



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

Attorney: David N. Knudson (for Trustees Michael Poppacoda & Joyce Thomas)

Status: Receipt for blocked account

	MICHAEL PAPPACODA and JOYCE THOMAS are Co-Trustee.	NEEDS/PROBLEMS/COMMENTS:
	On 7/1/15 the Court approved the Eighteenth Account.	
Cont. from	Order to Deposit Money into Blocked Account was signed on 7/1/15 ordering that \$10,000 be placed into the blocked account.	1. Receipt and Acknowledgment of Order for the Deposit of Money into Blocked Account filed on 7/7/15 is incomplete. The receipt does not include the date the account was opened at #6, the amount of the deposit at #7, the present balance of the account at #8 and the signature of the bank representative is not dated.
Aff.Sub.Wit.	Receipt and Acknowledgment of Order for the Deposit of Money into Blocked Account was filed on 7/7/15.	
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		Reviewed by: KT
Status Rpt		Reviewed on: 7/13/15
UCCJEA		Updates:
Citation		Recommendation:
FTB Notice		File 1 - Goering

Report and Petition to close the estate

DOD: 9/18/2004	RENEE MASON , mother, was appointed as Administrator with full IAEA authority and without bond on 7/26/2005.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Minute order dated 5/13/15 states Mr. Hurt is directed to file a verified report and a petition to close the estate; he requests 60 days to do so. If the petition is filed at least two court days prior, then no appearance is necessary on 7/15/15. As of 7/13/15 a petition to close the estate has not been filed.</p> <p>Request for Dismissal was submitted on 2/27/15. The Request for Dismissal was not entered as requested because Letters have issued and the estate must be properly closed. Note: Attorney Douglas Hurt has been appearing in this matter on behalf of Renee Mason. Mr. Hurt has not substituted in as attorney of record.</p> <ol style="list-style-type: none"> 1. Need inventory and appraisal, and first account or petition for final distribution, or current written status report. 2. Need substitution of attorney.
	Letters issued 7/26/2005.	
Cont. from 051315	Inventory and appraisal was due December 2005.	
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg	First account or petition for final distribution was due August 2006.	
Aff.Mail	Creditor's Claim in the amount of \$799.97 filed on 3/26/2005 by Bank of America.	
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen	Notice of Status Hearing was mailed to attorney Kenneth Brock and Administrator Renee Mason on 11/21/14.	
Letters		
Duties/Supp		
Objections	Minute Order dated 4/8/15 set this Order to Show Cause. – Copy of the minute order was mailed to attorney Douglas Hurt and Administrator Renee Mason on 4/8/15.	
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: KT
		Reviewed on: 7/13/15
		Updates:
		Recommendation:
		File 2 – Swarm

Atty LeVan, Nancy J. (for Administrator Lorena Garcia)
 Atty Hastrup, John W. (also for Lorena Garcia, for this petition)
 Atty Littlewood, William (for Omega Ochoa Garcia – Surviving Spouse)
 Atty Kharazi, H. Ty (for Ronald G. Roberts in Civil Matter 04CECG03607)

Ex Parte Petition to Set Aside Settlement Agreement

DOD: 2-7-07	LORENA GARCIA , Daughter and Administrator with Limited IAEA without bond, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> This matter was filed as an ex parte application with an ex parte filing fee of \$60.00. However, this matter is actually a petition requiring hearing, which was set pursuant to the Court's Minute Order of 7/1/15; therefore, the filing fee for a petition requiring a hearing of \$435.00 is due from Petitioner. Likewise, Attorney H. Ty Kharazi, who represents Mr. Ronald Roberts, a defendant in Civil Matter 04CECG03607, filed a declaration that appears to object to this petition. \$435.00 objection filing fee may also be due from Mr. Roberts. The Court has held numerous status hearings regarding the civil litigation; however, no estate accounting or report of status has ever been filed by the Administrator pursuant to Probate Code §12200. The Court may set further status as appropriate. As noted in the Declaration of H. Ty Kharazi, it does not appear that the subject Settlement Agreement is within the jurisdiction of this Probate Court within this estate matter. If this petition goes forward, need clarification, authority. Need Notice of Hearing and proof of service of Notice of Hearing at least 15 days prior to the hearing on all interested parties and counsel, which may include the decedent's other children, surviving spouse, Attorney LeVan, Attorney Littlewood, and specifically, Ronald and Sherry Roberts.
	Petitioner hereby applies to the Court to set aside and hold to be non-binding that certain Settlement Agreement and Release executed 5/13/15 between Petitioner and Ronald and Sherry Roberts (The Settlement).	
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input type="checkbox"/> Notice of Hrg	x Declaration filed 6/24/15 states the only asset of the Estate of Johnny Garcia is a claim related to the property located at 836 S. Academy in Sanger, CA. In 2004, the decedent filed a lawsuit against Ronald and Sherry Roberts for various claims relating to the property. This lawsuit went through an unusual number of appeals and various procedural steps, which continued long after the decedent's death in 2007.	
<input type="checkbox"/> Aff.Mail		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters	7/21/08	
<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	Judgment was entered 8/23/07 for \$366,973 in favor of the estate and against the Roberts. This judgment was appealed and a new trial was ultimately held around July 2011. A new judgment was entered 7/27/11 in favor of the estate for \$184,798. This judgment was affirmed by the Fifth District Court of Appeals on or about 9/26/13, including an award of costs in favor of the estate. Subsequent attempts to reduce the judgment through remittitur were unsuccessful.	
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
	<u>SEE ADDITIONAL PAGES</u>	<p>Reviewed by: skc</p> <p>Reviewed on: 7/13/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 3 - Garcia</p>

In March 2014, after any further appeal period had lapsed, Petitioner's attorneys began collection efforts, including seeking writ of execution for \$234,998.50 plus interest accruing at the annual rate of 10%. Over the past year and several months, her attorneys have attempted to collect on this judgment. Unfortunately, due to the complex procedural aspects of the case and the various stops and starts, Petitioner was not particularly aware of the distinction between collecting on the judgment and proceeding with appeals, or even the trial itself. Further, it appears there was miscommunication between Petitioner's attorneys at McCormick Barstow, who are in charge of collecting the judgment, and Petitioner's estate attorney, Nancy LeVan, who is in charge of probate of the estate. The attorneys at McCormick Barstow had been communicating with Ms. LeVan with the understanding that she would communicate with Petitioner; however, Ms. LeVan believed the attorneys at McCormick Barstow should have been directly communicating with Petitioner. Therefore, Petitioner was not fully informed of everything that was going on.

Since the collection efforts had been going on for more than a year, Petitioner did not fully appreciate that the estate now had a final judgment that couldn't be appealed, and didn't appreciate that her attorneys were attempting to levy real property, which can take some time. Most importantly, she did not understand that by May of 2015, her attorneys had successfully levied upon the property for collection of the judgment. The Roberts had failed to respond to any pleadings, including the Notice of Levy. Thus, the only purpose of the hearing on an Order to Show Cause Why Property Should Not be Sold set for 5/14/15 was to determine whether a homestead exemption would preclude collection of some of the proceeds from a Sheriff's sale of the property to the extent such homestead exemption might apply.

Petitioner states she now knows that a homestead exemption would not apply because the Roberts do not live on the property; the hearing was only required because a home was located on the property, which Petitioner believes was being leased to a tenant.

Therefore, on or about 5/11/15, when the Roberts arrived at Petitioner's house unannounced offering a "settlement," she did not know how to respond. They told her there was another hearing set for 5/14/15 and that Petitioner had no hope of receiving any money for the estate any time soon. If Petitioner had understood the significance of the hearing, she would not have spoken with them.

Petitioner allowed them to present a settlement offer for \$51,000 including \$1,000 payable immediately. Petitioner was upset that her attorneys had not passed along any settlement offers, and was unaware of the distinction between a "settlement offer" and a "satisfaction of judgment." Petitioner now understands that a judgment is a fully collectable amount that occurs after the merits of an action are fully decided.

In complete reliance of the Roberts' representations, Petitioner verbally agreed to the \$51,000 settlement offer. The Roberts then asked her to confirm the settlement by signing a blank piece of paper for which they said their attorney, H. Ty Kharazi, would later fill in the details. Petitioner would not sign a blank piece of paper, so they indicated that they would have their attorney draft a settlement.

SEE ADDITIONAL PAGES

Petitioner states (Cont'd): On or about 5/13/15, the Roberts returned to Petitioner's home and presented a Settlement Agreement that they said had been drafted by their attorney, H. Ty Kharazi. Petitioner signed and notarized the agreement, believing the Roberts' representations that she was not about to collect on the judgment and that her attorneys had refused to convey settlement offers to her. Attached is a copy of the agreement.

Petitioner states she did not discuss the agreement or any of her discussions with the Roberts with her attorneys.

Petitioner states she also gave no consideration to the fact that on 5/13/08, she voluntarily modified her powers as Administrators so that she would only have Limited Authority under the IAEA, which was to prevent her from doing anything with respect to the property without Court approval. By having this limitation, she was able to stop paying on the bond and save money for the estate.

Following the signing of the purported settlement, Petitioner learned that the Roberts had listed the property for sale. Petitioner now believes this settlement on the eve of a potential court order to allow a Sheriff's sale was a fraudulent attempt to prevent the estate from fully collecting on the judgment, and that the Roberts and Mr. Kharazi engaged in a conspiracy to mislead her into accepting \$51,000 instead of the full judgment amount, which is currently valued at approx. \$265,000.00, plus daily accruing interest.

Declaration of H. Ty Kharazi filed 7/8/15 states this court has **no jurisdiction** (emphasis in original) over the subject matter of the settlement reached in the civil case. Moreover, the estate wants to litigate a matter against his client where he does not have **standing** to his detriment (i.e., no right to discovery or jury trial). His clients are not party to the estate matter and do not have any interest in the estate; therefore, this court, respectfully, has **no jurisdiction over Mr. or Mrs. Roberts**. Counsel Hastrup has **not formally substituted in nor associated** as the counsel for the estate and thus his pleadings are without authority and must be disregarded. Nancy LeVan remains the ONLY attorney of record for the estate.

The notice is defective as all heirs of Estate of Garcia are not provided notice, nor has Attorney LeVan received notice of these proceedings.

There is currently a motion before the Civil Court to deal with the settlement reached heretofore. Therefore, Attoreny Kharazi asks that this court defer to the Civil Court about the issues of the civil matter over which that court has complete jurisdiction. Judge Hamilton will hear the motion to enforce shortly. There are no emergencies here. The property in dispute is not capable of clearing title because of the two lis pendens against it.

4 Cheryl A. Smart (Estate)

Case No. 12CEPR00468

Atty Wall, Jeffrey L (for Former Administrator Kirk Hagopian)

Atty Morris, Michael J (for Objectors Brandenburger & Davis)

Atty Kruthers, Heather (For the Public Administrator)

Status Hearing re: First and Final Account and Report of Administrator and Petition for Its Settlement and Approval

		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>OFF CALENDAR.</u> Pursuant to Minute Order of 05/11/2015 the Status Hearing for the filing of the Petition for Final Distribution is set for 08/17/2015.</p>
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: LV
		Reviewed on: 07/13/2015
		Updates:
		Recommendation:
		File 4 - Smart

Attorney Gale, Barton D., of Berkley (for Joan Gouveia, Administrator with Will Annexed)

Probate Status Hearing Re: First Account and/or Petition for Final Distribution

DOD: 10/2/2006	<p>JOAN GOUVEIA, daughter, was appointed Administrator with Will Annexed with Full IAEA authority without bond on 6/19/2014.</p> <p>Letters issued on 6/27/2014.</p> <p>Pursuant to Probate Code § 8800(b), <i>Final Inventory and Appraisal</i> was filed 10/20/2014 showing an estate value of \$350,000.00.</p> <p>Pursuant to Probate Code § 12200, first account and/or petition for final distribution was due 6/27/2015.</p> <p>Minute Order dated 6/19/2014 from the hearing on the petition for probate set this status hearing for filing of the first account and/or petition for final distribution.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need first and final account, or verified status report and proof of service of notice of the status hearing pursuant to Local Rule 7.5(B).</p>
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt X		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: LEG
		Reviewed on: 7/10/15
		Updates:
		Recommendation:
		File 5 - Gouveia

	CECILIA RODRIGUEZ, mother was appointed Guardian of the Estate on 10/29/13 with all proceeds (\$40,000.00) to be deposited into a blocked account.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Minute Order 4/15/15: Counsel requests 90 days to speak with her client and file a declaration. The Court states its concerns and orders that the \$1,000.00 monthly withdrawals stop forthwith. The said declaration is to be filed by 7/8/15.</p> <p>Note: On 5/21/15, an Ex Parte Application Setting Earlier Date for Hearing was filed. The Court did not grant the application.</p> <p>Update: See Declaration filed 7/2/15.</p>
Cont. from 041515		
Aff.Sub.Wit.	On 10/15/13, Guardian filed a Petition for Authority to Expend Money for Support and/or Maintenance and/or Education of Minor.	
Verified		
Inventory		
PTC		
Not.Cred.	On 04/15/14, the Court granted Guardian's Petition for Authority to Expend Money, etc. allowing Guardian to withdraw \$1,000.00 per month from the blocked account beginning 04/15/14 and continuing for 12 months without further court order. Minute Order from 04/15/14 set this hearing for a status hearing on 07/15/15.	
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters	See Declaration of Cecilia Rodriguez filed 7/2/15.	
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: JF
		Reviewed on: 7/13/15 (skc)
		Updates:
		Recommendation:
		File 6 – Rodriguez

DOD: 05/29/14	JOSEPH PATRICK DE LOS REYES, son/Conservator of the Person and Estate, is Petitioner. Bond of \$30,000.00 was filed 04/07/14.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>CONTINUED TO 7/22/15</u> Per Minute Order 7/1/15</p> <ol style="list-style-type: none"> 1. Petitioner states that conservatee's bank closed conservatee's account and paid out the remaining funds to the pay-on-death beneficiaries designated by the conservatee upon the conservatee's death. The Court may require more information about this and/or reimbursement to the conservatorship estate of amounts distributed without court order. 2. Petitioner requests authority to sell the real property asset of the conservatorship estate, which is currently in foreclosure. The Conservatee died on 05/29/14, consequently, the Conservatorship terminated by operation of law on 05/29/14. The Court retains jurisdiction for the purpose of settling the final account of conservator pursuant to Probate Code § 2630. However, since the conservatorship has terminated due to conservatee's death, it appears that the sale of real property should occur in a subsequent probate proceeding after the final account of Conservator has settled and assets distributed to the Administrator of the Estate. The Court may require authority for selling a real property asset of a conservator after the death of a conservatee. <p>Note: It does not appear that a probate proceeding for conservatee's estate has been commenced in Fresno County.</p> <p>Reviewed by: JF</p> <p>Reviewed on: 7/13/15 (skc)</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 8 – De Los Reyes</p>
	Account period: 04/07/14 – 06/30/14	
Cont. from 042915, 052715, 070115	Accounting: \$206,338.03	
Aff.Sub.Wit.	Beginning POH: \$201,076.17	
<input checked="" type="checkbox"/> Verified	Ending POH: \$199,129.38 (\$9,129.38 is cash)	
Inventory	Subsequent Account period: 06/01/14 – 06/30/14	
PTC	Accounting: \$199,850.49	
Not.Cred.	Beginning POH: \$199,129.38	
<input checked="" type="checkbox"/> Notice of Hrg	Ending POH: \$190,000.00	
<input checked="" type="checkbox"/> Aff.Mail w/	Conservator: waived	
Aff.Pub.	Attorney: waived	
Sp.Ntc.	Petitioner requests that the property on hand consisting of real property, a vehicle, various tools, and miscellaneous furniture and furnishings be distributed to the estate of Wilfred Layvas De Los Reyes. A Probate proceeding for the administration of the estate will be filed with this Court upon the approval of this final account.	
Pers.Serv.	Petitioner prays for an Order that:	
Conf. Screen	1. The conservatorship of the Person and Estate terminated by operation of law on 05/29/14, conservatee's date of death;	
Letters	2. The Conservator and surety bond be discharged;	
Duties/Supp	3. The Amended First and Final Account of Conservator be approved;	
Objections	4. The assets on hand be distributed to the Estate of Wilfred Layvas De Los Reyes;	
Video Receipt	5. And for other such relief as the Court deems proper and just.	
CI Report		
<input checked="" type="checkbox"/> 2620(c)		
<input checked="" type="checkbox"/> Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		

Continued on Page 2

Declaration of Joseph Patrick De Los Reyes Regarding Attorney Fees and Closure of Conservatee's Bank Account filed 05/20/15 states:

- 1) He paid, from conservatee's funds, a total of \$956.38 to the Law Office of Mina L. Ramirez and agrees to reimburse the conservatorship estate this amount.
- 2) When Merced School Employees Federal Credit Union was notified of conservatee's death, the credit union automatically closed his bank account and issued checks to the named beneficiaries, as "pay-on-death" payees. Petitioner and his sister were the named beneficiaries.
- 3) Presently, the estate's real property is in foreclosure and is scheduled for a public sale in July 2015. The property appraised for \$175,000.00. There is approximately \$167,000.00 owed on the first mortgage, and \$17,000.00 on the line of equity that the conservatee owes. Petitioner seeks the court's authority to sell the house for either the appraised value or as a short sale.

9 Timothy Hall (Estate) Case No. 14CEPR00194

Attorney Kruthers, Heather H. (for Public Administrator/Petitioner)

Probate Status Hearing Re: First and Final Account and Report of Administrator and Petition

for Its Settlement and Approval

Age:		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>OFF CALENDAR.</u> Order on Preliminary Distribution After Hearing on First and Final Account filed 06/11/2015.</p> <p>Pursuant to Minute Order of 05/26/2015 (Judge Sanderson): Status Hearing regarding Additional Distribution is set for 07/21/2015.</p>
DOD:		
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: LV
		Reviewed on: 07/13/2015
		Updates:
		Recommendation:
		File 9 – Hall

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

DOD: 2/24/14	<p>RACHELE IRELAND, Daughter, was appointed Executor with Full IAEA without bond on 4/16/15. Letters issued 4/17/15.</p> <p>At the hearing on 4/16/15, the Court set this status hearing re filing the first account or petition for final distribution.</p> <p>Final I&A filed 5/16/14 indicates a total estate value of \$199,122.60.</p> <p>Supplemental I&A filed 7/29/14 indicates an additional asset valued at \$43,919.00.</p> <p>Various receipts have been filed in connection with distribution of misc. personal effects.</p> <p>Various creditor's claims have also been filed.</p> <p>Status Report filed 6/10/15 states there are two properties: a rental property that has been listed for sale since October 2014, and a one-half interest in a residence that the decedent owned with her partner, Gary Pritchard, both in poor condition. The house was also listed for sale in October 2014. Executor tried for several months to lower the sale price or do a short sale, but Gary would not agree or sign or provide any required documents. It has been very difficult dealing with Gary and for six months he would not pay any money towards the mortgage, even though he is on the loan and living there. He has finally decided to move forward with a short sale, and the house is currently vacant. The attorney recently received a call from Lou Rodriguez from Community Housing of Fresno, who informed her that Gary is trying to do a short sale, but he needed the estate's approval. Mr. Rodriguez stated that Gary did not tell him that the estate owned one-half of the property until the bank required the estate's approval. There is a buyer, and the estate is waiting to hear back whether the bank will accept the offer. The short sale could take three to six months to complete, but there is a possible \$5,000 cash back short sale incentive for the estate to complete short sale rather than letting it foreclose. Ms. Horton requests a 90 day continuance.</p>	<p>NEEDS/PROBLEMS/ COMMENTS:</p> <p>Minute Order 6/12/15: Counsel requests a continuance. The Court informs counsel that she should be checking at least weekly to aid in ensuring that Gary Pritchard does not again attempt to sell the estate real property without the personal representative's knowledge.</p> <p>Note: Attorney Horton filed a Status Hearing Report on 7/13/15. See Page 2.</p> <p>1. Need First Account or Petition for Final Distribution.</p>
Cont. from 061215		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice	<p>Reviewed by: skc</p> <p>Reviewed on: 7/13/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 10 - Stafford</p>	

Page 2

Status Hearing Report filed 7/13/15 states on 6/16/15, she spoke on the phone at length with Realtor Russell Smith about the listing of the North Fork rental property. The sale price was recently reduced from \$105,000 to \$98,000, and there is an \$81,000 mortgage on the property. Mr. Smith stated that the wooden post holding the sale sign has been stolen several times, and that the neighborhood is not good. The house cannot qualify for an FHA loan so they are not reaching a majority of qualified buyers. Most homes sell in the summertime due to people looking for vacation homes, but there has been a decrease in tourism and activity the past couple of years. There were several evacuations due to forest fires and fire insurance rates have risen significantly. There are a couple of other listings in the area that have been on the market for over three years in better condition.

The Decedent's Fresno residence was also in poor condition, and was listed for sale, but the actual value is less than the outstanding mortgage of over \$156,000. Ms. Horton left a message for Lou Rodriguez from Community Housing of Fresno, who called back 6/17/15 and informed her that they have not heard back from the bank whether the \$126,000 cash offer was accepted.

On 7/7/15, Mr. Rodriguez had still not heard back from the bank. On 7/13/15, Ms. Horton called Mr. Rodriguez for an update. He stated that the bank required one of the forms to be corrected. He submitted the corrected form on 7/8/15 and is now waiting for an answer back from the bank.

Once they know what the buyer will accept and the terms of sale, a Notice of Proposed Action will be sent out. Per Mr. Rodriguez, the short sale process will take anywhere from 10-30 days to complete. There is a possible \$5,000 cash back short sale incentive for the estate to complete short sale rather than letting it foreclose.

Per the recorder's website, no deeds have been recorded since 2006.

The estate cannot close until both properties are sold, so Attorney Horton requests continuance for 60 days for further status.

Probate Status Hearing Re: Filing Inventory and Appraisal

DOD: 1/1/14	<p>CRAIG MACGLASHAN, son, was appointed Executor with Limited IAEA authority and without bond on 8/28/14.</p> <p>Letters issued on 8/28/14.</p> <p>Minute Order dated 8/28/14 set this status hearing for the filing of the Inventory and Appraisal.</p> <p>Status Report filed on 5/6/15 states petitioner is the conservator of the person and estate of the decedent Jamie McGlashan. On 5/5/15 there was a hearing for the approval of the Amended Petition in the conservatorship estate. On 5/5/15 Judge Cardoza continued the conservatorship matter to 5/26/15. Petitioner is waiting for the approval of the order authorizing him as conservator of the estate to transfer the assets to the decedent's estate.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>OFF CALENDAR. Inventory and Appraisal filed 7/2/15.</p>
Cont. from 012115, 031815, 051315		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: KT
		Reviewed on: 7/13/15
		Updates:
		Recommendation:
		File 12 - McGlashan

Mother Bess, Jezell (Pro Per – Mother – Petitioner)

Guardian Bess, Courtney Lynn (Pro Per – Maternal Aunt – Guardian)

Petition for Termination of Guardianship

		See petition for details.	NEEDS/PROBLEMS/COMMENTS:
			Continued from 6/10/15. Minute order states Examiner Notes provided in open court. As of 7/13/15, nothing further has been filed.
Cont. from 061015			<u>Note:</u> This petition pertains to the minor Jasean Bess only. Jashaya, age 4, is under guardianship with her maternal great-aunt, Breshia Robinson.
	Aff.Sub.Wit.		<u>Note:</u> This petition was filed ex parte on 4/8/15. On 4/9/15, the Court set this hearing and ordered Petitioner to provide notice to all interested parties no later than 15 days prior to the hearing.
✓	Verified		1. Need Notice of Hearing.
	Inventory		2. Need proof of service of Notice of Hearing at least 15 days prior to the hearing on the guardian and <u>all</u> relatives per Probate Code §1460(b)(5):
	PTC		- Courtney Lynn Bess (Guardian)
	Not.Cred.		- Father
	Notice of Hrg	X	- Paternal Grandfather
	Aff.Mail	X	- Paternal Grandmother
	Aff.Pub.		- Maternal Grandfather Jeffery Bess
	Sp.Ntc.		- Maternal Grandmother Yolanda Moore
	Pers.Serv.		<u>Note:</u> According to Ms. Bess' original petition for guardianship, the father and paternal grandparents are unknown. The Court may require further information or diligence if available.
	Conf. Screen		Reviewed by: skc
	Letters		Reviewed on: 7/13/15
	Duties/Supp		Updates:
	Objections		Recommendation:
	Video Receipt		File 13 – Bess & Sumlin
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

	ALVIN MOULTRIE, Father, was appointed Guardian of the Estate without bond on 3/24/15.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Minute Order 7/1/15</u>: The Court signs a new blocking order in the amount of \$20,002.62.</p> <ol style="list-style-type: none"> 1. Need Receipt and Acknowledgment of Order for the Deposit of Money into Blocked Account (MC-356). 2. Need Court filing fee \$435.00.
	The Court ordered funds placed into a blocked account and set this status hearing for the filing of the receipt for blocked account.	
	The Court also ordered that \$435.00 be withdrawn from the blocked account for payment of the Court filing fee.	
Cont from 050615, 052715, 070115		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: skc
		Reviewed on: 7/13/15
		Updates:
		Recommendation:
		File 14 - Moultrie

	ALVIN MOULTRIE , Father, was appointed Guardian of the Estate without bond on 3/24/15.	NEEDS/PROBLEMS/COMMENTS:
	The Court ordered \$29,750.00 to be placed into a blocked account and set this status hearing for the filing of the receipt for blocked account.	Minute Order 7/1/15: The Court signs a new blocking order in the amount of \$20,002.61.
Cont from 050615, 052715, 070115		Note: See Declaration filed 7/10/15.
Aff.Sub.Wit.		
Verified		
Inventory	The Court also ordered that \$435.00 be withdrawn from the blocked account for payment of the Court filing fee.	3. Need Receipt and Acknowledgment of Order for the Deposit of Money into Blocked Account (MC-356).
PTC		Note: The EECU Verification of Deposit attached to the declaration does not confirm that the funds are deposited into a blocked guardianship estate account. The mandatory Judicial Council form MC-356 must be used for this purpose.
Not.Cred.		
Notice of Hrg	See Declaration filed 7/10/15.	
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		4. Need Court filing fee \$435.00.
		Note: Order for Withdrawal of Funds from Blocked Account for this amount was filed 3/24/15.
		5. Petitioner's declaration appears to request a lump sum from both minors' accounts. A proper Petition for withdrawal of Funds from Blocked Account (Mandatory Judicial Council Form MC-357) must be appropriately filed in each minor's estate, with a proposed order thereon (MC-356), and the Court may require additional information or noticed hearing.
Aff. Posting		Reviewed by: skc
Status Rpt		Reviewed on: 7/13/15
UCCJEA		Updates:
Citation		Recommendation:
FTB Notice		File 15 - Moultrie

Atty Staunton, Cynthia Ann (Pro Per – Beneficiary – Petitioner)
 Atty Buettner, Michael M. (for Joseph J. Marzullo – Trustee – Respondent)
 Petition to Compel Account

Marguerite N. Marzullo DOD: 4-11-98	CYNTHIA ANN STAUNTON , Beneficiary, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:						
	Petitioner states she is a beneficiary of the Marzullo Revocable Living Trust dated 5-19-97 created by Joseph J. Marzullo, Jr., and Marguerite N. Marzullo, as settlors and trustees, as amended by the first and second amendments, both dated 5-19-97. Attached may not be a complete copy, only what she was given.	<u>Continued from 1/21/15, 3/4/15, 4/21/15, 5/26/15.</u>						
Cont. from 012115, 030415, 042115, 052615	Petitioner states she has made countless attempts to request a full and complete accounting, but the Trustee never provided Petitioner with any information regarding the trust estate. Petitioner is entitled to an account pursuant to §16062(a).	The following issues remain noted:						
<table border="1"> <tr> <td>Aff.Sub.Wit.</td> <td></td> </tr> </table>	Aff.Sub.Wit.		Petitioner and her son are beneficiaries to whom as stated previous cannot at this time state under these codes what they are entitled to, however as the court to help us in this process. The trustee became the trustee as a result of the death of the surviving settlor [sic] Marguerite N. Marzullo on 4-11-98. Soon, she will have gone through 17 years of this and with his knowledge of Petitioner's finances and having no means to seek even the smallest amount of legal representation, advice, etc., and all these years with nothing.	<ol style="list-style-type: none"> 1. Need proof of service of Notice of Hearing at least 30 days prior to the hearing pursuant to Probate Code §17203 on the trustee and all beneficiaries: - Darrell Jordan (named alternate successor trustee) - Any other person entitled to notice pursuant to §17203. 				
Aff.Sub.Wit.								
<table border="1"> <tr> <td>✓ Verified</td> <td></td> </tr> </table>	✓ Verified		Petitioner prays for an order:	<p>Note: Petitioner listed only the trustee and beneficiaries in the petition; however, the trust provides the name of the alternate successor trustee, who is entitled to notice. The Court may require a complete list compiled and verified by Petitioner of all entitled to notice of these proceedings.</p>				
✓ Verified								
<table border="1"> <tr> <td>Inventory</td> <td></td> </tr> </table>	Inventory		<ol style="list-style-type: none"> 1. Finding that notice of hearing has been given as required by law; 2. Compelling the trustee to deliver an account of the transactions of the trust to Petitioner by as soon as Court orders; and 3. For such other and further orders as the Court deems just and proper. 	<ol style="list-style-type: none"> 2. The trust at Article VII, Section 7.6, states: During the time that either Settlor serves as Trustee hereunder no account shall be required of said Settlor serving as Trustee, such accounting being specifically waived in such instance by the Settlers. The Court may require clarification or authority regarding Petitioner's request for an accounting. (Do the amendments referenced provide further direction?) 				
Inventory								
<table border="1"> <tr> <td>PTC</td> <td></td> </tr> </table>	PTC		See Page 2.	<ol style="list-style-type: none"> 3. This petition was filed with a fee waiver. If Petitioner receives distribution, filing fees may be due. 				
PTC								
<table border="1"> <tr> <td>Not.Cred.</td> <td></td> </tr> </table>	Not.Cred.		<table border="1"> <tr> <td>✓ Aff.Mail</td> <td>w/o</td> </tr> </table>	✓ Aff.Mail	w/o	Reviewed by: skc		
Not.Cred.								
✓ Aff.Mail	w/o							
<table border="1"> <tr> <td>✓ Notice of Hrg</td> <td></td> </tr> </table>	✓ Notice of Hrg		<table border="1"> <tr> <td>Aff.Pub.</td> <td></td> </tr> </table>	Aff.Pub.		Reviewed on: 7/13/15		
✓ Notice of Hrg								
Aff.Pub.								
<table border="1"> <tr> <td>✓ Aff.Mail</td> <td>w/o</td> </tr> </table>	✓ Aff.Mail	w/o	<table border="1"> <tr> <td>Sp.Ntc.</td> <td></td> </tr> </table>	Sp.Ntc.		Updates:		
✓ Aff.Mail	w/o							
Sp.Ntc.								
<table border="1"> <tr> <td>Aff.Pub.</td> <td></td> </tr> </table>	Aff.Pub.		<table border="1"> <tr> <td>Pers.Serv.</td> <td></td> </tr> </table>	Pers.Serv.		Recommendation:		
Aff.Pub.								
Pers.Serv.								
<table border="1"> <tr> <td>Conf. Screen</td> <td></td> </tr> </table>	Conf. Screen		<table border="1"> <tr> <td>Letters</td> <td></td> </tr> </table>	Letters		File 17A - Marzullo		
Conf. Screen								
Letters								
<table border="1"> <tr> <td>Letters</td> <td></td> </tr> </table>	Letters		<table border="1"> <tr> <td>Duties/Supp</td> <td></td> </tr> </table>	Duties/Supp		<table border="1"> <tr> <td>9202</td> <td></td> </tr> </table>	9202	
Letters								
Duties/Supp								
9202								
<table border="1"> <tr> <td>✓ Objections</td> <td></td> </tr> </table>	✓ Objections		<table border="1"> <tr> <td>Order</td> <td>x</td> </tr> </table>	Order	x	<table border="1"> <tr> <td>Aff. Posting</td> <td></td> </tr> </table>	Aff. Posting	
✓ Objections								
Order	x							
Aff. Posting								
<table border="1"> <tr> <td>Video Receipt</td> <td></td> </tr> </table>	Video Receipt		<table border="1"> <tr> <td>Status Rpt</td> <td></td> </tr> </table>	Status Rpt		<table border="1"> <tr> <td>UCCJEA</td> <td></td> </tr> </table>	UCCJEA	
Video Receipt								
Status Rpt								
UCCJEA								
<table border="1"> <tr> <td>CI Report</td> <td></td> </tr> </table>	CI Report		<table border="1"> <tr> <td>Citation</td> <td></td> </tr> </table>	Citation		<table border="1"> <tr> <td>FTB Notice</td> <td></td> </tr> </table>	FTB Notice	
CI Report								
Citation								
FTB Notice								

Page 2

Response filed 1-16-15 by Joseph J. Marzullo, Trustee, states he is not required to account for the period when the trust may be revoked. One of the subtrusts is the survivor's trust, and accordingly, no accounting need be made to Petitioner with respect to the survivor's Trust. Mr. Marzullo states he is the current beneficiary and sole trustee; therefore, no account is required. Also, Petitioner has failed to comply with notice provisions of § 17203. He and Petitioner have had an estranged relationship for many years. Petitioner has been verbally abusive to Respondent and has made threats against him. In spite of this, Respondent has provided considerable financial assistance to Petitioner over the years.

Respondent prays that:

1. The Court deny the relief requested in the petition;
2. That Petitioner take nothing by way of her petition;
3. Such other and additional relief as the court deems appropriate.

Declaration of Michael M. Buettner filed 4-27-15 states the only pages Ms. Staunton was missing were Pages 1-3, which are the Table of Contents, attached.

Petitioner's Declaration filed 5-12-15 details her health and personal issues and states that she is missing the last three pages, 47, 48, and 49, the properties and the bank accounts. The declaration also provides details of various properties.

Examiner's Note: Petitioner mentions possible amendments; however, neither recent declaration mentions whether these amendments exist.

		<p>CYNTHIA ANN STAUNTON, Beneficiary, filed a Petition to Compel Account on 12/5/14.</p> <p>At hearing on 4/21/15, the Court set this status hearing Re: Filing of an Account. JOSEPH J. MARZULLO is ordered to be personally present in court on 5/26/15.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Continued from 5/26/15.</u></p> <p>1. Need account or written status report pursuant to Local Rule 7.5.</p>
Cont. from 052615			
	Aff.Sub.Wit.		
	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg		
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: skc
			Reviewed on: 7/13/15
			Updates:
			Recommendation:
			File 17B - Marzullo

18 Nathan Finney, Breanna Finney & Rikki Finney (GUARD/P)

Case No. 15CEPR00122

Guardian Stone, Tennison Anita (Pro Per – Guardian)

Status Hearing re: Counseling Appointment Information

Nathan, age 16	<p>TENNISON ANITA STONE, step-mother, was appointed guardianship of the person of each of the three minors on 07/01/2015.</p> <p>Letters issued on 07/01/2015.</p> <p>Minute Order of 07/01/2015 set this Status Hearing regarding Counseling Appointment Information.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>
Breanna, age 14		
Rikki, age 10		
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
	<p>Reviewed by: LV</p>	
	<p>Reviewed on: 07/13/2015</p>	
	<p>Updates:</p>	
	<p>Recommendation:</p>	
	<p>File 18 – Finney</p>	

Probate Status Hearing RE: Information Being Furnished to Successor Trustee and Filing of an Accounting.

	<p>BRETT BURCH, beneficiary, petitioned the court for removal of GERALDINE S. SWIFT as trustee of the Trust and for Ms. Swift to provide an accounting of the Trust.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need accounting 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>
<p>Cont. from 052815</p>	<p>Minute order dated 4/9/15 states the Court finds good cause to remove Geraldine Swift as Trustee and appoints Brett Burch as Successor Trustee. Ms. Swift is ordered to prepare and file and accounting on or before 5/28/15, and to furnish Mr. Burch with copies of all bank statements from 5/7/2007 to the present, as well as records of all money or assets received from the Trust. The Court further orders that Geraldine Swift not remove any assets or conduct any further transactions with regards to the Trust. Ms. Swift is to turn over any and all information pertaining to the Trust to Mr. Burch by 4/16/15. If the accounting is filed and if parties file written agreement that all documents have been received by Mr. Burch the 5/28/15 may come off calendar. If not, then Geraldine Swift is ordered to be personally present in court on 5/28/15.</p>	
<p>Aff.Sub.Wit.</p>	<p>Minute Order dated 5/28/15 states Mr. Simonian is unsure whether or not he is still representing Geraldine Swift as he has received no response from her despite attempts at communication. Additionally, Mr. Simonian contacted the accountant who state that the accounting is not yet completed. Mr. Buettner reports that Ms. Swift has not turned over information as ordered on 4/9/15, but that the remaining funds are now secure. Mr. Buettner requests Ms. Swift to be ordered to pay attorney's fees; said request is to be made in writing. The Court issues an Order to Show Cause to Geraldine Swift as to why she should not be sanctioned for failure to appear today as order ad failure to file the accounting. Ms. Swift is ordered to be personally present in court on 7/15/15.</p>	<p>Reviewed by: KT</p>
<p>Verified</p>		<p>Reviewed on: 7/13/15</p>
<p>Inventory</p>	<p>Updates:</p>	
<p>PTC</p>	<p>Recommendation:</p>	
<p>Not.Cred.</p>	<p>File 19A - Swift</p>	
<p>Notice of Hrg</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>Aff. Posting</p>		
<p>Status Rpt</p>		
<p>UCCJEA</p>		
<p>Citation</p>		
<p>FTB Notice</p>		

Order to Show Cause

	BRETT BURCH , beneficiary, petitioned the court for removal of GERALDINE S. SWIFT as trustee of the Trust and for Ms. Swift to provide an accounting of the Trust.	NEEDS/PROBLEMS/COMMENTS:
Cont. from		
Aff.Sub.Wit.		
Verified	Minute order dated 5/28/15 set this Order to Show Cause hearing as to why Geraldine Swift should not be sanctioned for failure to appear on 5/28/15 as ordered and for failure to file the accounting. Ms. Swift is ordered to be personally present in court on 7/15/15.	
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.	Geraldine Swift was mailed notice at three separate addresses on 5/28/15. All three notices were returned as undeliverable.	
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: KT
		Reviewed on: 7/13/15
		Updates:
		Recommendation:
		File 19B – Swift

Attorney Krbechek, Randolph, for Petitioner Eugene D. Herzog, Beneficiary
 Attorney Roberts, Gregory J., for Respondent Richard A. Herzog, Trustee

Verified Petition for Accounting and for Order Instructing Trustee and Compelling Final Distribution from Trust

Darrell DOD: 5/26/2011	EUGENE D. HERZOG , son, is Petitioner.		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: Minute Order dated 5/28/2015 from the last hearing in this matter set a Status Hearing Re: Filing of the Account of the Trustee on <u>7/15/2015</u>.</p> <p>Note: Court records do not show that the account to be filed by Successor Trustee Richard A. Herzog has been filed as of 7/10/2015.</p> <p>The following issues regarding the Petition remain:</p> <ol style="list-style-type: none"> 1. Prayer of the <i>Petition</i> at page 4 indicates the name of Decedent DARRELL A. HERZOG as the Trustee from which an accounting is requested and that the Court issue an order passing upon the acts of DARRELL A. HERZOG as trustee; need clarification regarding whether Petitioner seeks relief regarding the accounting and acts of the former Trustee, DARRELL A. HERZOG, in addition to relief regarding the current trustee, RICHARD A. HERZOG. 2. Need proposed order pursuant to Local Rule 7.1.1 (F) providing that a proposed order shall be submitted with all pleadings that request relief.
Anna DOD: 12/7/2012			
Cont. from 052815			
Aff.Sub.Wit.			
✓ Verified			
Inventory			
PTC			
Not.Cred.			
✓ Notice of Hrg			
✓ Aff.Mail	W/		
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order	X		
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			

Petitioner states:

- On 1/31/2008, Settlor **DARRELL A. HERZOG** and **ANNA B. HERZOG** established the **HERZOG FAMILY TRUST dated 1/31/2008** (copy attached as Exhibit A);
- Following the Settlor's deaths, **RICHARD A. HERZOG**, son, served as Successor Trustee;
- Petitioner and Richard Herzog are Trust beneficiaries at ½ share each;
- Despite written demand, Richard has failed and refused to provide an accounting of the Trust and to complete administration of the trust estate;
- Petitioner requests a full and complete accounting of all acts undertaken by Richard Herzog in the course of his administration of the trust assets; the accounting shall include [cited list from Probate Code § 16063(a) – (d)];
- The property held by the Trust is not known to Petitioner;
- Petitioner requests distribution of the trust assets in accordance with the Trust Agreement;
- Further administration of the trust assets is not necessary, and the remaining trust assets should be liquidated and distributed to the beneficiaries.

~Please see additional page~

Reviewed by: LEG
 Reviewed on: 7/10/15
 Updates:
 Recommendation:
 File 20 - Herzog

Petitioner requests an order:

1. Compelling **[Darrell A. Herzog and/or Richard Herzog]** to account for any trust assets collected or received by him from the death of the Settlers to the present;
2. Compelling **[Darrell A. Herzog and/or Richard Herzog]** to account for the trust for the period from the death of the settlors to the present, with such accounting to be made in accordance with the requirements of Probate Code § 16062 – 16063;
3. Settling the accounts;
4. Passing upon the acts of **[Darrell A. Herzog and/or Richard Herzog]** as trustee/successor trustee;
5. Determining to whom property shall pass or be delivered upon termination of the trust;
6. For termination of the Trust;
7. For costs of suit herein; and
8. For attorney's fees as permitted by statute or contract.

Response to Verified Petition for Accounting and Declaration of Responding Trustee filed by RICHARD A. HERZOG on 5/26/2015 states:

- In response to the Petition filed with the Court by **EUGENE D. HERZOG** on 4/16/2015, Respondent has engaged the services of **THOMAS RYAN, C.P.A.**, to prepare a formal trust accounting for this Court in the format required by the Court, and have submitted to him all of Respondent's financial records regarding the trust assets and transactions;
- He anticipates that the accounting and his accompanying petition for its approval will be ready for filing with this Court in approximately 2 weeks;
- Accordingly, he requests that the Court set a status hearing for the filing of the accounting in **30 days** from 5/28/2015, to ensure that there is sufficient time to complete the preparation and filing of the petition and accounting.

21 Moises Rosalio Gonzalez Ruiz (CONS/PE) Case No. 15CEPR00420

Attorney Rindlisbacher, Curtis D. (for Moises Russell Ruiz – Conservator)

Probate Status Hearing RE: Opening of New Trust and Proof of Bond

Age: 76			NEEDS/PROBLEMS/COMMENTS:
			<u>OFF CALENDAR.</u>
			Proof of BOND filed on 06/09/2015.
			The Moises Rosalio Gonzalez Ruiz 2015 Trust filed 07/13/2015.
Cont. from			
<input type="checkbox"/> Aff.Sub.Wit.			
<input type="checkbox"/> Verified			
<input type="checkbox"/> Inventory			
<input type="checkbox"/> PTC			
<input type="checkbox"/> Not.Cred.			
<input type="checkbox"/> Notice of Hrg			
<input type="checkbox"/> Aff.Mail			
<input type="checkbox"/> Aff.Pub.			
<input type="checkbox"/> Sp.Ntc.			
<input type="checkbox"/> Pers.Serv.			
<input type="checkbox"/> Conf. Screen			
<input type="checkbox"/> Letters			
<input type="checkbox"/> Duties/Supp			
<input type="checkbox"/> Objections			
<input type="checkbox"/> Video Receipt			
<input type="checkbox"/> CI Report			
<input type="checkbox"/> 9202			
<input type="checkbox"/> Order			
<input type="checkbox"/> Aff. Posting			
<input type="checkbox"/> Status Rpt			
<input type="checkbox"/> UCCJEA			
<input type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice			
		Reviewed by: LV	
		Reviewed on: 07/13/2015	
		Updates:	
		Recommendation:	
		File 21 – Ruiz	

**22 Damian Cortez-Dervinskcas, Courtney Cortez-Dervinskcas
(GUARD/P) Case No. 15CEPR00496**

Petitioner Subia, Rose A. (Pro Per – Maternal Grandmother)

Petition for Appointment of Guardianship of the Person

Damian Age: 5	<u>NO TEMPORARY REQUESTED</u>		NEEDS/PROBLEMS/COMMENTS: 1. Need Notice of Hearing. 2. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for: <ul style="list-style-type: none"> • John Dervinskcas (Paternal Grandfather) • Paternal Grandmother (Not Listed) • Michael Cortez (Maternal Grandfather) 3. UCCJEA is incomplete. Need minor's residence information for the past 5 years. 4. Page #5 of the Guardianship Petition – Child Information Attachment (GC 210(CA)) which pertains to whether the child has Native American Ancestry was not completed. Need declaration with page #5 attached for each child.
Courtney Age: 7	ROSE A. SUBIA, maternal grandmother, is petitioner.		
	<u>Please see petition for details</u>		
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<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.	n/a	
<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: LV
			Reviewed on: 07/13/2015
			Updates:
			Recommendation:
			File 22 – Cortez-Dervinskcas