfer of those same funds to another estate account does not constitute a "receipt" because that amount is already included as an asset on the I&A. (Note: Gains Schedule indicates a gain of \$854.60 as accumulated income on this account. However, Petitioner does not state whether the asset changed form (i.e., assets held in the brokerage account sold or liquidated to cash), which would be a gain, or whether cash was simply transferred to another account with interest received, which may just be a receipt. Similar to the vehicle issue, though, the \$8,062.38 does not get counted twice.

By incorrectly categorizing these items as "receipts," the statutory compensation is incorrectly inflated.

Therefore, need amended accounting, including amended calculation of statutory fees and amended final distribution.

4. Need clarification regarding extraordinary fees requested in connection with the Ancillary Probate. The work performed appears to be typical probate work (research, forms, communications, etc.) that would be statutory within that probate matter and should be requested in that matter.

(1) First and Final Account and Report of Administrator and (2) Petition for Allowance of Statutory Commissions and Attorneys' Fees; and (3) for Final Distribution

DOD: 08/30/12	KATRINA BEST KENDALL , Administrator, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Schedule D (Disbursements) lists 4 disbursements to McCormick Barstow, LLP totaling \$2,132.35. There is no explanation for these fees paid and no request for extraordinary attorney's fees has been made. The Court may require more information concerning these fees.</p> <p>2. Need Order. Note: the Order must state the dollar amount to be distributed to each heir (Local Rule 7.6.1)</p>
	Account period: 12/12/12 – 04/10/12	
Cont. from	Accounting - \$78,258.22	
<input type="checkbox"/> Aff.Sub.Wit.	Beginning POH - \$61,251.00	
<input checked="" type="checkbox"/> Verified	Ending POH - \$25,328.18 (all cash)	
<input type="checkbox"/> Inventory	Administrator - \$3,130.33 (statutory)	
<input type="checkbox"/> PTC	Attorney - \$3,130.33 (statutory)	
<input type="checkbox"/> Not.Cred.	Reserve - \$3,000.00	
<input checked="" type="checkbox"/> Notice of Hrg	Distribution, pursuant to intestate succession, is to:	
<input checked="" type="checkbox"/> Aff.Mail w/	Katrina Best Kendall - 1/3	
<input type="checkbox"/> Aff.Pub.	Yvette Best - 1/3	
<input type="checkbox"/> Sp.Ntc.	Kaitlyn M. Best - 1/6	
<input type="checkbox"/> Pers.Serv.	Conrad J. Best - 1/6	
<input type="checkbox"/> Conf. Screen	Gannon A. Best - 1/6	
<input type="checkbox"/> Letters 12/06/12		
<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 type="checkbox"/> Order x		
<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: JF		
Reviewed on: 07/03/14		
Updates:		
Recommendation:		
File 11 – Best		

13A Emelia C. Calnek Trust 12/19/95 (TRUST)

Case No. 13CEPR00946

Atty Lawrence, Anne (Pro Per Beneficiary and Co-Trustee – Petitioner)
Atty Burnside, Leigh W. (for Pamelyn S. Gingold – Co-Trustee – Objector)

Petition of Beneficiary and Co-Trustee to Remove Co-Trustee of the Trust and for the Payment of Attorney Fees

DOD: 1-28-10	ANNE LAWRECE , Daughter, Beneficiary and Co-Trustee, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:	
		<u>Cont'd from 12-12-13, 2-13-14, 4-24-14, 5-28-14</u>	
Cont. from 121213, 021314, 042414, 052814	Petitioner requests the Court remove PAMELYN SHARLEY GINGOLD, Co-Trustee, under Probate Code §15642 based on her breach of fiduciary duties as follows:	Note: Accounting filed 4-9-14 by Co-Trustee Pamelyn Sharley Gingold is Page B.	
Aff.Sub.Wit.			
✓ Verified	Petitioner is a resident of Dove Creek, Colorado, and consequently contacted Ms. Gingold to commence trust administration after the death of the Trustor. Since February 2010, Ms. Gingold has failed to: <ul style="list-style-type: none"> • Supply a death certificate to Petitioner; • Supply Notification by Trustee to beneficiaries pursuant to Probate Code §16061.7; • Supply notice to Director of Health Care Services pursuant to Probate Code §19202; • Deposit the original Last Will and Testament of the Decedent pursuant to Probate Code §8200; • Record an Affidavit – Death of Settlor (Trustor), Trustee and Beneficiary and Certification of Trust changing title to the Successor Co-Trustees, as a result of the death of the Trustor in connection with the vesting of title in real property; • Supply a Change in Ownership Statement – Death of Real Property Owner to the Fresno County Assessor and a Claim for Reassessment Exclusion for Transfer Between Parent and Child, potentially jeopardizing the ability to have any reassessment of the real property excluded and potentially causing an increase in real property taxes; <p style="text-align: center;"><u>SEE ADDITIONAL PAGES</u></p>	Note: Per Substitution filed 5-28-14, Mr. Bagdasarian no longer represents Petitioner Anne Lawrence.	
Inventory			
PTC			
Not.Cred.			
✓ Notice of Hrg			
✓ Aff.Mail			w
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
✓ Objections			
Video Receipt			
CI Report			
9202			
✓ Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
Reviewed by: skc			
Reviewed on: 7-2-14			
Updates:			
Recommendation:			
File 13A – Calnek			

Page 2

Petitioner states Ms. Gingold has failed to (Continued):

- Inventory and appraise any of the assets;
- Maintain the real property located at 5887 W. San Gabriel in Fresno;
- Provide any accounting, including all bank statements, receipts, and disbursement pursuant to Probate Code § 17200(b)(7)(B) and §§ 16062 and 16063;
- Petitioner alleges that Ms. Gingold has lived in the property without payment of rent, has used trust assets to pay for utilities, cable, and other items for her sole personal use;
- Ms. Gingold has failed to assemble personal property, which is depreciating in value, in order to auction or sell, or provide notice to beneficiaries as to whether said personal property should be distributed;
- Ms. Gingold has failed to provide any information re life insurance policies, final expense bills, or other related financial information;
- Ms. Gingold has failed to file the appropriate income tax returns, estate tax returns, and other tax reporting requirements for the trust on a timely basis; and
- Ms. Gingold has exhibit hostility and impairing the administration of the trust, which is reflected as grounds for removal pursuant to Probate Code § 15642(b)(3).

Additional information:

- The Trustor of the **EMELIA C. CALNEK TRUST** was also known as **EMELIA CHARLOTTE JENNRICH** (see death certificate).
- The real property asset of the estate located at 5887 W. San Gabriel in Fresno refers to "**EMILIA C. CALNEK JENNRICH, Trustee of the EMILIA C. CALNEK TRUST**" (see Grant Deed).
- The **Sixth (6th) Amendment**, attached as Exhibit C, dated 6-28-07 nominates Petitioner and Ms. Gingold as Co-Trustees. A letter from Attorney Steve H. Murphy dated 6-8-10 confirms.
- There are eight **(8) beneficiaries**. Petitioner lists names, but not relationships.
- Declaration of No Service filed 11-25-13 indicates that a process server made numerous attempts to serve Ms. Gingold at the San Gabriel address; however, no one answers the door. Declaration filed 12-10-13 indicates additional attempts to serve Ms. Gingold at two other addresses in Mariposa, CA.

Petitioner requests that:

1. **The Court remove the Successor Co-Trustee PAMELYN SHARLEY GINGOLD from office and appoint ANNE LAWRENCE as the sole Successor Trustee of the EMELIA C. CALNEK TRUST dated December 19, 1995;**
2. **The Court order PAMELYN SHARLEY GINGOLD to provide a full accounting from the date of death of the decedent of 1-28-10 to the date of her removal;**
3. **The Court order Attorney's fees of the Petitioner to be paid in an amount to be determined;**
4. **The Court make all further and proper orders.**

SEE ADDITIONAL PAGES

Dept. 303, 9:00 a.m. Wednesday, July 9, 2014

Page 3

Objection filed 12-9-13 by Co-Trustee Pamelyn S. Ginsold admits certain facts as stated above regarding the name of the Trustor, the real property as an asset of the trust, and the nomination of Petitioner and Objector as co-trustees; however, Objector denies the allegations of Petitioner in Paragraph 6 and all subparagraphs, except as follows:

Ms. Gingold denies residing at the San Gabriel property, and denies that Jeremiah Gingold and Serena Katherine Gingold have ever resided there. Petitioner knew they do not reside there, yet served documents at that address to avoid providing actual notice of these proceedings to Ms. Gingold, Jeremiah, and Serena Gingold. Additionally, Ms. Gingold is informed and believes and thereon alleges that the decedent's surviving spouse, **EDWARD W. JENNRICH**, is entitled to notice of these proceedings as he may have a beneficial interest in the San Gabriel property under the terms of the Sixth Amendment.

Ms. Gingold states: She and Petitioner are the daughters of the decedent. Decedent was survived by her spouse, Edward W. Jennrich, whom Ms. Gingold is informed, believes, and thereon alleges now resides in Pasadena California, by her two daughters, Ms. Gingold and Petitioner, her son Peter J. Deyell, and five grandchildren. All of these individuals are named beneficiaries under the Sixth Amendment.

Decedent was also survived by a son, David A. R. Deyell, but he is not a beneficiary under the Sixth Amendment. He also appears to be disinherited under the terms of Decedent's will dated 3-16-00 (attached).

Following Decedent's death in Jan 2010, Ms. Gingold and Petitioner gathered Decedent's estate planning documents and Petitioner took them to her home in Colorado. Petitioner therefore had the 1995 Trust instrument and all amendments thereto in her possession. Ms. Gingold thus denies Petitioner's allegation that she withheld copies from Petitioner or any other beneficiary.

Ms. Gingold states neither she nor Petitioner retained legal counsel to advise them regarding administration of the trust. Ms. Gingold understood that as a co-trustee, she was to maintain the San Gabriel residence and pay expenses related to the maintenance and assets of the trust, and has done so. The decedent's final expenses were paid as well as ongoing expenses related to the real property. Ms. Gingold has supervised the upkeep of the property, maintained a trust checking account with Petitioner as co-trustees, which Petitioner has access to, and has made distributions to beneficiaries according to the Sixth Amendment. She prepared an inventory of the contents of the house and obtained appraisal of the contents and discussed with Petitioner. Petitioner at all times consented to Ms. Gingold's handling the responsibilities and never voiced any objection or disagreement. Rather, Petitioner expressed her preference that Ms. Gingold undertake these responsibilities, as she resides in Colorado, and Ms. Gingold, a resident of Mariposa, was better situated to handle administration of Fresno assets.

SEE ADDITIONAL PAGES

Page 4

Objector states (Continued):

To the extent that any administrative tasks went undone, Ms. Gingold was unaware of such tasks. She was not represented by counsel. Petitioner, on the other hand, was employed as a paralegal for a law firm and is now a clerk of the Dolores County Court in Colorado. Petitioner represented that she would determine and inform Ms. Gingold of any and all tasks of a legal nature required for administration. Aside from the responsibilities that Ms. Gingold has undertaken (bill pay, etc.), Petitioner never identified any tasks for her to complete.

Ms. Gingold submits that Petitioner had an equal responsibility to complete the administrative tasks, and to the extent there is any fault on the part of Ms. Gingold, which she denies, Petitioner is equally at fault. Petitioner has not set forth sufficient grounds to justify Ms. Gingold's removal, an order compelling her to account, or an award of attorney's fees.

Objector requests that the Court deny each and every claim for relief in the Petition; award Objector her costs incurred in this matter; and order any and all further relief the Court deems just and proper.

Status Report filed 2-5-14 by Attorney Burnside (for Objector) provides details of the dispute including communications, distributions, and account access, and states the balance presently remaining in the trust checking account is approx. \$15,000.00, and the remaining property on hand includes the San Gabriel St. residence, the funds in the checking account, and the various personal property items in the home.

Status Report filed 2-10-14 by Attorney Bagdasarian (for Petitioner) states Gingold has failed to provide accounting or any information concerning the distribution of \$114,000 or for whose benefit, leading to the conclusion that the funds have been misappropriated. The real property has been allowed to deteriorate due to Gingold's failure to arrange maintenance; thereby resulting in a loss to the trust estate. Based on the lack of cooperation in providing an accounting or information concerning distributions, Petitioner again requests that Gingold be removed as co-trustee and all assets be turned over to Petitioner in order to complete the trust administration.

Supplemental Status Report filed 2-11-14 by Attorney Burnside (for Objector) provides additional details of distributions and the approximate balance in each beneficiary's account. Ms. Gingold disputes that the property has deteriorated and caused loss to the estate, and further asserts that Ms. Lawrence has made no effort to assist with maintenance. Trust administration is presently moving forward, and Ms. Gingold is consulting with another real estate agent for listing the property. Attorney Burnside is waiting to hear from Mr. Bagdasarian re his client's wish for disposition of the personal property remaining on hand – can it be sold via estate sale or distributed to beneficiaries or disposed of in some other manner?

Note: Notice of Settlement filed 5-20-14 indicates that the parties have reached a settlement regarding this petition.

However, no settlement agreement or request for dismissal has been filed; therefore, the petition is still pending. Also, the account filed 4-9-14 at Page B is also pending.

Petition for Settlement of First Account of the Emelia C. Calnek Trust and the Three Minors Accounts by Co-Trustee, Pamelyn Sharley Gingold

DOD: 1-29-10	PAMELYN S. GINGOLD , Co-Trustee, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
	Trust Acct period: 1-28-10 through 3-18-14	
	Accounting: \$527,907.76	
	Beginning POH: \$524,406.64	
	Ending POH: \$154,656.11	
	(\$14,656.11 cash plus real property)	
Cont. from 052814	Minors' Acct Period: 4-26-11 through 2-11-14	
<input type="checkbox"/> Aff.Sub.Wit.	<u>Sophia Maureen Lawrence:</u>	
<input checked="" type="checkbox"/> Verified	Accounting: \$36,239.93	
<input type="checkbox"/> Inventory	Beginning POH: \$0.00	
<input type="checkbox"/> PTC	Ending POH: \$36,239.93	
<input type="checkbox"/> Not.Cred.	<u>Jeremy Michael Lawrence:</u>	
<input checked="" type="checkbox"/> Notice of Hrg	Accounting: \$36,180.23	
<input checked="" type="checkbox"/> Aff.Mail	Beginning POH: \$0.00	
<input type="checkbox"/> Aff.Pub.	Ending POH: \$35,180.23	
<input type="checkbox"/> Sp.Ntc.	<u>Sarah Lawrence:</u>	
<input type="checkbox"/> Pers.Serv.	Accounting: \$36,180.24	
<input type="checkbox"/> Conf. Screen	Beginning POH: \$0.00	
<input type="checkbox"/> Letters	Ending POH: \$35,180.24	
<input type="checkbox"/> Duties/Supp	Petitioner is waiving compensation to her as co-trustee for this account period. Petitioner states \$5,000.00 was paid to her attorneys Dowling Aaron Incorporated.	
<input type="checkbox"/> Objections	Distributions were made in the allocations specified under the paragraph entitled "Allocation of Trust Assets" as set forth in the 6 th Amendment to the Trust, except for the additional distribution to Peter Deyell, which was discussed with Co-Trustee Anne Lawrence. The Co-Trustees agreed that distributions to the remaining beneficiaries would be done at a later date to have enough money to ready the house for sale.	
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice	Petitioner states that Peter Deyell was listed on the Bank of the West account as a co-trustee with Pamelyn Gingold based upon ha change that Emelia Calnek was going to make to the trust after the 6 th amendment. However, no further amendments were found. After Emelia's death, Peter communicated to Bank of the West that he was not a co-trustee and wrote a letter to the bank resigning.	
	Petitioner prays for order and judgment as follows:	
	1. Settling and allowing the trust account and minors' accounts as filed;	
	2. Ratifying, confirming and approving all acts and transactions of Petitioner as Co-Trustee;	
	3. Ratifying and approving the attorney's fees already paid as set forth above.	
		Reviewed by: skc
		Reviewed on: 7-2-14
		Updates:
		Recommendation:
		File 13B - Calneck

14A Douglas E. Coolidge (Estate)

Case No. 14CEPR00352

Atty Helon, Marvin T (for Randall D. Coolidge and Tracie Coolidge-Fierro – Petitioners)

Atty Janisse, Ryan M. (for Dianne E. Coolidge – Objector)

Petition for Letters of Administration; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

DOD: 02/18/2014	RANDALL D. COOLIDGE and TRACIE COOLIDGE-FIERRO , children, are petitioners and request appointment as Administrator without bond.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>14B is the competing petition filed by Dianne E. Coolidge, Surviving Spouse.</p> <p>Note: If the petition is granted status hearings will be set as follows:</p> <ul style="list-style-type: none"> • Wednesday, 12/10/2014 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal and • Wednesday, 09/09/2015 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>	
Cont. from 052914	Petitioners waive bond		
<input type="checkbox"/> Aff.Sub.Wit.	Limited Authority – o.k.		
<input checked="" type="checkbox"/> Verified	Residence: Fresno		
<input type="checkbox"/> Inventory	Publication: The Business Journal		
<input type="checkbox"/> PTC			
<input type="checkbox"/> Not.Cred.			
<input checked="" type="checkbox"/> Notice of Hrg	Estimated value of the Estate:		
<input checked="" type="checkbox"/> Aff.Mail w/	Personal property - \$15,000.00		
<input type="checkbox"/> Aff.Pub.	Real property - \$660,000.00		
<input type="checkbox"/> Sp.Ntc.	Total: - \$675,000.00		
<input type="checkbox"/> Pers.Serv.	Probate Referee: Steven Diebert		
<input type="checkbox"/> Conf. Screen	Petitioners state that they are the children of the decedent and entitled to priority for appointment as administrators under Probate Code §8461 (b). Decedent and Diane E. Coolidge had held themselves as husband and wife, however petitioners believe they may not have been legally married. Even if Dianne E. Coolidge is found to be a surviving spouse, she has failed to timely petition for her appointment as personal representative and pursuant to Probate Code §8468 the Court can and should now appoint petitioners as administrators.		
<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			
Please see additional page			<p>Reviewed by: LV</p> <p>Reviewed on: 07/02/2014</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 14A - Coolidge</p>

14A

Opposition to Petition of Randall D. Coolidge and Tracie Coolidge-Fierro for Letters of Administration filed by Attorney Ryan M. Janisse on 05/23/2014 states that the decedent and Dianne E. Coolidge were married in the County of Mohave, State of Arizona, on 11/12/1993. They remained married until decedent's death on 02/18/2014. Decedent died in a tragic fire which consumed the Coolidge residence. The undisputed evidence before this Court is that Mrs. Coolidge is the surviving spouse of the decedent. Concurrently with the filing of this Opposition, Mrs. Coolidge has filed a competing Petition for Letters of Administration seeking her appointment as administrator.

The petitioners Randall D. Coolidge and Tracie Coolidge-Fierro are the decedent's estranged children. In their Petition, Randall and Tracie assert that Mrs. Coolidge is an "alleged spouse" and that decedent and she were never married. This is false.

Probate Code §8461 sets for the order of priority for appointment of an administrator of the state of a decedent as follows: "(a) Surviving Spouse...(b) Children...."

Because Mrs. Coolidge is the surviving spouse she is assigned priority to (a). Petitioners, as the decedent's children, are assigned to (b). Accordingly, the Petition for Letters of Administration filed by Mrs. Coolidge must be granted and the competing petition filed by Randall and Tracie must be Denied.

Therefore, Dianne E. Coolidge respectfully requests that this Court grant her Petition for Letters of Administration and deny the Petition for Letters of Administration filed by Randall and Tracie.

Declaration of Dianne E. Coolidge in Support of Opposition to Petition of Randall D. Coolidge and Tracie Coolidge-Fierro for Letter of Administration filed 05/23/2014 states she is the surviving spouse, on 11/12/1993, she and Doug married in the Mohave County, Arizona. A true and correct copy of Mohave County Clerk of Superior Court Certified Abstract of Marriage is attached. Decedent and Dianne remained married until the time of his death.

14B Douglas E. Coolidge (Estate)

Case No. 14CEPR00352

Atty Helon, Marvin T (for Randall D. Coolidge and Tracie Coolidge-Fierro – Competing Petitioners)

Atty Janisse, Ryan Michael (for Dianne E. Coolidge – Petitioner – Surviving Spouse)

Petition for Letters of Administration; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

DOD: 02/18/2014	DIANNE E. COOLIDGE , surviving spouse is petitioner and requests appointment as Administrator with bond.		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. #3d(2) of the petition does not include the amount of bond requested. Based on the estimated value of the Estate bond should be set at \$597,000.00.</p> <p>Note: If the petition is granted status hearings will be set as follows:</p> <ul style="list-style-type: none"> • Wednesday, 12/10/2014 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal <u>and</u> • Wednesday, 09/09/2015 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:</p> <p>File 14B – Coolidge</p>
	Full IAEA – o.k.		
Cont. from	Residence: Fresno		
<input type="checkbox"/> Aff.Sub.Wit.	Publication: The Business Journal		
<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	Estimated value of the Estate:		
<input checked="" type="checkbox"/> Aff.Mail	w/	Personal property - \$27,000.00	
<input checked="" type="checkbox"/> Aff.Pub.		Real property - \$570,000.00	
<input type="checkbox"/> Sp.Ntc.		Total: - \$597,000.00	
<input type="checkbox"/> Pers.Serv.		Probate Referee: Steven Diebert	
<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			

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

DOD: 12/19/13		<p>BRET HELGREN, step-son/named Executor without bond, is Petitioner.</p> <p>Full IAEA – NEED PUBLICATION</p> <p>Will dated 04/13/12</p> <p>Residence: Fresno Publication: NEED</p> <p><u>Estimated Value of the Estate</u> Real property - \$359,000.00</p> <p>Probate Referee: STEVEN DIEBERT</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. The Petition states that the decedent's spouse is deceased. Name and date of death of deceased spouse should be listed in item 8 (Local Rule 7.1.1D). 2. Need Affidavit of Publication. 3. Need Notice of Petition to Administer Estate. 4. Need proof of service at least 15 days before the hearing of Notice of Petition to Administer Estate. 5. Need Order.
Cont. from			
<input type="checkbox"/> Aff.Sub.Wit.	s/p		
<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.	x		
<input type="checkbox"/> Sp.Ntc.			
<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 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: JF</p> <p>Reviewed on: 07/03/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 15 - Chadwick</p>	

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

DOD: 08/10/2002	<p>GINA QUISTIANO, daughter, was appointed Executrix with full IAEA without bond on 09/02/2003.</p> <p>Letters issued on 09/03/2003.</p> <p>Inventory and Appraisal was due 01/2004.</p> <p>First Account or Petition for Final Distribution was due 11/2004.</p> <p>Former Status Report filed on 01/02/2014 states: Counsel received the Court's Notice re Case Management Conference. Counsel has made efforts to contact Executrix, Gina Zavala, via telephone and email messages, without success.</p> <p>Counsel herein requests that the matter be continued for at least 45 days for counsel to file a Motion to Withdraw as Counsel of Record, due to the Representative's failure to make contact with counsel.</p> <p>As a result of the Executrix's failure to make contact with Counsel, Counsel is unable to file the next set of documents to bring the matter to a close.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>OFF CALENDAR. Order Settling Final Report of Successor Administrator of Insolvent Estate signed 06/18/2014.</u></p> <p>Minute Order of 01/10/2014: Mr. Zavala is appearing via CourtCall. Counsel informs the Court that he has made contact with Gina Quistiano.</p> <p>1. Need Inventory and Appraisal and First Account or Petition for Final Distribution.</p>
Cont. from 011014, 041014		
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: LV
		Reviewed on: 07/02/2014
		Updates:
		Recommendation:
		File 16 – Quistiano

	George Salwasser is Executor.	NEEDS/PROBLEMS/COMMENTS:
	An Amended and Restated First Account was filed on 1-13-10 and has been continued with reference to additional ongoing matters in this and other related cases.	Status Report filed 8-7-13 states an amended tax return is being prepared and will be submitted to the IRS upon completion by Craig Houghton of Baker Manock & Jenson. At this time, Mr. Houghton is still not in possession of sufficient information in regards to the amended tax matters to provide Ms. Wright with the information needed to close the estate. It is requested that the status hearing be continued to 10-4-13.
	This status hearing was set on 4-26-13.	Status Report filed 1-8-14 requests at least an additional 45 days.
Cont. from 060713, 080913, 100413, 011014, 041014, 050814, 062314	Status report filed 6-6-13 by Attorney Janet Wright states counsel met and conferred on 5-16-13 with attorneys Craig Houghton and Mark Poochigian of Baker Manock & Jensen, who represented the Executor in his initial appointment through December 2008, and in various extraordinary matters, and with Executor, to review the proposed Petition for Final Distribution on Waiver of Account.	Minute Order 1-10-14 states Ms. Wright requests a 90-day continuance.
Aff.Sub.Wit.	It was determined that in order to close the estate pursuant to the Memorandum of Settlement Agreement entered into by beneficiaries Gary Salwasser and George Salwasser after mediation, certain matters would need to be addressed:	Status Report filed 4-8-14 requests an additional 30 days.
Verified	<ol style="list-style-type: none"> 1. Amendment to estate tax return 2. Inventory and Appraisal for promissory notes (preliminary payment history attached) 	Status Report filed 5-7-14 requests an additional 30 days.
Inventory	Once the amendment to the estate tax return is completed, it should be possible to create a formula taking into account the allocation of fees and costs pursuant to the agreement and any credits due beneficiaries which would allow the petition to be filed and estate to be closed.	Status Report filed 6-19-14 states the CPAs are finalizing a claim for refund. Continuance to 7-9-14 is requested.
PTC		1. Need amended account / petition for final distribution.
Not.Cred.		Reviewed by: skc
Notice of Hrg		Reviewed on: 7-2-14
Aff.Mail		Updates:
Aff.Pub.		Recommendation:
Sp.Ntc.		File 17 – Salwasser
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice	Counsel is developing a draft formula and will meet and confirm with counsel for Gary Salwasser as well as Baker Manock & Jensen. If a formula cannot be agreed upon, the Petition will be filed specifying the areas of dispute.	

Petition to Determine Title and Request Transfer of Personal Property to the Estate
 and Assess Statutory Damages Thereto Against Mary J. Quin

		NEEDS/PROBLEMS/COMMENTS: <u>OFF CALENDAR</u> Petition dismissed per Minute Order 4-10-14 Petition for Final Distribution filed 6-19-14 is set for hearing on 7-28-14	
	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		X
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
		Reviewed by: skc	
		Reviewed on: 7-2-14	
		Updates:	
		Recommendation:	
		File 18 – Martin	

		TEMP DENIED 5-22-14	
		THERESA HERZBERG , Aunt, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Father: JACOB DUSAN - Served by mail on 6-2-14	Note: Petitioner resides in Moorhead, Minnesota.
		Mother: JENNIFER MATHIS (Deceased)	If this petition goes forward, the following issues exist:
	Aff.Sub.Wit.	Paternal Grandfather: Unknown	1. The father was served by mail; however, Probate Code §1511 requires personal service. The Court may require continuance for proper notice.
✓	Verified	Paternal Grandmother: Donna Dusan	
	Inventory	Maternal Grandfather: Benjamin Mathis	2. Need proof of service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing or consent and waiver of notice or declaration of due diligence on: - Unknown Paternal Grandfather - Donna Dusan (Paternal Grandmother) - Benjamin Mathis (Maternal Grandfather)
	PTC	Maternal Grandmother: Cheryl Ceredi (Deceased)	
	Not.Cred.	Sibling: Gissele Jimenez	
✓	Notice of Hrg	- Personally served 5-16-14	
	Aff.Mail	Petitioner states the mother committed suicide in January 2014 and the maternal grandmother committed suicide in April 2014. The father is incarcerated. The minor is currently living with his uncle; however, this is not a safe or stable environment. The uncle already has three children, including an infant, and does not have a home or vehicle large enough for four children. In addition, he has a history of drug use and crime. See petition for details.	
	Aff.Pub.		
	Sp.Ntc.		
✓	Pers.Serv.		
	Conf. Screen		
	Letters	X	
✓	Duties/Supp		
✓	Objections	Objection filed 5-21-14 by Adolph Ceredi, Uncle, states he has an established relationship with Vincent. Vincent does not know the Petitioner. Vincent has a connection with many family members in California and a cross-country move would be an additional loss for him. Mr. Ceredi is planning to move to a larger home in the summer so as not to disrupt the children's school. Vincent sees a therapist and gets good grades. He is not left alone with relatives mentioned by the Petitioner. Vincent has Wraparound services that provide support to him and the family, and Mr. Ceredi is looking into additional services as well (suicide support, etc.). Mr. Ceredi states he was in the process of pursuing legal guardianship.	
	Video Receipt		
✓	CI Report		
✓	Clearances Order	X	
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice	Court Investigator Dina Calvillo filed a report on 7-1-14.	
			Reviewed by: skc
			Reviewed on: 7-3-14
			Updates:
			Recommendation:
			File 20 – Dusan

Status Hearing Re: Filing of the Inventory and Appraisal

DOD: 12/9/12	<p>RICHARD RAMOS was appointed Executor without bond and with full IAEA authority on 1/23/14.</p> <p>Letters issued on 1/23/14.</p> <p>Inventory and appraisal filed on 3/14/14 – incomplete.</p> <p>Corrected Inventory and Appraisal filed on 6/30/14 shows the value of the estate at \$137,148.93.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. The corrected inventory and appraisal filed on 6/30/14 lists a Franklin Templeton Investment Account and U.S. Savings Bonds on attachment 1 (personal representative appraised). Investment accounts and savings bond must be listed on attachment 2 and appraised by the probate referee.</p>
Cont. from 062014		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: KT
		Reviewed on: 7/3/14/14
		Updates:
		Recommendation:
		File 21 - Melgoza

			NO TEMP REQUESTED	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of personal service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence on: <ul style="list-style-type: none"> - Devonte Robinson (Father) - Cindy Rojas (Mother) 3. Need proof of service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence on: <ul style="list-style-type: none"> - Unknown Paternal Grandfather - Unknown Paternal Grandmother
			ANA LAURA and SAMUEL ROJAS, Maternal Grandparents, are Petitioners.	
			Father: DEVONTE ROBINON Mother: CINDY ROJAS	
	Aff.Sub.Wit.		Paternal Grandfather: Unknown Paternal Grandmother: Unknown	
✓	Verified		<p>Petitioners state guardianship is necessary due to the mother constantly leaving the child with Petitioners for days at a time. The child currently lives with them.</p> <p>Court Investigator Julie Negrete filed a report on 7-2-14.</p>	
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg	x		
	Aff.Mail	x		
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.	x		
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
✓	CI Report			
✓	Clearances			
✓	Order			
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			
				Reviewed by: skc
				Reviewed on: 7-3-14
				Updates:
				Recommendation:
				File 22 – Rojas

		GENERAL HEARING 7-28-14	NEEDS/PROBLEMS/COMMENTS:
		SHARON SCHRIVES , non-relative (friend), is petitioner and requests appointment as Temporary Conservator of the Person and Estate with bond of \$40,000.00.	Need Court Investigator's report, advisement of rights.
	Aff.Sub.Wit.		
✓	Verified	Petitioner requests authority to move the proposed Conservatee from his residence into a care facility during the temporary conservatorship.	1. Need clarification re the proposed conservatee's date of birth. File documents contain conflicting dates.
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg	Estimated value of estate:	2. Need proof of <u>personal</u> service of Notice of Hearing with a copy of the temp petition at least five court days prior to the hearing on the proposed Conservatee Barber L. Mardis pursuant to Probate Code §2250(e).
✓	Aff.Mail	Personal property: \$ 16,040.00	
	Aff.Pub.	Annual income: \$ 19,528.00	
	Sp.Ntc.	Recovery: \$ 3,557.00	
	Pers.Serv.	Total bond required: \$ 39,125.00	3. Notice of Hearing filed 6-30-14 indicates service was mailed to the proposed Conservatee at Redwood Springs Health Care Center in Visalia on 6-27-14.
✓	Conf. Screen	Petitioner states the proposed Conservatee is 81 years old and suffers from severe dementia as well as other medical issues. Petitioner has been his caregiver for several years; however, it has now been determined that he needs additional care in a skilled nursing facility. Petitioner proposes to move the proposed Conservatee from his residence in Coalinga, California into Redwood Springs Health Care Center in Visalia, California on a private pay basis as soon as possible.	<u>Need clarification:</u> Has Mr. Mardis already been moved to the care facility in Visalia? If so, proper venue for petition for conservatorship would be Tulare County.
✓	Letters	Consequently, in order to access the funds of the Conservatee, temporary conservatorship of the person and estate are necessary.	
✓	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		Reviewed by: skc
	Status Rpt		Reviewed on: 7-3-14
	UCCJEA		Updates:
	Citation		Recommendation:
	FTB Notice	Court Investigator Jennifer Young to advise rights, file report.	File 23 – Mardis