

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

DOD: 12/01/2002	<p>JUDY RILEY, daughter, was appointed Administrator with will annexed without bond on 09/06/2005.</p> <p>Letters issued on 09/06/2005.</p> <p>Inventory and Appraisal as due on 02/2006.</p> <p>First Account or Petition for Final Distribution was due on 11/2006.</p> <p>Notice of Status Hearing was mailed to Attorney Michael A. Milnes and Judy Riley on 11/21/2013.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Minute Order of 06/10/2014: The Court notes that the hour is 10:15 a.m. and there are no appearances. The Court further notes that sanctions have been previously imposed. The Court sets the matter for an Order to Show Cause on 07/15/2014 regarding failure to appear and further sanctions in the amount of \$1,000.00 each as to Michael Milnes and Judy Riley. Michael Milnes and Judy Riley are ordered to be personally present on 07/15/2014.</p> <p>Copy of Minute Order dated 06/10/2014 and Order (re: Order to Show Cause) mailed to Michael Milnes and Judy Riley on 06/16/2014.</p> <p>Minute Order of 05/09/2014: No appearances. Michael Milnes is ordered to be personally present on 06/10/2014.</p> <p>Minute Order of 05/09/2014 on Order to Show Cause Re: Failure to File and Failure to Appear: No appearances. The Court imposes sanctions against Michael Mines and Judy Riley in the amount of \$500.00 each. Sanctions are ordered paid by 05/23/2014.</p> <p>Copy of Minute Order mailed to Michael Milnes and Judy Riley on 05/14/2014.</p> <p>Minute Order of 02/21/2014: No appearances. The Court notes the file has no indication of notices of being returned. The Court issues order to Show Cause with sanctions of \$500 to Judy Riley and Mr. Milnes for failure to file or appear.</p> <p>1. Need Inventory and Appraisal and First Account or Petition for Final Distribution or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.</p>
Cont. from 022114, 050914, 061014		
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FTB Notice		
Reviewed by: LV		
Reviewed on: 06/06/2014		
Updates:		
Recommendation:		
File 1A – Eldridge		

Order to Show Cause Re: Failure to Appear; Further Sanctions in the Amount of \$1,000.00 each as to Michael Milnes and Judy Riley

DOD: 12/01/2002	JUDY RILEY , daughter, was appointed Administrator with will annexed without bond on 09/06/2005.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need payment in the amount of \$1,000.00 each for sanctions imposed on Judy Riley, Administrator, and Attorney Michael Milnes.</p>	
Cont. from	<p>Minute Order of 06/10/2014: The Court notes that the hour is 10:15 a.m. and there are no appearances. The Court further notes that sanctions have been previously imposed. The Court sets the matter for an Order to Show Cause on 07/15/2014 regarding failure to appear and further sanctions in the amount of \$1,000.00 each as to Michael Milnes and Judy Riley. Michael Milnes and Judy Riley are ordered to be personally present on 07/15/2014.</p> <p>Copy of Minute Order dated 06/10/2014 and Order (re: Order to Show Cause) mailed to Michael Milnes and Judy Riley on 06/16/2014.</p>		
Aff.Sub.Wit.			
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FTB Notice			
			Reviewed on: 07/11/2014
		Updates:	
		Recommendation:	
		File 1B - Eldridge	

2 Arturo Garcia (Estate)

Case No. 09CEPR00271

Atty Knudson, David N. (for Lori Garcia – Administrator/Petitioner)

(1) First and Final Account and Report of Administrator, (2) Report of Special Administrator, (3) Petition for Instructions, (4) for Statutory and Extraordinary Fees to Administrator and her Attorney, and (5) for Final Distribution

DOD: 03/26/09	LORI GARCIA , Administrator, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> The accounting is incomplete. It is missing all schedules (receipts, gains on sales, distributions, losses on sales, etc.). Only the summary of account is provided. Need amended accounting. Examiner is unable to verify the statutory fee due to the missing schedules to the accounting. Further, there appears to be an addition error in the Supplemental Accounting calculation of the statutory fees. Examiner calculates the total estate accounted for, using the unverified figures listed, to be \$372,118.38 rather than \$372,818.38. Need revised accounting in order to determine correct statutory fee. Further, it is noted that the statutory fee references "transfers" that are deducted from the Receipts. Need clarification as to what these are if they are not readily apparent on the schedules that should be included in an amended accounting. The Supplemental Accounting lists the payoff of the Wells Fargo Credit Card claim as \$13,600.22 but the creditor's claim lists the amount of the claim as \$13,020.77. Need clarification. The administrator is requesting extraordinary compensation at \$50/hr. The court may require more information as to the appropriateness of this rate.
	Account period: 04/06/09 – 12/31/13	
	Accounting - \$374,808.52	
	Beginning POH - \$243,600.62	
	Ending POH - \$128,843.03 (\$85,772.90 is cash)	
Cont. from	Supplemental Account period: 01/01/14 – 06/30/14	
<input type="checkbox"/> Aff.Sub.Wit.	Accounting - \$217,641.34	
<input checked="" type="checkbox"/> Verified	Beginning POH - \$128,843.03	
<input checked="" type="checkbox"/> Inventory	Ending POH - \$217,641.34 (all cash)	
<input checked="" type="checkbox"/> PTC	Administrator - \$10,456.37 (see note 2)	
<input checked="" type="checkbox"/> Not.Cred.	Administrator x/o - \$6,155.00 (itemized by date - \$4,120.00 related to the Jodean Coakley and Wells Fargo Litigation (82.4 hours @ \$50/hr.), \$1,000.00 for sale of real property (Per Local Rule), and \$1,035.00 related to the Hinds Hospice Litigation (20.7 hours @ \$50.00/hr.)	
<input checked="" type="checkbox"/> Notice of Hrg	Attorney - \$10,456.37 (see note 2)	
<input checked="" type="checkbox"/> Aff.Mail w/	Attorney x/o - \$48,609.00 (itemized by date - \$1,266.00 re Appt. of Special Administrator, \$38,618.00 re Coakley/Wells Fargo litigation, \$2,983.75 re Hinds Hospice Litigation, \$1,003.75 severance of cases, \$6,737.50 sale of residence)	
<input type="checkbox"/> Aff.Pub.	Costs - \$5,151.94 (\$6,151.94 less \$1,000.00 advanced by the beneficiaries for filing fees, certified copies, publication, court reporter fees, document production, subpoena fees)	
<input type="checkbox"/> Sp.Ntc.	Closing - \$3,000.00	
<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"/> 9202		
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Continued on Page 2

Petitioner states that three creditor's claims were filed against the estate:

- | | | |
|---|---|--------------|
| 1. Wells Fargo Card Services | - | \$13,020.77 |
| 2. Wells Fargo Home Equity Line of Credit | - | \$157,072.34 |
| 3. Jodean Coakley | - | \$26,896.77 |

Petitioner states that the estate was involved in litigation between the estate and Jodean Coakley and Wells Fargo Bank. The matter was settled between the parties prior to trial. As part of the settlement agreement, Wells Fargo Home Equity Line of Credit filed a withdrawal of its claim asserting that it was a full satisfaction of all sums due Wells Fargo. However, Petitioner continued to receive notifications from Wells Fargo requesting payment of the credit card claim of \$13,020.77. In response to correspondence from counsel, Wells Fargo responded that despite its language indicating "full satisfaction" and waiver of all sums due, the position of the credit card department is that the claim was not withdrawn, and that the claims are identified by different file numbers. Petitioner requests instructions of the Court that the claim is a valid and existing claim and authorizing payment of same in the amount of \$13,600.22.

Distribution, pursuant to intestate succession, is to:

- | | | |
|---------------|---|-------------|
| Audrey Garcia | - | \$40,070.81 |
| Jill Vanni | - | \$40,070.81 |
| Mark Garcia | - | \$40,070.81 |

Objection to First and Final Account and Report of Administrator filed 07/10/14 by beneficiaries Mark Garcia, Jill Vanni, and Audrey Garcia states: They have many concerns that they have expressed to the Administrator and Attorney David Knudson. They specifically object to the extraordinary fees and request that the court consider the following:

1. In 2010 it came to their attention that David Knudson had a conflict of interest in that he had represented Wells Fargo in the past. Objectors state that Mr. Knudson never disclosed this conflict to them. Any extraordinary compensation requested Mr. Knudson with regard to dealings with Wells Fargo should be denied for that fact alone and in addition the estate should be allowed sanctions. This is currently the subject of an investigation by the State Bar of California, case no. 1-414-409.
2. There has been an extraordinary lack of communication by both the Administrator and attorney Knudson to the Objectors as the beneficiaries of the estate. Although requested numerous times, they were never provided with written accountings of the estate or estimates of what the extraordinary compensation that would be requested. Objectors state that they understand that it is not required to provide the beneficiaries with accountings during the administration of the estate, but understands that it is common practice and believes it's the right thing to do.
3. It was their understanding that Wells Fargo filed a satisfaction of its combined claims on 08/12/13, but now Administrator is requesting approval to pay the claim. Objectors request that the matter be reviewed in light of the conflict of interest with Wells Fargo noted above.
4. Objector Audrey Garcia was living in the real property asset of the estate prior to its being sold and during that time she paid the homeowner's insurance from her own funds. Upon the property being sold, Audrey called and cancelled the insurance. She was informed by the insurance company that she would be issued a refund of the overpaid amount. But instead of receiving the refund, the insurance company mailed the check to the administrator of the estate and David Knudson endorsed the check (that was written out to Audrey Garcia and not the estate) and deposited it into the estate account. This is currently the subject of an investigation by the California State Bar case # 1-414-409.
5. Both the administrator, Lori Garcia and attorney David Knudson, failed to communicate with the beneficiaries during the estate administration, even though the beneficiaries requested information numerous times. Lori was even sanctioned by the court for lack of communication with the court early on in the case and the same behavior continued throughout the administration of the estate.

Objector's request that the Court consider these points and deny the request for extraordinary compensation by both Mr. Knudson and Lori Garcia and order sanctions as the court deems

appropriate.

2 Arturo Garcia (Estate)

Case No. 09CEPR00271

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Update: On 7-14-14, , Attorney Knudson filed a declaration containing the missing and corrected schedules. However, due to the lateness of this filing, Examiner is unable to review. Also, the declaration is not verified by the Administrator (fiduciary) pursuant to Probate Code §1021, 1023. This is also an issue because the schedules are corrected.

Dept. 303, 9:00 a.m. Tuesday July 15, 2014

		D. STEVEN BLAKE , Trustee, is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Order does not comply with Local Rule 7.6.1D. Orders must be drawn so that their general effect may be determined without reference to the petition on which they are based.</p>
		Petitioner states the Settlor, Vera Silberstein, is a 92 year old widow currently living in Cottonwood Court, a memory-loss facility in Fresno.	
Cont. from		The principal Gift Trust asset is approximately 47 acres of unencumbered and unimproved real property located in Folsom, CA (the "Property"). The Gift Trust otherwise has approximately \$45,000.00 of cash and securities (after considering payables) and no other assets of consequence. The property generates no income.	
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
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✓	Notice of Hrg		
✓	Aff.Mail	W/	
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	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
		During the Settlor's lifetime, the Gift Trust could be revoked to the extent required for the Settlor's support. Although she has other significant sources of support, the Gift Trust is available if those sources are insufficient. Under the terms of the Gift Trust the Trustee is generally to accumulate Gift Trust income and principal. On the Settlor's death, the Trustee is to donate a portion of the Property that the Trustee considers appropriate for certain public park purposes (the "Park Site"). The Power Holder may, in the Power Holder's discretion, designate a cash distribution to accompany that donation.	
		Please see additional page	
		Reviewed by: KT	
		Reviewed on: 7/10/14	
		Updates:	
		Recommendation:	
		File 3 - Silberstein	

The Trustee is to distribute the rest of the trust among the following beneficiaries in such shares as the Power Holder designates in the Power Holder's sole discretion in a document executed before the Settlor's death:

- a) Michael Daw, son of the Settlor's nephew, Robert Bianchi
- b) Karen Machlan, the Settlor's niece
- c) Joy Masters Durner, the Settlor's step-niece
- d) Betty Haight, the Settlor's friend
- e) Claire Daw, the former wife of Robert Bianchi
- f) Planned Parenthood Federation of America, Inc.
- g) The San Francisco Maritime Museum, San Francisco, CA
- h) Colonial Williamsburg, Williamsburg, VA
- i) Meux Home Museum, Fresno, CA
- j) Governor's Mansion State Historic Park, Sacramento, CA
- k) Nevada State Railroad Museum, Carson City, NV
- l) Bowers Mansion, Washoe County Parks Dept. Washoe Valley, NV

Petitioner proposed to reserve approximately 5.5 acres as the Park site and to sell the rest of the Property (the "Development Portion"). Court approval of the sale is a condition precedent to the sale under the terms of the Trust. Subdivision of the Property into the Development Portion and the Park Site would also be a condition to the closing. This would be an "as is" offer for \$10,000,000.00 cash. As the seller in the proposed transaction the Gift Trust would incur expenses of the sale and certain transaction costs. In addition, the Gift Trust could incur an annexation assessment necessary to effect annexation of the retained Park Site Portion by the local community services district. The amount of any such annexation assessment is uncertain at the present time; however, the total annexation assessment payable by the Gift Trust is not expected to exceed approximately \$170,000.00. If the Court approves the sale of the Development Portion as requested herein, such sale transaction is expected to close during February 2015.

Petitioner understands that because the Gift Trust is revocable, the Settlor is deemed to own its assets for income tax purposes, and that if the sale closes before the Settlor's death the Settlor would be recognize significant capital gains. The Settlor's tax basis for the Property is very low because the Settlor received the Property as part of an inheritance in the late 1960s. Petitioner seeks permission to defer such gain, in an amount Petitioner deems appropriate, through a like-kind exchange into business or investment real property under IRS Code § 1031. Petitioner understands that any gain inherent in the Property would disappear due to a market value adjustment in the Settlor's estate under IRS Code § 1014 if the Settlor dies before the sale closes. Petitioner expects to retain some of the proceeds as cash reserves in case they are needed for the Settlor's support. Petitioner further expects to retain some of the sale proceeds to fund improvements of the retained Park Site Portion of the Property. Petitioner also desires the flexibility of not entering into such an exchange at all. Petitioner must retain his fiduciary discretion and flexibility as to the identification and selection of appropriate exchange property, including the discretion not to enter into any such exchange at all depending on the facts and circumstances at the time of the closing of the proposed sale of the Development Portion of the Property.

Petitioner believes the sale should occur for the following reasons:

- a. Present sale of the Development Portion of the Property will provide needed cash flow and income. If the Development Portion of the Property is not sold, the Giff Trust will lack sufficient liquidity to maintain and own the Property within the next three years or sooner.
- b. Market conditions strongly favor the current sale of the Development Portion of the Property. Due to recent developments concerning demand for housing in and near the City of Folsom, very low interest rates, and scarcity of suitable undeveloped land within and adjacent to the City of Folsom, petitioner believes now is a very advantageous time for the Giff Trust to capture a strong premium price for the Development Portion for the Property and to diversify the assets of the Giff Trust.
- c. Public opinion and political trends impose increasing barrier to full realization of full value of the Development portion of the Property. The property has been largely unused for more than thirty-five years and in its present state presents a very positive aesthetic to the surrounding developed upscale residential area. Folsom community on-line blogs already include discussion and suggestion that the Property (currently zoned Agricultural-Reserve District) be zoned to uses that would effectively minimize the value of the Property. Some commentators assume the property is already public property or subject to restrictions that it be regarded as open space. A present sale of the Development Portion of the Property would preserve the value of the Property for Settlor's benefit and that of the remainder beneficiaries. Petitioner believes a sale in the future is likely to encounter more serious public resistance to development of the Property than with the present sale.
- d. Discovery of hazardous substances on the Part Site Portion of the Property requires the Giff Trust to Property undertake remediation measures. Petitioner was informed of the presence of the presence of hazardous substances (lead paint chips) in the soil of a portion of the property. The Giff Trust bears the burden of remediation the presence of the hazardous substance in accord with applicable law. Such remediation will require the engagement of experts and specialized licensed contractors, and the retesting and certification of removal and proper disposal of the hazardous substances. Without a sale of the Development Portion of the Property, the Giff Trust will not have the financial means to undertake the required environmental clean-up.

Petitioner prays for an order of this court that:

1. Issue an order that Petitioner may sell and otherwise transfer the Property and invest in otherwise deal with the proceeds as described above.

Note: The terms of the trust state "The Power Holder shall be D. Steven Blake. If D. Steven Blake does not survive the Settlor, and if he did not make a valid exercise of his power of appointment during his lifetime, the successor Power Holder shall be Robert W. Bianchi."

4 Juanita Mason (Estate)

Case No. 12CEPR00881

Atty Armas, J. Todd (for Gregory Taylor – Executor – Petitioner)

Amended Waiver of Accounting and Petition for Final Distribution and for Allowance of Compensation

DOD: 3-31-12		<p>GREGORY TAYLOR, Executor with Full IAEA without bond, is Petitioner.</p> <p>Accounting is waived</p> <p>I&A: \$504,522.95 POH: \$504,522.95 (\$205,522.95 cash plus real property)</p> <p>Executor (Statutory): Waived</p> <p>Attorney (Statutory): \$13,090.46</p> <p>Distribution pursuant to decedent's will:</p> <p>Mason Family Trust: Entire estate</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Note:</u> Executor Gregory Taylor is a resident of West River, Maryland.</p> <ol style="list-style-type: none"> The decedent's surviving spouse Joseph Mason was not provided Notice of Hearing on this petition. Joseph Mason is one of the settlors and is a beneficiary of the Mason Family Trust of 2004 and as such is entitled to direct notice pursuant to Probate Code § 1208 and Cal. Rules of Court 7.51. <u>Prior Examiner Notes</u> stated: "Need Property Tax Certificate." This refers to #5 of the Inventory and Appraisal (Property Tax Certificate) filed 11-2-12, which is blank. Petitioner attached a copy of the current property tax bill/statement to this petition; however, this does not address the issue. Need verified declaration containing the information set forth in #5 of the I&A, which <u>certifies</u> that the requirements of Revenue and Taxation Code § 480 have been satisfied by the filing of a change of ownership statement with the county recorder or assessor in the county in which the decedent owned property. Further, the bill/statement that Petitioner attaches indicates that there are delinquent taxes that may jeopardize the property. The Court may require clarification: Why was the estate's real property allowed to become delinquent during administration? <p style="text-align: center;">SEE ADDITIONAL PAGES</p>	
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input checked="" type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			X
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<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			11-9-12
<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 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: 7-11-14				
Updates:				
Recommendation:				
File 4 - Mason				

Page 2

NEEDS/PROBLEMS/COMMENTS (Continued):

4. Petitioner filed a "Trustee Acceptance of Trust" pursuant to Probate Code §10954; however, the document appears to confuse the trustee's acceptance of the trust with the executor's role in administering the decedent's estate.

The document states the trustee will "Administer the trust estate in accordance with the law and will of the testator," and will "File a final account (or waiver of) with the Court." These are duties associated with administration of this decedent's estate only, which is separate from administration of the trust created in 2004 by both the decedent and her spouse, Joseph Mason, who is not deceased, as settlors.

Acceptance of trust should reference and acknowledge the terms of the trust agreement. Therefore, need amended Acceptance of Trust.

5. Need declaration pursuant to Local Rule 7.12.5., setting forth the name of the trust, its establishment date, taxpayer ID number, verifying that the trust is in full force and effect, and that the trustee has an executed copy of the trust in possession.

Note: Examiner is confused by Petitioner's statement that the trust is "not funded." Is the Mason Family Trust of 2004 actually in existence? If not, the decedent's will does makes a provision for alternate distribution at Article Fifth and complete amendment of this petition will be necessary.

6. The Property On Hand Schedule lists the same exact amounts in each specific account as originally listed on the I&A as of the decedent's date of death (3-31-12), even though Petitioner states at Page 2, Line 24, that cash has been kept in interest-bearing accounts. Although accounting is waived, Cal. Rules of Court 7.550 requires the petition to state the property on hand. If this is the correct amount, then need clarification as to why these accounts have not earned any interest in over two years of estate administration. See also Duties and Liabilities of Personal Representative, #1.c. (Form DE-147, filed 10-31-12, signed by the Executor).

Note: The accounts listed include investment-type accounts at Morgan Stanley, as well as a "Western National Policy." Need clarification: Are these cash accounts? Why did they not earn interest? Alternatively, if they were converted to cash accounts, or consolidated, need explanation pursuant to Cal. Rules of Court 7.550.

7. There appears to be a typo in both the I&A and the POH Schedule – cash accounts add up to \$205,522.95 (subject to clarification re interest on the accounts, as noted above). This affects both statutory fees and the distribution as follows: If I&A is \$505,522.95, statutory compensation would be \$13,110.46, and distribution to the trust would be \$205,522.95 less \$13,110.46, or \$192,412.49 plus the real property, subject to clarification above. Need revised order.
8. The revised order should also include the legal description of the real property. Local Rule 7.6.1.A.

		TEMP EXPIRES 12-18-13, extended to 1-15-14	NEEDS/PROBLEMS/COMMENTS:
		GALE BREWER MUNCE , Maternal Great-Grandmother, is Petitioner.	Minute Order 12-18-13: The Court orders that Ms. Munce intervene in the Family Law matter and seek a prompt order. The temporary is extended to 1/15/14. Continued to 1/15/14; Temporary Guardianship Letters extended to 1/15/14.
		Father: JAMES PARKER - <i>Objection filed 12-27-13</i>	Minute Order 1-15-14: Family Law case number 13CEFL00969 is provided to the Court as a related case. The subpoenaed documents are released to Michael Margosian at the Court's direction. The temporary is extended to 7/15/14. The Court orders that the temporary expire on 7/15/14 or earlier upon order from Family Court. Ms. Schacher is directed to prepare the order. The Court notes for the minute order that James Parker left abruptly prior to the conclusion of today's hearing. Continued to: 7/15/14 at 09:00a.m. in Dept 303. Temporary Letters extended to: 7/15/14. (<i>Note: Extended Letters were never submitted or issued.</i>)
		Mother: EDEN LANTIA	<u>Note: It appears that the hearing on the motion for joinder to the family law matter has been continued a number of times to 7-29-14 in Dept. 202. The orders made 12-17-13 remain in effect, which state: "Father has the sole decision regarding Hailey and McKenzie (if guardianship is terminated)."</u>
	Aff.Sub.Wit.	Paternal Grandfather: Joseph Parker Paternal Grandmother: Teresa Parker	As of 7-10-14, nothing further has been filed in this Guardianship matter; however, there appears to have been ongoing proceedings in the family law matter.
✓	Verified	Maternal Grandfather: Curtis R. Lantia Maternal Grandmother: Jennifer Lantia - <i>Consents and waives notice</i>	<u>If this matter goes forward, there are a number of issues that have not been addressed:</u>
	Inventory		SEE ADDITIONAL PAGES
	PTC		SEE ADDITIONAL PAGES
	Not.Cred.		
	Notice of Hrg	X Siblings: Hailey M. Parker (3) and Savanna R. Parker (5)	
	Aff.Mail	X Petitioner states [REDACTED].	
	Aff.Pub.	Court Investigator Dina Calvillo filed a report on 12-16-13.	
	Sp.Ntc.		
	Pers.Serv.	X Objection filed 12-27-13 by James Parker, Father, states [REDACTED]	
	Conf. Screen	X	
	Letters	X	
✓	Duties/Supp		
✓	Objections		
	Video Receipt		
✓	CI Report		
	Clearances		
	Order	X	
	Aff. Posting		Reviewed by: skc
	Status Rpt		Reviewed on: 7-10-14
✓	UCCJEA		Updates:
	Citation		Recommendation:
	FTB Notice		File 5 – Parker

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NEEDS/PROBLEMS/COMMENTS:

The following issues remain:

1. Need Confidential Guardian Screening Form (Mandatory Judicial Council Form GC-212).
2. Need Notice of Hearing.
3. Need proof of personal service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing pursuant to Probate Code §1511 or consent and waiver of notice or declaration of due diligence on:
 - James Parker (Father)
 - Eden Lantia (Mother)
4. Need proof of service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing pursuant to Probate Code §1511 or consent and waiver of notice or declaration of due diligence on:
 - Joseph Parker (Paternal Grandfather)
 - Teresa Parker (Paternal Grandmother)
 - Curtis Lantia (Maternal Grandfather)
5. The Court may require clarification regarding the presently pending family law action. See Local Rule 7.15.7.

<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>Vernon: 11-27-12</td></tr> <tr><td>Barbara: 12-30-12</td></tr> <tr><td> </td></tr> <tr><td> </td></tr> <tr><td> </td></tr> <tr><td>Cont. from: 051314</td></tr> <tr><td>Aff.Sub.Wit.</td></tr> <tr><td><input checked="" type="checkbox"/> Verified</td></tr> <tr><td>Inventory</td></tr> <tr><td>PTC</td></tr> <tr><td>Not.Cred.</td></tr> <tr><td><input checked="" type="checkbox"/> Notice of Hrg</td></tr> <tr><td><input checked="" type="checkbox"/> Aff.Mail w/o</td></tr> <tr><td>Aff.Pub.</td></tr> <tr><td>Sp.Ntc.</td></tr> <tr><td>Pers.Serv.</td></tr> <tr><td>Conf. Screen</td></tr> <tr><td>Letters</td></tr> <tr><td>Duties/Supp</td></tr> <tr><td><input checked="" type="checkbox"/> Objections</td></tr> <tr><td>Video Receipt</td></tr> <tr><td>CI Report</td></tr> <tr><td>9202</td></tr> <tr><td>Order X</td></tr> <tr><td>Aff. Posting</td></tr> <tr><td>Status Rpt</td></tr> <tr><td>UCCJEA</td></tr> <tr><td>Citation</td></tr> <tr><td>FTB Notice</td></tr> </table>	Vernon: 11-27-12	Barbara: 12-30-12				Cont. from: 051314	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/o	Aff.Pub.	Sp.Ntc.	Pers.Serv.	Conf. Screen	Letters	Duties/Supp	<input checked="" type="checkbox"/> Objections	Video Receipt	CI Report	9202	Order X	Aff. Posting	Status Rpt	UCCJEA	Citation	FTB Notice	<p>VANCE KACHADURIAN, Trustee, is Petitioner.</p> <p>Acct period: 12-30-12 through 2-21-14 Accounting: \$223,228.36 Beginning POH: \$218,648.23 Ending POH: \$0</p> <p>Trustee waives compensation; however, \$4,437.66 was paid to the trustee for partial reimbursement of \$8,630.94 in expenses incurred.</p> <p>Attorney: Not addressed</p> <p>Petitioner states he took the following actions as trustee:</p> <ul style="list-style-type: none"> • Collected death benefits from Met Life xx131 of \$6,624.92 • Removed all tangible personal property from settlors' residence, which is being stored (see petition for storage address) • Closed Citibank Acct #xx502 and collected balance of \$4,437.66 as partial reimbursement for trust expenses • Sold residence for \$207,900.00 • Paid trust expenses of \$8,630.94 from Petitioner's personal assets because the balance of the Citi account #xx502 was the only liquid asset of the trust and was insufficient to cover the expenses • Made distributions totaling \$200,507.79 to the three beneficiaries as follows: <ul style="list-style-type: none"> - Cynthia Erbil \$66,835.93 - Vanessa Kachadurian \$66,835.93 - Vance Kachadurian \$66,835.93 <p>Petitioner states Citibank Acct #xx088 is not accounted for because it was held in joint tenancy in the names of Vernon Kachadurian and Vance Kachadurian and was not an asset of the trust at Vernon's death.</p> <p style="text-align: center;">SEE ADDITIONAL PAGES</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: Petitioner alleges that beneficiary Vanessa Kachadurian took possession of various assets. It is unclear whether the acts alleged were prior to or after the deaths of the settlors, or if they took place during this account period. Petitioner does not request relief in connection with the allegations; the petition only seeks approval of Petitioner's actions as trustee for the period indicated. Therefore, the following items are noted for the Court's consideration regarding this request.</p> <ol style="list-style-type: none"> 1. Notice of Hearing filed 4-17-14 indicates that a copy of the accounting petition was <u>not</u> included in the mailing to the beneficiaries. Probate Code §17203 does not require that a copy of a petition under that section (internal affairs of a trust) be included; however, the Court may require clarification with respect to Probate Code §16060 et seq (duty to inform, account, etc.). <u>Have the beneficiaries been provided a copy of this petition?</u> 2. Trust Exhibit A indicates that the trust originally contained two properties: One on N. Sixth Street that was sold as described in this petition, and another on E. Nees Avenue that is not mentioned in this petition. The Court may require clarification as to the disposition of the Nees Avenue property. 3. The trust indicates that the life insurance policies indicated in Exhibit B are assets of the trust; however, Exhibit B is not attached. Petitioner indicates receipt and distribution of one policy (Met). The Court may require clarification as to whether there were any others mentioned in the trust's Exhibit B. 4. The Court may require clarification as to the expenses incurred by Petitioner that were partially reimbursed. <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>Reviewed by: skc</td></tr> <tr><td>Reviewed on: 7-10-14</td></tr> <tr><td>Updates: 7-14-14</td></tr> <tr><td>Recommendation:</td></tr> <tr><td>File 6 - Kachadurian</td></tr> </table>	Reviewed by: skc	Reviewed on: 7-10-14	Updates: 7-14-14	Recommendation:	File 6 - Kachadurian
Vernon: 11-27-12																																				
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File 6 - Kachadurian																																				

Page 2

Petitioner alleges that Vanessa Kachadurian, without knowledge, permission, consent, or authorization of Vernon or Vance, unlawfully used Vernon's ATM card to withdraw approx. \$2,500.00 from Citibank Acct #xx088, and also removed approx. \$4,000.00 cash and tangible personal property from the residence including jewelry, misc. furnishings, Vernon's wallet, credit cards, Citibank debit card, and coins. Petitioner also alleges that Vanessa Kachadurian, by way of undue influence, fraud or theft, took possession of the 2005 Toyota Sienna thereby removing said van from the trust estate.

Petitioner prays for an order settling, allowing and approving the account and ratifying, confirming, and approving all acts and transactions of Petitioner as set forth in the petition, and for such other relief as the Court deems appropriate.

Objections filed 7-14-14 by Vanessa Kachadurian states the unfounded and absurd accusations against her that have nothing to do with the matter before the Court. The one fact that the petitioner fails to mention is that he persuaded his father to change an account to a joint account with him and his father; this was a Citibank account that was titled in the name of the trust and had a balance of approx. \$80,000. Petitioner claimed that account on their father's death. Objector believes that Petitioner deceived their father to enter into this transaction. It was the decedent's intent, as well as that of their mother, that all assets and accounts be divided equally between their children. The petitioner took a windfall profit by this transaction, which accrued to his personal benefit and to the detriment of his siblings.

Objector objects to the unsubstantiated suppositions made in Paragraph 9 that Objector took cash, coins, jewelry and other personal property from the decedent's home without consent or knowledge of the petitioner, and the unsubstantiated contention in Paragraph 10 that she removed the Toyota van from the estate by other than law means. Objector contends that the decedent signed the van over to her.

Objector objects to the fact that the petitioner has admitted he has all of the personal property, furnishings and furniture from the house in a storage facility, yet failed to submit a detailed inventory of those items or his intentions as to distribution. Additionally, he has donated or otherwise disposed of some items and has not furnished receipt.

Objector would be interested in knowing the plan for distribution of the personal property, furnishings and furniture from the house, are there are a number of items that Objector is interested in obtaining.

Objector requests that the Court:

- 1. Deny the petition as prayed;**
- 2. Order Petitioner to file an amended petition omitting all the irrelevant editorial comments made in regard to Objector;**
- 3. Order Petitioner to file a complete and detailed inventory of the personal property, furnishings and furniture taken from the house as well as any other property items in his personal possession; and**
- 4. All other proper relief as the Court may deem just and proper.**

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

		NO TEMP REQUESTED	NEEDS/PROBLEMS/COMMENTS: Court Investigator advised rights on 6-11-14 Voting rights affected – need minute order 1. Petitioner lists two relatives, Tenna Sehorn. niece, and Richard Sehorn, nephew, as addresses unknown. The Court may require diligence or notice per §1822. Declaration of Attorney Bagdasarian filed 7-14-14 states the proposed conservator has attempted to locate these relatives, but has been unsuccessful. There was a previous allegation that Tenna Sehorn had stolen funds from the proposed Conservatee and has therefore not been in contact with family members. <u>Note:</u> If granted, the Court will set status hearings as follows: <ul style="list-style-type: none"> Tues 9-29-14 for filing bond Tues 12-16-14 for filing Inventory and Appraisal Tues 12-21-15 for filing first account. If appropriate items are filed, the above status hearings may be taken off calendar.
		DEBORAH TITUS , Niece, is Petitioner and requests appointment as Conservator of the Person with medical consent powers and dementia medication and placement powers, and as Conservator of the Estate with bond of \$20,000.00. Voting rights affected A Capacity Declaration was filed 5-19-14. Estimated value of estate: Personal property: \$300.00 Annual income: \$17,724.12 Real property: \$80,000.00 Petitioner states the proposed Conservatee is unable to provide for her needs for physical health, food, clothing, and shelter, or manage her financial resources or resist fraud or undue influence because of her advanced state of dementia. Court Investigator Dina Calvillo filed a report on 7-1-14. The report states Petitioner resides in Carmichael, CA, but has been assisting her aunt for the past 4-5 years. Ms. Dolby owns a home in Fresno that was not in the “safest area of town” but moved to a nursing home in 2012 after APS became involved on a couple of occasions because she was allowing people into her home. Prior to that, a family member who lived in Fresno took financial advantage of her versus helping like she said she would. Per Petitioner, since her aunt has been at Sierra Vista Healthcare Center, she is more at ease and is receiving good care. The home is being rented because Petitioner did not want to leave it vacant. Per Social Service Director Karol Rios at Sierra Vista, Petitioner is very involved in Ms. Dolby’s care and there are no concerns with Petitioner being appointed as her conservator. It is recommended that the petition be GRANTED .	
Cont. from: 070114			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
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<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail	W	
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<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input checked="" type="checkbox"/>	Video Receipt		
<input checked="" type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		Reviewed by: skc Reviewed on: 7-10-14 Updates: 7-14-14 Recommendation: File 7 - Dolby	

Petition to Determine Succession to Real Property (Prob. C. 13151)

DOD: 2/21/2014		<p>DANI V. ELLEN, daughter and Successor Trustee of the LUCILA V. THOMAS 2007 REVOCABLE TRUST, is Petitioner.</p> <p>40 days since DOD.</p> <p>No other proceedings.</p> <p>I & A - \$145,000.00</p> <p>Will dated 5/3/2007 devises the estate residue to the Trustee of the LUCILA V. THOMAS 2007 REVOCABLE TRUST.</p> <p>Petitioner requests Court determination that Decedent's 100% interest in real property located at 2603 16th Ave., Kingsburg, passes to the Petitioner as Successor Trustee of the LUCILA V. THOMAS 2007 REVOCABLE TRUST pursuant to Decedent's Will.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need original Will of the Decedent to be deposited with the Court pursuant to Probate Code § 8200. Deposit fee of \$50.00 will be due from Petitioner prior to the order for distribution being processed for Petitioner. 2. Decedent's Will devises the estate residue to the Trustee of the LUCILA V. THOMAS 2007 REVOCABLE TRUST, thus the Petition requests distribution to the Petitioner as Successor Trustee. Pursuant to Local Rule 7.12.5, if property in the estate is to be distributed to a pre-existing trust, the current trustee must file a declaration setting forth the name of the trust, its establishment date, and taxpayer identification number, verifying that the trust is in full force and effect, and that the trustee has an executed copy of the trust in possession. Need a declaration of trust to be filed with the Court prior to distribution of the estate.
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input checked="" type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
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<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: LEG	
		Reviewed on: 7/10/14	
		Updates:	
		Recommendation:	
		File 9 - Thomas	

DOD: 9-26-13		<p>LIANA M. WAITE, Daughter, is Petitioner and requests appointment as Administrator with Will Annexed with Full IAEA without bond.</p> <p>All heirs waive bond.</p> <p>Full IAEA – ok</p> <p>Holographic Will dated 9-18-13</p> <p>Residence: Fresno Publication: Fresno Business Journal</p> <p>Estimated value of estate: Personal property: \$ 5,000.00 Real property: \$160,601.00 (encumbered for \$155,000.00) Total: \$ 10,601.00</p> <p>Probate Referee: Steven Diebert</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: If granted, Status hearings will be set as follows:</p> <ul style="list-style-type: none"> • Tues 12-16-14 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal and • Tues 9-16-15 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>
<input checked="" type="checkbox"/>	Proof of Holographic Will		
<input checked="" type="checkbox"/>	Verified		
	Inventory		
	PTC		
	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail		
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	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
<input checked="" type="checkbox"/>	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
		<p>Reviewed by: skc</p> <p>Reviewed on: 7-10-14</p> <p>Updates: 7-11-14, 7-14-14</p> <p>Recommendation:</p> <p>File 10 - Sena</p>	

DOD: 10-28-04 	LEON Y. GEORGE , father, and ARMEN L. GEORGE , brother, were appointed as Co-Administrators with Full IAEA without bond and Letters issued on 1-25-05.	NEEDS/PROBLEMS/COMMENTS: <u>Cont'd from 2-14-14, 3-14-14, 5-16-14</u>
Cont. from 021414, 031414, 051614	Leon Y. George is a resident of Fresno, CA. Armen L. George is a resident of Sammamish, WA.	Minute Order 2-14-14: Counsel informs the Court that he is waiting on a copy of the brokerage account.
<input type="checkbox"/> Aff.Sub.Wit.	The original petition alleged \$200,000.00 in personal property, annual income from personal property of \$5,000.00, and real property valued at \$150,000.00. However, no Inventory and Appraisal was ever filed pursuant to Probate Code §8800.	Minute Order 3-14-14: Partial Inventory and Appraisal submitted to Mr. Diebert. Waiting on brokerage account.
<input type="checkbox"/> Verified	Three Creditor's Claims have been filed totaling \$28,426.95, and a Request for Special Notice was filed by the State of California Franchise Tax Board on 11-6-06.	Minute Order 5-16-14: Partial Inventory and Appraisal submitted to Mr. Diebert.
<input type="checkbox"/> Inventory	No accounting or petition for final distribution was ever filed pursuant to Probate Code §12200.	<u>As of 7-10-14, nothing further has been filed. The following issues remain:</u>
<input type="checkbox"/> PTC	The Court set this status hearing for failure to file Inventory and Appraisal and failure to file accounting or petition for final distribution. Both attorney and personal representative(s) are ordered to appear.	<ol style="list-style-type: none"> 1. Need Inventory and Appraisal pursuant to Probate Code §8800. 2. Need accounting and petition for final distribution pursuant to Probate Code §12200.
<input type="checkbox"/> Not.Cred.	Notice of Status Hearing was mailed to Attorney Jeffrey D. Simonian and to Administrators Leon Y. George and Armen L. George on 11-21-13.	Note: Decedent's heirs pursuant to intestate succession would be his parents, Leon Y. George and Louise K. George.
<input type="checkbox"/> Notice of Hrg	Status Report filed 7-14-14 by Attorney Simonian states the Co-Administrators have collected and marshaled the assets of the estate; however, the estate is not presently in a position to be closed. A partial inventory of the real property has been completed and returned by the probate Referee. A Change in Ownership Statement and Claim for Reassessment Exclusion needs to be signed by the appropriate parties before filing. Additional information concerning securities held by the decedent at the date of death is needed from ETrade Securities to file the final inventory. A second request has been sent to ETrade. The FTB Claim relates to an unfiled California personal income tax return for the decedent for 2003. The Co-Administrators are searching records to determine whether a return was filed and gathering information to complete if not. In addition, they are gathering the information needed for state and federal returns for 2004. Additional time is therefore needed. The sole heirs are the decedents parents, both of whom are still living. Attorney Simonian will address any questions at the hearing.	Reviewed by: skc
<input type="checkbox"/> Aff.Mail		Reviewed on: 7-10-14
<input type="checkbox"/> Aff.Pub.		Updates: 7-14-14
<input type="checkbox"/> Sp.Ntc.		Recommendation:
<input type="checkbox"/> Pers.Serv.		File 11 – George
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		

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

DOD: 8/9/1999	DIANA L. SANCHEZ , daughter, was appointed Executor with Full IAEA without bond on 7/18/2000; Letters issued on 7/20/2000.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Continued from 5/23/2014.</u></p> <p>The following issues from the last hearing remain:</p> <ol style="list-style-type: none"> 1. Need <i>Final Inventory and Appraisal</i> pursuant to Probate Code § 8800(b). 2. Need first and final account and/or petition for final distribution, or verified <i>Status Report</i> and proof of service of notice of the status hearing pursuant to Local Rule 7.5(B) for the following persons: <ul style="list-style-type: none"> • CULLEN DOUGLAS BIRCH, son; • GUY WESLEY BIRCH, son; • JON KEITH BIRCH, son; • DIANA LYNN SANCHEZ, daughter (Executor); • Trustee of the GIBSON AND MARIE HUNTER REVOCABLE FAMILY TRUST dated 5/21/1997; • E. Warren Gubler per <i>Request for Special Notice</i> filed 6/8/2000. <p>Note: <i>Proof of Personal Service of the Creditor's Claim of PABLO MENDOZA</i> filed on 7/10/2014 shows that Attorney William Seymour was personally served with a copy of the <i>Creditor's Claim</i> on 7/10/2014.</p> <p>Update: Please see Third Additional page for Declaration of Sheila Krebs filed 7/14/2014.</p> <p>~Please see additional page~</p> <p>Reviewed by: LEG</p> <p>Reviewed on: 7/14/14</p> <p>Updates: 7/14/14</p> <p>Recommendation:</p> <p>File 12 - Hunter</p>
Cont. from 120613, 021414, 032814, 052314	Amended Petition for Probate filed 6/27/2000 estimated the value of the property of the estate at \$152,000.00 , consisting of \$12,000.00 in personal property and \$140,000.00 in real property.	
Aff.Sub.Wit.		
Verified	X	
Inventory	X	
PTC		
Not.Cred.		
Notice of Hrg	X	
Aff.Mail	X	
Aff.Pub.		
Sp.Ntc.	X	
Pers.Serv.		
Conf. Screen		
Letters	072000	
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
	Decedent's Will dated 5/21/1997 devises all property and entire residue of the estate to the Trustee of the GIBSON AND MARIE HUNTER REVOCABLE FAMILY TRUST dated 5/21/1997.	
	Pursuant to Probate Code § 8800(b) , <i>Final Inventory and Appraisal</i> was due 11/20/2000.	
	Pursuant to Probate Code § 12200 , first account and/or petition for final distribution was due 7/20/2001.	
	Notice of Status Hearing filed 10/31/2013 set a status hearing on 12/6/2013 for failure to file the inventory and appraisal and failure to file a first account or petition for final distribution. Status Hearings have been continued since 12/6/2013.	
	Minute Order dated 3/28/2014 from the last Status Hearing held in this matter states the Order to Show Cause issued to Executor Diana Sanchez is dismissed. Diana Sanchez was not present at hearing on 3/28/2014. Attorney William Seymour appeared at hearing on 3/28/2014.	
	~Please see additional page~	
Aff. Posting		
Status Rpt	X	
UCCJEA		
Citation		
FTB Notice		

Note: Attorney E. Warren Gubler filed a *Request for Special Notice* on 6/8/2000 in relation to a **\$14,102.00** Creditor's Claim of Mission Medical Enterprises dba Hanford Rehab Hospital. *Allowance of Creditor's Claim* was filed 8/18/2000, allowing the claim for **\$14,102.00** of Mission Medical Enterprises d.b.a. Hanford Rehab Hospital.

Note: Creditor's Claim was filed on 9/26/2000 by Kings Credit Services on behalf of Hanford Community Medical Center for **\$63,118.47**.

Note: Creditor's Claim filed on 7/10/2014 by PABLO MENDOZA, claimant to Estate real property for an amount "to be determined by the Court," contains *Exhibit A through Exhibit H* consisting of voluminous supporting documents and receipts, and states:

- The Decedent and her husband, **GIBSON PETE HUNTER**, owned real property located at 1535 S. Third Street in Fresno;
- Claimant and his wife, **GEORGINA MENDOZA**, began renting the home located at 1535 S. Third Street from Mr. and Mrs. Hunter in ~1992 or 1993;
- Over time, he and his wife became good friends with Mr. and Mrs. Hunter, so much so that Mr. and Mrs. Hunter came to their home weekly for lunch and a visit, not just for the purpose of collecting the rent when it was due; he and his wife always paid their rent to Mr. and Mrs. Hunter in person;
- In early 1996, he and his wife entered into an agreement with Mr. and Mrs. Hunter to purchase their property on 1535 S. Third Street for **\$40,000.00** (copies of loan and Escrow documents attached);
- On 6/22/1996, he and his wife made a **\$5,000.00** down payment toward the purchase of the home (copy of down payment receipt signed by Mr. Hunter attached; copy of signed and notarized Note for purchase of house dated 8/20/1996 attached);
- On 7/18/1996, he and his wife began making monthly payments of **\$420.06** on a **\$29,119.16** note, plus interest, for purchase of the home; **CULLEN D. BURCH**, one of Mrs. Hunter's sons, assumed control of the Hunters' business affairs in 1999, and he and his wife's house payments were then made in cash or money order to Mrs. Burch; he and one of his sons traveled every month to Mr. Burch's home in Hanford to make their house payment (copies of monthly payment receipts dated from 3/16/1996 through 2/22/2010 attached);
- After Mr. Hunter and then Mrs. Hunter passed away, sometime in 2000 a dispute broke out between Cullen Burch and **DIANA SANCHEZ** [Executor], and attorney William Seymour became involved in the Estate of Marie Ophelia Hunter;
- With the assistance of one of his sons, he began traveling to Lemoore each month to personally make his house payments at Attorney Seymour's law office, the first of which was made on 6/21/2000; he traveled without fail each month to Lemoore to make their house payments;
- In July of 2003, Attorney Seymour instructed him in writing to continue to make house payments to the Estate of Marie Hunter, but to mail the payments to Diana Sanchez at 232 N. Lemoore Ave. #26, Lemoore (copy of letter from Attorney Seymour dated 7/1/2003 attached);

~Please see additional page~

Creditor's Claim filed on 7/10/2014 by PABLO MENDOZA, continued:

- He complied with Attorney Seymour's instructions and mailed their payment to Diana Sanchez; however, their 7/14/2003 payment was returned by the US Postal Service due to insufficient address; he resumed making trips to Attorney Seymour's office in Lemoore to make their house payments, as he had no way of locating Diana Sanchez and it seemed to him that Attorney Seymour was continuing to be Diana Sanchez' collection agent; when Attorney Seymour moved his office to Visalia, he travelled to Visalia to make their house payments at Attorney Seymour's office each month, well into the year 2010 (*copies of monthly payment receipts to Law Office of William Seymour attached*);
- Sometime in 2010, Attorney Seymour stated to him while making their house payment at his office in Visalia that he should stop making the house payments because they had overpaid their Note; Attorney Seymour held up a 2 ½ to 3 inch stack of Money Orders that had not been cashed, and told him and his son that the stack represented ~3 years of their house payments;
- Attorney Seymour stated, "The Estate of Marie Hunter will owe you a lot of money back."
- His records document monthly house payments through 3/18/2010 which is 34 months past the 118 month payment schedule on their original note; he believes they have made payments well past 3/18/2010, but has yet to complete compiling his remaining records; based on his calculations, their overpayment on their Note to date is **\$14,295.62** (*copies of Amortization schedule attached*);
- In early 2011, they were told the Estate of Marie Hunter had settled; Attorney Seymour's office instructed him to travel to his law office in Visalia to meet Attorney Seymour and Diana Sanchez, who was now the personal representative of the Estate of Marie Hunter, and that Diana Sanchez would appear at Attorney Seymour's office to sign a *Deed of Personal Representative* to finally release title to the property located at 1535 S. Third Street to him and his wife, who had been legally residing at the residence well before their 6/22/1996 down payment to purchase the property;
- Diana Sanchez failed to appear at Attorney Seymour's office in Visalia for the initial scheduled meeting, and she continued not to show up at all of the later scheduled meetings at Attorney Seymour's office to which he and his son made repeated trips, possibly more than 10 times;
- **Without legal title to their home, they cannot purchase fire insurance or claim their home as an asset, even though they have paid the Fresno County Property Tax on their home since 1997** [*emphasis in original*];
- Diana Sanchez again did not show up to the last scheduled meeting, and Attorney Seymour gave him an unsigned copy of the *Deed of Personal Representative* and told him it was his responsibility to hire a Private Investigator to search for and locate Diana Sanchez and to have her sign that document and return the signed document to Attorney Seymour; (*copy of unsigned deed for transferring title from the Estate to Pablo Mendoza attached*);
- Attorney Seymour told him that he was unable to locate Diana Sanchez and referred him to a local Private Investigator in Visalia; his son, on his behalf, contacted the Private Investigator who quoted a fee for services of **\$900.00** to locate Diana Sanchez, but he was unable to hire the Private Investigator because he did not have the **\$900.00** to pay for his service.

~Please see additional page~

Notes for Background:

- **Minute Order dated 12/6/2013 from the hearing set by the Notice of Status Hearing filed 10/31/2013** for failure to file the inventory and appraisal and failure to file a first account or petition for final distribution states: Ms. [Marlene] Hubbel is appearing specially for Attorney William Seymour. The Court directs Mr. Seymour to file a declaration requesting to be relieved as counsel with a copy of any correspondence or substitution of attorney sent to Diana Sanchez. The Court will allow Mr. Seymour to withdraw as counsel upon review of the documents and an order after hearing. The Court orders Mr. Seymour to retain any documents in his possession. Said documents will be subject to being turned over to either Diana Sanchez or an individual subsequently appointed. The Court sets the matter for an Order to Show Cause on 2/14/2014 regarding failure to file the inventory and appraisal; failure to file the first account or petition for final distribution, and imposition of sanctions in the amount of **\$500.00**. The Court orders Diana Sanchez to be personally present on 2/14/2014.
- **Minute Order dated 2/14/2014 states:** Order to Show Cause to issue for Diana Sanchez upon receipt of a new address from counsel.
- **Minute Order dated 3/28/2014** from the last Status Hearing held in this matter states the Order to Show Cause issued to Executor Diana Sanchez is dismissed.

Declaration of Sheila Krebs, registered process server, filed 7/14/2014 states:

- On 7/9/2014, she received the assignment to serve the Creditor's Claim to the Law Office of William L. Seymour located at 220 N. Santa Fe Street, Visalia, CA 93292; she was given a printout from the State Bar of California with this information on it;
- On 7/10/2014 at 11:25 a.m., she arrived at the address 220 N. Santa Fee Street, Visalia, and the building had a listing of people on the left side of the door, and Attorney Seymour's name was listed as one of the people who had an office in that building; the building is actually the Visalia Chamber of Commerce;
- She went to the counter where the receptionists were sitting and a young woman in her mid-twenties assisted her; she asked to be directed to Attorney Seymour's office and the receptionist informed her that he used to have an office in this building but does not have an office at this location anymore, and it is used as a mail-drop where he receives all of his mail at that building;
- She inquired how often he checks his mail and she stated that he checked it every few days;
- She asked if she left [documents] with her would he receive it and she said yes; she asked her if she should write on her proof of service that she left the documents at the Law Office of William L. Seymour and was she authorized to receive documents, and she said yes that was correct;
- She asked her what her name was for her records and she stated her name is **ANDI WOOMER**;
- At 11:30 a.m. she handed her the Creditor's Claim with all of the Exhibits attached;
- Later that same day, she filed the Original and a copy of the Creditor's Claim with all of the Exhibits attached with the Probate Department.

	<p>TIMOTHY MOORE, Successor Trustee's First Account and Report of Successor Trustee and Petition for its Approval, was heard on 03/18/13.</p> <p>The matter was set for a Court Trial on 04/24/13.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>
<p>Cont. from 080913, 011014, 031814</p>	<p>Former Trustee TERENCE E. MOORE was removed per minute order 11-29-11. The order was signed 12-15-11.</p>	<p>CONTINUED FROM 03/18/14 Minute Order from 03/18/14 states: Matter continued to 07/15/14. Joint Status report to be submitted before the next hearing.</p>
<p>Aff.Sub.Wit.</p>	<p>Minute Order from 04/24/13 set this matter for hearing regarding Terence Moore's bankruptcy proceeding.</p>	<p>As of 07/10/14, nothing further has been filed in this matter.</p>
<p>Verified</p>		
<p>Inventory</p>		
<p>PTC</p>		
<p>Not.Cred.</p>		
<p>Notice of Hrg</p>	<p>Status Declaration of Timothy Moore, Trustee, filed 08/02/13 states: The matter came before the Bankruptcy Court on 07/31/13 and the trial was continued until 12/13/13. The Trustee, Timothy Moore, requested an earlier date, but counsel for Terence Moore requested a December date. This Court was holding off on making a decision as to the allocation of costs and fees to be recovered from the beneficiaries, until after the bankruptcy trial so, if assets were recovered from the bankruptcy and put in the Trust, it would be easier for the Court to determine if it was necessary for the Court to issue an order for the recovery of funds from the beneficiaries to pay costs of the trust administration and to reimburse the Trustee for Trust expenses paid personally by Timothy Moore. As the bankruptcy trial has been continued until 12/13/13, the Trustee requests that this status hearing be continued until sometime in January of 2014.</p>	<p>1. Need current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.</p>
<p>Aff.Mail</p>		
<p>Aff.Pub.</p>		
<p>Sp.Ntc.</p>		
<p>Pers.Serv.</p>		
<p>Conf. Screen</p>		
<p>Letters</p>		
<p>Duties/Supp</p>		
<p>Objections</p>		
<p>Video Receipt</p>		
<p>CI Report</p>		
<p>9202</p>		
<p>Order</p>	<p>There is also the issue remaining regarding the appraisal and sale of a coin collection. The beneficiaries had some discussions with the Trustee regarding a possible resolution regarding the value of the coin collection and the purchase of the coin collection by a beneficiary. Those discussions failed resulting in the coin collection being appraised. The appraisal should be completed within the next 10 days and the Trustee will proceed with the sale of the coin collection as instructed by the Court. To keep costs down, it is requested that the court continue this matter until January 2014 thereby avoiding furthers costs and fees to the Trust and the Trustee.</p>	<p>Joint Status Declaration filed 7-14-14 by Attorney Gregory J. Roberts for Timothy Moore states he spoke with Terrence on 7-14-14 (see attached email). The parties are still waiting for the decision of the Bankruptcy Court. The parties request a 6-8 week continuance without appearance on 7-15-14.</p>
<p>Aff. Posting</p>		<p>Reviewed by: JF</p>
<p>Status Rpt</p>		<p>Reviewed on: 07/10/14</p>
<p>UCCJEA</p>		<p>Updates: 07/14/14 (skc)</p>
<p>Citation</p>		<p>Recommendation:</p>
<p>FTB Notice</p>	<p>Continued on Page 2</p>	<p>File 13 – Moore</p>

Status Declaration of Timothy Moore, Trustee filed 03/17/14 states: This matter was set for status on this date to advise the Court as to the status of the bankruptcy of Terrance Moore and the claim by the Trustee against Terrance Moore in the bankruptcy matter. The bankruptcy trial was held on 12/13/13. The trial was completed, but the court requested briefing and closing argument. The matter was set to be heard by the bankruptcy court, but Terrance Moore fired his attorney. Terrance Moore did not get court approval for the removal of his attorney as required by the court so the matter has been continued until the attorney issue is resolved and then closing arguments. The Trustee believes that Terrance Moore is continuing his antics to delay matters and to cause additional costs to the Trustee. This Court was holding off on making a decision as to the allocation of costs and fees to be recovered from the beneficiaries until after the bankruptcy trial so if assets were recovered from the bankruptcy and put in the Trust, it would be easier for the Court to determine if it was necessary for the Court to issue an order for the recovery of funds from the beneficiaries to pay costs of the trust administration and to reimburse the Trustee for Trust expenses paid personally by Timothy Moore. It now appears that the bankruptcy matter will not be resolved for several months, or longer. The Trustee requests a continuance to July 2014 at which time he hopes the bankruptcy trial will be completed and a final order can be made in this matter.

The appraisal and sale of the coin collection was completed in 2013. The coin collection sold for \$2,801.01 and the funds were put into the trust.

DOD: 08/28/11	SUSAN J. QUINN and RHONDA WALLACE , were appointed Co-Executors without bond on 11/08/11. Letters were issued on 11/21/11.	NEEDS/PROBLEMS/COMMENTS: <u>CONTINUED FROM 03/17/14</u> As of 07/10/14, nothing further has been filed in this matter. 1. Need Final/Supplemental Account and/or Petition for Final Distribution.	
	Inventory & Appraisal, Final filed 04/10/12 - \$499,722.31		
	Inventory & Appraisal, Supplemental filed 04/18/13 - \$41,158.54		
Cont. from 091313, 111813, 031714	First & Final Account and Report of Executor filed 10/09/12 and set for hearing on 11/19/12.		
Aff.Sub.Wit.	Minute Order from 11/19/12 set this matter for status and states: The Court advises counsel that it is treating this as a Petition for Preliminary Distribution. The Court grants a distribution of up to 80% of the estate and compensation. Counsel is directed to submit a revised order. Status Report on Continued Administration filed 03/10/14 states: on 10/09/12, the co-executors filed their first account and report and petition for distribution. On 11/20/12, the Court entered an order authorizing distribution of substantially all of the assets of the estate, save and accepting the retention of cash for tax liabilities; the court also ordered payment of 80% of statutory attorney fees and extraordinary compensation. The Court ordered that estate administration continue pending the receipt of funds from the unclaimed property division of the State Controller's office in the amount of \$41,158.54 as set forth on the supplemental inventory and appraisal. Those funds were received on 12/07/12. Subsequently, the co-executors have been dealing with the IRS. The decedent did not file tax returns for 2008 or 2009. In filing a return for 2010, the Executors were advised of the missing returns. In filing those returns, the executors were advised that the decedent's identity had been stolen and a false return filed for 2010 in which an erroneous refund was claimed, which refund affected the prior year's returns. Working with a CPA to address the situation, corrected returns have been filed. The IRS assessed penalties on the late filed returns, and the estate sought abatement of those penalties. The executors have been advised to contact the IRS Taxpayer Advocate Service to resolve the issue, but that has not taken place yet. The co-executors distributed \$48,600.00 each to Alison Quinn and Brian Quinn, representing dividends on Quinn Company stock, and retained \$10,000.00 from each distribution towards income taxes payable by the estate on such dividends. The amount of income taxes payable by the estate on account thereof was the sum of \$9,920.00 and co-executors have now distributed the sum of \$10,800 (\$5,040 to each) as the balance of such distribution. Following the period of the account, the estate received an additional \$31,200 representing dividends on Quinn Company stock, which was distributed to Alison Quinn and Brian Quinn (\$15,600 each). The estate's bank account will have \$75,745.99 after payment of fees for preparation of the estates income tax returns. The amount at issue with the IRS is \$15,000. The executors anticipate that within 120 days they will be able to address the penalties with the taxpayer's advocate's division of the IRS and resolve the matter so the estate can be closed.		
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: 07/10/14 Updates: Recommendation: File 14 - Quinn

DOD: 12-18-12	KEVIN HUDGINS and DANIELL DUTRA were appointed Co-Executors with Full IAEA without bond and Letters issued on 2-7-13.	NEEDS/PROBLEMS/COMMENTS:
		<u>Continued from 4-11-14, 5-23-14</u>
Cont from 041114, 052314	On 2-7-13, the Court set status hearing for the filing of the first account or petition for final distribution for 4-11-14.	1. Need First Account or Petition for Final Distribution or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.
Aff.Sub.Wit.	On 4-11-14, there were no appearances. Mr. Shepard was ordered to be personally present on 5-23-14.	Note: Final I&A filed 9-24-13 indicates a total estate value of \$1,394,500.00 consisting of a business (Page Funeral Chapel, Inc.), various personal property, and various real property interests.
Verified	On 5-23-14, there were no appearances. The matter was continued to 7-15-14 and Mr. Shepard was again ordered to be personally present.	Note: The next upcoming hearing date in 13CEPR00641 is 10-31-14, which is the status hearing that was set for the filing of accounting in that estate.
Inventory	<u>Note:</u> On 6-16-14, The Franchise Tax Board withdrew their creditor's claim and request for special notice.	
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections	Status Report filed 7-7-14 by Attorney Shepard (not verified) states that the Co-Executors' father died shortly after their appointment in this case and they were also appointed as Co-Executors of the Estate of George L. Page (Case No. 13CEPR00641) on 8-29-13. Upon distribution, the Co-Executors will be the co-owners and operators of Page Funeral Chapel in Selma. Both this decedent and George L. Page were personally active in the operation of the funeral chapel prior to their deaths. Also, Decedent Victoria L. Hudgins was deeply in debt to the IRS, the FTB, and a Bank of America mortgage on her home. The two estates are intermingled under the terms of ownership of Page Funeral Chapel, the debts thereon, and the will of George L. Page, which includes a monthly cash bequest to George L. Page's companion. There is not enough cash in both estates to satisfy the creditors and bequests at this time. The Co-Executors are currently negotiating with creditors and interested persons in both estates.	
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: skc
		Reviewed on: 7-10-14
		Updates:
		Recommendation:
		File 15- Hudgins

Status Hearing Re: Filing of the Inventory and Appraisal

DOD: 03/29/2013	MARK REIFF was appointed Executor with full IAEA with bond set at \$120,000.00 on 07/08/2013.	NEEDS/PROBLEMS/COMMENTS:
	Bond filed 07/08/2013	
	Letters issued on 09/13/2013.	
Cont. from 120613, 021414, 041514	Minute Order dated 07/08/2013 set this status hearing for the filing of the Inventory and Appraisal.	<u>OFF CALENDAR. 1st, 3rd and Final Inventory and Appraisal filed 07/03/2014.</u>
Aff.Sub.Wit.	Inventory & Appraisal Partial No. 2 filed 12/04/2013 - \$5,000.00	
Verified	Inventory & Appraisal Partial No. 4 filed 12/04/2013 - \$43,500	
Inventory	Inventory & Appraisal Partial No. 5 filed 12/16/2013 - \$103,912.27	
PTC	Inventory & Appraisal Partial No. 6 filed 02/03/2014 - \$27,723.00	
Not.Cred.		
Notice of Hrg	Status Report filed 04/08/2014 requests that the Court schedule one additional status hearing approximately 90 days from April 15, 2014.	
Aff.Mail	The Executor has entered into an Exclusive listing agreement to market the residence, and the residence is on the market. The Attorneys have recommended that Partial 1 not be filed prior to marketing so as to potentially adversely affect offers for purchase. Partial 1 is expected to be filed as soon as sale of the real property has been completed. Should the sale price greatly differ from the appraised amount, Executor may request that the probate referee revise his appraisal.	
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		Reviewed by: LV
Status Rpt		Reviewed on: 04/11/2014
UCCJEA		Updates:
Citation		Recommendation:
FTB Notice	The Levin & Carlson Partnership property is subject to a right of purchase by Marilyn Lungren, the decedent's partner and to a right of first refusal by Scott Raven, lessee. Accordingly, the valuation of the partnership property is a sensitive issue in the administration of the Estate, and additional time is needed to evaluate the Referee's appraisal and proceed with the administration of the partnership property.	File 16 - Carlson

DOD: 08/17/12	<p>EDWARD SIMPSON, brother, was appointed Administrator with Limited IAEA, without bond, with deposits of \$1,000,000.00 to be placed into a blocked account on 10/16/13. Letters of Administration were issued on 10/22/13.</p> <p>Status Hearing Report filed 07/10/14 states: The only assets of the estate are an insurance policy for \$1,000,000.00. The worker's compensation claim will be payable to decedent's son and son's mother. The parties in the insurance claim went to mediation in San Diego on 06/20/14 and have settled the matter. The final settlement agreement is still awaiting approval from the court. The estate is receiving approximately \$400,000.00 but that figure might change a little depending on the attorney's fees. The Administrator cannot file a receipt for the deposit of funds into a blocked account or a final inventory & appraisal because no funds have been distributed to the case. The court must approve the settlement agreement before any funds can be distributed to the estate. A 60 day continuance is requested.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>CONTINUED FROM 03/17/14</u></p> <p>As of 07/10/14, nothing further has been filed in this matter.</p> <ol style="list-style-type: none"> 1. Need Receipt & Acknowledgement of Order for the Deposit of Money into Blocked Account. <p>Note: It does not appear that an Order to Deposit Money into Blocked Account has been submitted/signed.</p>
Cont. from 111513, 031714		
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: JF</p> <p>Reviewed on: 07/10/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 17A – Simpson</p>	

DOD: 08/17/12	EDWARD SIMPSON, brother, was appointed Administrator with limited IAEA, without bond, with deposits of \$1,000,000.00 to be placed into a blocked account on 10/16/13.	NEEDS/PROBLEMS/COMMENTS:
		<u>CONTINUED FROM 03/17/14</u>
Cont. from 012114, 031714	Letters of Administration were issued on 10/22/13.	As of 07/10/14, nothing further has been filed in this matter.
Aff.Sub.Wit.		1. Need inventory and appraisal.
Verified	Minute order dated 8/20/13 set this status hearing for the filing of the inventory and appraisal.	
Inventory		
PTC		
Not.Cred.		
Notice of Hrg	Status Hearing Report filed 07/10/14 states: The only assets of the estate are an insurance policy for \$1,000,000.00. The worker's compensation claim will be payable to decedent's son and son's mother. The parties in the insurance claim went to mediation in San Diego on 06/20/14 and have settled the matter. The final settlement agreement is still awaiting approval from the court. The estate is receiving approximately \$400,000.00 but that figure might change a little depending on the attorney's fees. The Administrator cannot file a receipt for the deposit of funds into a blocked account or a final inventory & appraisal because no funds have been distributed to the case. The court must approve the settlement agreement before any funds can be distributed to the estate. A 60 day continuance is requested.	
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: 07/10/14
		Updates: 07/11/14
		Recommendation:
		File 17B – Simpson

DOD: 09/26/13	<p>PHYLLIS LYNN MADRIGAL and DEBRA ANN CULWELL, daughters were appointed as Co-Executors with Full IAEA and without bond on 01/23/14. Letters Testamentary were issued on 01/24/14.</p> <p>Clerk's Certificate of Mailing states that a copy of the minute order from 05/23/14 was mailed to Jeff Shepard on 05/23/14.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>CONTINUED FROM 05/23/14</u> Minute Order from 05/23/14 states: No appearances. Matter continued to 07/15/14. The Court orders Jeff Shepard to be personally present on 07/15/14.</p> <p>1. Need Inventory & Appraisal.</p>
Cont. from: 052314		
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: 07/10/14
		Updates:
		Recommendation:
		File 18 - Culwell

		WHITNIE CARRILLO , Mother, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		SHELLY A. MUSGRAVE , Paternal Grandmother, was appointed guardian on 7-15-13.	
		Father: JEREMY B. MUSGRAVE	<ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of service of Notice of Hearing at least 15 days prior to the hearing on all relatives pursuant to Probate Code §1460(b)(5): - Shelly Musgrave (Guardian) - Jeremy Musgrave (Father) - Paul Musgrave (Paternal Grandfather) - Joe Carrillo (Maternal Grandfather) - Tammy Carmichael (Maternal Grandmother)
<input type="checkbox"/>	Aff.Sub.Wit.	Paternal Grandfather: Paul M. Musgrave Maternal Grandfather: Joe P. Carrillo Maternal Grandmother: Tammy L. Carmichael	
<input checked="" type="checkbox"/>	Verified	Petitioner states she is requesting reinstatement of permanent custody of her son. She has completed the program through Pathways to Recovery as the sitting judge requested to regain custody of her son. She has maintained sobriety sine her son was placed in guardianship this past year. Petitioner expects to continue to live the life of sobriety for herself and her son. She is confident that she is ready to give him the stability he deserves. Petitioner states she has been accused of not understanding her son's medical condition and limitations, yet when she had custody, she had discussions with his cardiologist and will continue to do so in the future. She understands he requires more than the average child. Petitioner states she has hesitated to seek full time employment due to the claims by the guardian that she has a lack of regard for her son's well-being when she commits to his visiting. Once she has custody and normalcy again, she has childcare arranged and looks forward to working and providing for her son. Her family offers emotional, physical, and financial support. Petitioner states she has completed and succeeded in all requests from the court this past year and requests custody be granted back to her.	
<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 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	Court Investigator Julie Negrete filed a report on 7-8-14.	
			Reviewed by: skc Reviewed on: 7-10-14 Updates: Recommendation: File 20 - Musgrave

21A Israel Stearnes (GUARD/P)

Case No. 14CEPR00082

Atty Gomez, Adelita (pro per Petitioner/paternal grandmother)

Atty Zamora, Desire (pro per)

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

Age: 5 years		<p align="center"><u>TEMPORARY EXPIRES 3/28/14,</u> <u>extended to 7/15/14.</u></p> <p>ADELITA GOMEZ, paternal grandmother, is petitioner.</p> <p>Father: JAIME ARELLANO – personally served on 2/11/14</p> <p>Mother: CARA STEARNS</p> <p>Paternal grandfather: Jaime Arrellano – Declaration of Due Diligence filed on 3/7/14.</p> <p>Maternal grandparents: Unknown – Declaration of Due Diligence filed on 3/17/14.</p> <p>Petition does not indicate why a guardianship is necessary.</p> <p>Court Investigator Jennifer Daniel's Report filed on 3/16/14.</p> <p>Court Investigator Jennifer Daniel's Report filed on 7/8/14.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Please see competing petition filed by Desire Zamora on page 21B.</p> <p>As of 7/10/14 the following issues remain:</p> <ol style="list-style-type: none"> 1. Need proof of personal service of the Notice of Hearing along with a copy of the Petition or Consent and Waiver of Notice or Declaration of Due Diligence on: <ol style="list-style-type: none"> a. Cara Stearns (mother) 2. If court does not dispense with Notice, need proof of service of the Notice of Hearing along with a copy of the Petition or Consent and Waiver of Notice on: <ol style="list-style-type: none"> a. Jaime Arrellano (paternal grandfather) b. Maternal grandparents. – unless court dispenses with notice.
Cont. from 040214, 051914			
<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 type="checkbox"/>	Aff.Mail		
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<input type="checkbox"/>	Sp.Ntc.		
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<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: 7/10/14	
		Updates:	
		Recommendation:	
		File 21A – Stearnes	

21A

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

Age: 5 years	DESIRE ZAMORA , non-relative (father's girlfriend) is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of service of the Notice of Hearing along with a copy of the Petition or Consent and Waiver of Notice or Declaration of Due Diligence on: <ol style="list-style-type: none"> a. Jaime Arrellano (father) b. Cara Stearns (mother) c. Ernest Felix (listed as Jaime Arrellano in Adelita Gomez's petition) d. Maternal grandparents.
	Father: JAIME ARRELLANO	
	Mother: CARA STEARNS	
Cont. from	Paternal grandfather: Ernest Felix	
Aff.Sub.Wit.	Paternal grandmother: Adelita Gomez (listed as Jaime Arrellano in Adelita Gomez's petition)	
<input checked="" type="checkbox"/> Verified	Maternal grandparents: Unknown	
Inventory	Petitioner states the minor's father is in custody. Dad left the minor in Petitioner's care when he was arrested. Mom came and picked up the child and took him to the paternal grandmother's home. Petitioner is concerned for the minor's safety.	
PTC	Court Investigator Jennifer Daniel's Report filed on 7/8/14	
Not.Cred.		
Notice of Hrg	<input checked="" type="checkbox"/>	
Aff.Mail	<input checked="" type="checkbox"/>	
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.	<input checked="" type="checkbox"/>	
<input checked="" type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters		
<input checked="" type="checkbox"/> Duties/Supp		
Objections		
Video Receipt		
<input checked="" type="checkbox"/> CI Report		
9202		
<input checked="" type="checkbox"/> Order		
Aff. Posting		
Status Rpt		
<input checked="" type="checkbox"/> UCCJEA		
Citation		
FTB Notice		
		Reviewed by: KT
		Reviewed on: 7/10/14
		Updates:
		Recommendation:
		File 21 – Stearnes

Age: 17	TEMP EXPIRES 7-15-14	NEEDS/PROBLEMS/COMMENTS:
	ANGELINA BELMONTES, step-mother, is petitioner.	<u>Note:</u> Petitioner resides in Madera.
	Father: EDWARD MEDINA	<u>Note:</u> On 6-18-14, the Petitioner requested to dismiss the petition. However, because a temporary guardianship is in place, dismissal could not be entered.
<input type="checkbox"/> Aff.Sub.Wit.	Mother: VIRGINIA VEGA	<u>If this matter goes forward, the following issues exist:</u>
<input checked="" type="checkbox"/> Verified	Paternal grandparents: not listed. Maternal grandparents: not listed.	1. Need Notice of Hearing.
<input type="checkbox"/> Inventory		2. Need proof of personal service on the minor and both parents per Probate Code §1511.
<input type="checkbox"/> PTC		3. Need proof of service on all other relatives (paternal and maternal grandparents and siblings age 12 and older) per Probate Code §1511.
<input type="checkbox"/> Not.Cred.	Petitioner states the minor refuses to live with her father. She is being verbally, emotionally and mentally abusive to her, which is affecting her school, grades and everyday life.	
<input type="checkbox"/> Notice of Hrg	DSS Social Worker Irma Ramirez filed a report on 7-8-14.	
<input type="checkbox"/> Aff.Mail		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input checked="" type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters		
<input checked="" type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input checked="" type="checkbox"/> DSS Report		
<input checked="" type="checkbox"/> Clearances		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input checked="" type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: skc
		Reviewed on: 7-10-14
		Updates:
		Recommendation:
		File 22 - Medina

		GENERAL HEARING 9-2-14	NEEDS/PROBLEMS/COMMENTS:
		ALVINA E. ORTEGA , Cousin, is Petitioner.	<p>1. Need Notice of Hearing.</p> <p>2. Need proof of personal service of Notice of Hearing with a copy of the temp petition at least five court days prior to the hearing per Probate Code §2250(e) or consent and waiver of notice or declaration of due diligence on: - Cosme Barraza, Jr. (Father) - Salina Ortega (Mother)</p> <p>3. Need UCCJEA Form GC-120, which provides the child's residence history and other information about the child (other cases, etc.).</p> <p>4. Petitioner indicates that the minor has Native American ancestry. Therefore, additional notice will be required for the general hearing on 9-2-14.</p> <p><u>Need Notice of Child Custody Proceeding for Indian Child (ICWA-030) completed and turned in to the Probate Clerk's office AS SOON AS POSSIBLE or guardianship proceedings may be delayed.</u></p>
		Father: COSME BARRAZA, JR. Mother: SALINA ORTEGA	
	Aff.Sub.Wit.	Paternal Grandfather: Not listed Paternal Grandmother: Not listed	
✓	Verified	Maternal Grandfather: Inocencio Ortega Maternal Grandmother: Stacey Ortega	
	Inventory	Petitioner states the mother is unstable, on drugs and alcohol. Petitioner has had the child since birth off and on for weeks at a time. When the mother does come, all she does is sleep and not ever acknowledge the child. He is not safe with her. She is not in her right state of mind.	
	PTC	Petitioner needs temporary guardianship to take the child for a checkup and doctor appointments and she is afraid for his safety in his mother's care.	
	Not.Cred.		
	Notice of Hrg	X	
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.	X	
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA	X	
	Citation		
	FTB Notice		
			Reviewed by: skc
			Reviewed on: 7-10-14
			Updates:
			Recommendation:
			File 23 - Barraza

1A Fred Loeffler (CONS/PE)

Case No. 13CEPR00655

Atty Downing, Marcella (for Diane Huerta – daughter)
Atty Rube, Melvin K. (for Conservatee)
Atty Magness, Marcus D. (for Mick Loeffler – son)
Atty Johnson, Summer A. (for Bruce Bickel – Temp. Cons. of the Estate/Petitioner)
Atty Bagdasarian, Gary G. (for Linda Plitt – daughter)

Petition for Approval of Settlement Agreement

		<p>BRUCE BICKEL, Temporary Conservator of the Estate, is Petitioner.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need Order.</p>
		<p>Petitioner requests approval of the Settlement Agreement executed 05/17/14 [fully executed original attached to Petition as Exhibit A]. The Settlement Agreement is conditional upon confirmation by the Court and the Parties agreed that Petitioner would file a request for its approval.</p>	
Cont. from		<p>The Settlement Agreement provides:</p>	<ol style="list-style-type: none"> No conservatorship shall be established for either Dr. Loeffler or Mrs. Loeffler. Provisions in the agreement provide for the orderly transition of the assets of the Temporary Conservatorship estates and The Loeffler Family Trust to the Successor Trustee of the Loeffler Family Trust. The Successor Trustee of the Loeffler Family Trust will be Comerica Bank. In the event of a vacancy, the Court shall appoint a professional licensed fiduciary or institutional fiduciary. The Loeffler Family Trust is to be modified to provide that it is irrevocable and cannot be revoked, amended or terminated, except as provided by Probate Code § 15403 et seq. The Trustee of the Loeffler Family Trust is to be modified to require annual accountings of its proceedings and the accountings shall be provided to Dr. and Mrs. Loeffler, Ms. Huerta, Ms. Plitt, Sam Loeffler and Mick Loeffler. The Trustee shall also provide quarterly reports to the persons listed above. Comerica Bank shall serve as the agent under a Limited Durable Power of Attorney with the limited authority to manage Dr. and Mrs. Loeffler's IRA accounts and the signing of any federal and state tax returns on their behalves.
<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 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: 07/11/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 1A – Loeffler</p>

6. The Settlement Agreement provides for a visitation schedule in conformity with the Parties' previous agreement and as set forth in the Court's Order dated 04/02/14.
7. Mick Loeffler shall have the right to reside in Dr. and Mrs. Loeffler's personal residence. He shall pay for all utilities and minor repairs and yard maintenance. An amount as set forth in the Settlement Agreement shall be charged against Mick's distributive share of his parent's estate in lieu of a rental charge.
8. A neutral third party shall serve as the agent under Dr. and Mrs. Loeffler's Advance Health Care Directives.
9. There shall be no gifting of property, monetary, personal, or otherwise from Dr. and Mrs. Loeffler or the Trustee of the Loeffler Family Trust to the children of Dr. and Mrs. Loeffler.
10. All parties' attorney's fees and costs shall be paid by the Loeffler Family Trust.
11. All trial date and all hearings and motion dates in the Conservatorship matters and Trust action are to be vacated.

As set forth in Section 14.4 of the Settlement Agreement, all parties' attorney's fees and costs shall be paid by the Loeffler Family Trust account. As set forth in the Settlement Agreement and the Court's order of 10/31/13, no assets can be distributed from the Loeffler Family Trust without prior Court authorization. The parties submitted invoices in support of their request for payment/reimbursement of the following amounts from the Loeffler Family Trust:

1. Mick Loeffler – outstanding balance to Gilmore, Wood, Vinnard & Magness: \$16,874.13; reimbursement to Mick Loeffler for attorney's fees and costs: \$57,801.55;
2. Dr. and Mrs. Loeffler – outstanding balance to Melvin Rube through 05/31/14: \$17,697.46;
3. Diane Huerta and Linda Plitt (through 05/08/14) – outstanding balance to Howk & Downing: \$108,188.67; reimbursement to Diane Huerta for mediation expenses: \$1,937.50; and
4. Linda Plitt – outstanding balance to Gary Bagdasarian: \$6,431.30; reimbursement to Linda Plitt for attorney's fees and costs: \$6,335.00.

A duplicate request for approval of payment of attorney's fees and costs is made in the Petition for Approval of Settlement Agreement in the Conservatorship matter of Mrs. Loeffler, however only one payment of the above fees is requested.

Petitioner prays for an Order:

1. Approving the Settlement Agreement;
2. Authorizing and directing Mr. Bickel as temporary Trustee of the Loeffler Family Trust to make the following payments from the RBC Brokerage Account no. xxx-x314, titled in the name of the Fred and Kathleen Loeffler Trust:
 - a. To Gilmore, Wood, Vinnard & Magness the amount of \$16,874.13;
 - b. To Mick Loeffler the amount of \$57,801.55;
 - c. To Melvin Rube the amount of \$17,697.43;
 - d. To Linda Plitt the amount of \$6,335.00;
 - e. To Howk & Downing the amount of \$108,188.67;
 - f. To Diane Huerta the amount of \$1,937.50;
 - g. To Gary Bagdasarian the amount of \$6,431.30.
3. Any such other orders as the Court deems appropriate.

Diane Huerta's Response and Memorandum of Points & Authorities in Opposition to Motion to be Relieved as Counsel by Melvin Rube filed 07/01/14 states: Professional Rules of Conduct Rule 3-700(C) states the terms under which withdrawal is and is not permissible. This matter is currently pending before this Court and Mr. Rube has not given any statutory support for his request to be removed as counsel. Further, Dr. and Mrs. Loeffler failed to execute Mr. Rube's signed Substitution of Attorney form which appears to indicate they prefer Mr. Rube continue to represent them in this matter. Mr. Rube has represented Dr. and Mrs. Loeffler all the way through mediation resulting in a signed settlement agreement and an agreement to arbitrate should there be any questions in the application of the agreement. While it agreed that Mr. Rube would be compelled to remove himself as counsel should this matter continue to trial because of the likely need for him to testify, a final disposition in this matter has now been agreed upon. To withdraw at this late date does not allow for adequate time for employment of other counsel and unnecessarily prolongs an already too long process. An agreement has been signed and is just awaiting approval of this Court. Any difficulty Mr. Rube complains of has had with his clients in all likelihood has existed throughout this case. In fact, Petitions have repeatedly asserted that the very type of letter Mr. Rube complains of having received, have been received by Mr. Gunner, Mr. Bickel, Sierra View, and others. In fact, Mr. Bickel and Mr. Gunner both expressed the concern that the letters sent to them were actually authored by Mick Loeffler. In conclusion, Dr. and Mrs. Loeffler were represented through the mediation process, have signed the settlement agreement, and agreed to arbitrate any further issues which may arise with Judge Broadman. There may have been reason for Mr. Rube to remove himself prior to this point, however, at this point, removal only serves the purpose of delaying the execution of the agreement already signed. Objector respectfully requests that the Court approve the settlement agreement signed by all parties and deny the petition to be removed as counsel by Mr. Rube until after a health care representative has been appointed for Dr. and Mrs. Loeffler.

2A Kathleen Loeffler (CONS/PE)

Case No. 13CEPR00656

Atty Downing, Marcella (for Diane Huerta – daughter/Petitioner)

Atty Rube, Melvin K. (for Conservatee)

Atty Magness, Marcus D. (for Mick Loeffler – son/Objector)

Atty Johnson, Summer A. (for Bruce Bickel – Temp. Cons. of the Estate/Petitioner)

Atty Bagdasarian, Gary G. (for Linda Plitt – daughter/Petitioner)

Petition for Approval of Settlement Agreement

		<p>BRUCE BICKEL, Temporary Conservator of the Estate, is Petitioner.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need Order.</p>
		<p>Petitioner requests approval of the Settlement Agreement executed 05/17/14 [fully executed original attached to Petition as Exhibit A]. The Settlement Agreement is conditional upon confirmation by the Court and the Parties agreed that Petitioner would file a request for its approval.</p>	
Cont. from		<p>The Settlement Agreement provides:</p> <p>12. No conservatorship shall be established for either Dr. Loeffler or Mrs. Loeffler. Provisions in the agreement provide for the orderly transition of the assets of the Temporary Conservatorship estates and The Loeffler Family Trust to the Successor Trustee of the Loeffler Family Trust.</p> <p>13. The Successor Trustee of the Loeffler Family Trust will be Comerica Bank. In the event of a vacancy, the Court shall appoint a professional licensed fiduciary or institutional fiduciary.</p> <p>14. The Loeffler Family Trust is to be modified to provide that it is irrevocable and cannot be revoked, amended or terminated, except as provided by Probate Code § 15403 et seq.</p> <p>15. The Trustee of the Loeffler Family Trust is to be modified to require annual accountings of its proceedings and the accountings shall be provided to Dr. and Mrs. Loeffler, Ms. Huerta, Ms. Plitt, Sam Loeffler and Mick Loeffler. The Trustee shall also provide quarterly reports to the persons listed above.</p> <p>16. Comerica Bank shall serve as the agent under a Limited Durable Power of Attorney with the limited authority to manage Dr. and Mrs. Loeffler's IRA accounts and the signing of any federal and state tax returns on their behalves.</p>	
<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 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		
		Continued on Page 2	
		<p>Reviewed by: JF</p> <p>Reviewed on: 07/11/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 2A – Loeffler</p>	

17. The Settlement Agreement provides for a visitation schedule in conformity with the Parties' previous agreement and as set forth in the Court's Order dated 04/02/14.
18. Mick Loeffler shall have the right to reside in Dr. and Mrs. Loeffler's personal residence. He shall pay for all utilities and minor repairs and yard maintenance. An amount as set forth in the Settlement Agreement shall be charged against Mick's distributive share of his parent's estate in lieu of a rental charge.
19. A neutral third party shall serve as the agent under Dr. and Mrs. Loeffler's Advance Health Care Directives.
20. There shall be no gifting of property, monetary, personal, or otherwise from Dr. and Mrs. Loeffler or the Trustee of the Loeffler Family Trust to the children of Dr. and Mrs. Loeffler.
21. All parties' attorney's fees and costs shall be paid by the Loeffler Family Trust.
22. All trial date and all hearings and motion dates in the Conservatorship matters and Trust action are to be vacated.

As set forth in Section 14.4 of the Settlement Agreement, all parties' attorney's fees and costs shall be paid by the Loeffler Family Trust account. As set forth in the Settlement Agreement and the Court's order of 10/31/13, no assets can be distributed from the Loeffler Family Trust without prior Court authorization. The parties submitted invoices in support of their request for payment/reimbursement of the following amounts from the Loeffler Family Trust:

5. Mick Loeffler – outstanding balance to Gilmore, Wood, Vinnard & Magness: \$16,874.13; reimbursement to Mick Loeffler for attorney's fees and costs: \$57,801.55;
6. Dr. and Mrs. Loeffler – outstanding balance to Melvin Rube through 05/31/14: \$17,697.46;
7. Diane Huerta and Linda Plitt (through 05/08/14) – outstanding balance to Howk & Downing: \$108,188.67; reimbursement to Diane Huerta for mediation expenses: \$1,937.50; and
8. Linda Plitt – outstanding balance to Gary Bagdasarian: \$6,431.30; reimbursement to Linda Plitt for attorney's fees and costs: \$6,335.00.

A duplicate request for approval of payment of attorney's fees and costs is made in the Petition for Approval of Settlement Agreement in the Conservatorship matter of Mrs. Loeffler, however only one payment of the above fees is requested.

Petitioner prays for an Order:

4. Approving the Settlement Agreement;
5. Authorizing and directing Mr. Bickel as temporary Trustee of the Loeffler Family Trust to make the following payments from the RBC Brokerage Account no. xxx-x314, titled in the name of the Fred and Kathleen Loeffler Trust:
 - h. To Gilmore, Wood, Vinnard & Magness the amount of \$16,874.13;
 - i. To Mick Loeffler the amount of \$57,801.55;
 - j. To Melvin Rube the amount of \$17,697.43;
 - k. To Linda Plitt the amount of \$6,335.00;
 - l. To Howk & Downing the amount of \$108,188.67;
 - m. To Diane Huerta the amount of \$1,937.50;
 - n. To Gary Bagdasarian the amount of \$6,431.30.
6. Any such other orders as the Court deems appropriate.

	MELVIN RUBE , attorney for Fred and Kathleen Loeffler, is Petitioner.		NEEDS/PROBLEMS/COMMENTS:
	<p>Petitioner has represented Fred and Kathleen Loeffler since their daughters, Diane Huerta and Linda Plitt, filed Petitions to be appointed as Temporary Conservator's of the Person and Estate.</p> <p>On 05/17/14 the parties reached a settlement during mediation and a Settlement Agreement was executed.</p> <p>Petitioner states that on or about 05/27/14, he received a letter dated 05/22/14 from Mrs. Loeffler that expresses the extreme displeasure of Dr. and Mrs. Loeffler in his representation of them during the mediation that took place on 05/17/14. Petitioner responded with a letter that included a substitution of attorney and requested that the Loeffler's complete the substitution and return it to him by 06/09/14. As of the date of filing this motion, no response has been received. Petitioner further states that Fred Loeffler objects to the settlement and wants to proceed to trial. Based on the letter from Kathleen Loeffler dated 05/22/14 and her concern about Mick Loeffler as expressed in that letter, Petitioner can no longer be an effective counsel for Mrs. Loeffler and desires to be immediately removed as her counsel of record.</p>		
			3. The Declaration in Support of Attorney's Motion to be Relieved as Counsel references a Supplemental Declaration to be filed confidentially, however, it does not appear that any such Supplemental Declaration has been filed.
			4. Need Order.
			Reviewed by: JF
			Reviewed on: 07/11/14
			Updates:
			Recommendation:
			File 2B – Loeffler
	Continued on Page 2		
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 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 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			

Diane Huerta's Response and Memorandum of Points & Authorities in Opposition to Motion to be Relieved as Counsel by Melvin Rube filed 07/01/14 states: Professional Rules of Conduct Rule 3-700(C) states the terms under which withdrawal is and is not permissible. This matter is currently pending before this Court and Mr. Rube has not given any statutory support for his request to be removed as counsel. Further, Dr. and Mrs. Loeffler failed to execute Mr. Rube's signed Substitution of Attorney form which appears to indicate they prefer Mr. Rube continue to represent them in this matter. Mr. Rube has represented Dr. and Mrs. Loeffler all the way through mediation resulting in a signed settlement agreement and an agreement to arbitrate should there be any questions in the application of the agreement. While it agreed that Mr. Rube would be compelled to remove himself as counsel should this matter continue to trial because of the likely need for him to testify, a final disposition in this matter has now been agreed upon. To withdraw at this late date does not allow for adequate time for employment of other counsel and unnecessarily prolongs an already too long process. An agreement has been signed and is just awaiting approval of this Court. Any difficulty Mr. Rube complains of has had with his clients in all likelihood has existed throughout this case. In fact, Petitions have repeatedly asserted that the very type of letter Mr. Rube complains of having received, have been received by Mr. Gunner, Mr. Bickel, Sierra View, and others. In fact, Mr. Bickel and Mr. Gunner both expressed the concern that the letters sent to them were actually authored by Mick Loeffler. In conclusion, Dr. and Mrs. Loeffler were represented through the mediation process, have signed the settlement agreement, and agreed to arbitrate any further issues which may arise with Judge Broadman. There may have been reason for Mr. Rube to remove himself prior to this point, however, at this point, removal only serves the purpose of delaying the execution of the agreement already signed. Objector respectfully requests that the Court approve the settlement agreement signed by all parties and deny the petition to be removed as counsel by Mr. Rube until after a health care representative has been appointed for Dr. and Mrs. Loeffler.

