



## ATTENTION

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

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

Thank you for your patience.

**1 Mae Jeanne Landresse - Estate**

**Case No. 00CEPR10355**

**Atty Freeman, Jordan M. (for Petitioner Valerie Landresse Priest)**

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

<b>DOD: 5/29/2000</b>	<b>VALERIE LANDRESSE PRIEST</b> , granddaughter, is Petitioner and requests appointment as Administrator with Will Annexed and without bond.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Note:</b> Status hearings will be set as follows:</p> <ul style="list-style-type: none"> <li>Friday, December 21, 2012 at 9:00 a.m. in Department 303 for the filing of the inventory and appraisal.</li> <li>Friday, September 20, 2013 at 9:00 a.m. in Department 303 for the filing of the first account of petition for final distribution.</li> </ul> <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>
<b>Cont. from</b>	All heirs waive bond.	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/> <b>Verified</b>	<b>Petitioner states</b> she was previously appointed as successor Administrator. On 8/21/2001 the order for final distribution was entered. Petitioner was discharged on 11/20/2003. Petitioner states she recently discovered an additional Morgan Stanley account in the Decedent's name. Morgan Stanley will not distribute the funds without valid letters of Administration therefore the estate needs to be re-opened.	
<input type="checkbox"/> <b>Inventory</b>		
<input type="checkbox"/> <b>PTC</b>		
<input type="checkbox"/> <b>Not.Cred.</b>		
<input type="checkbox"/> <b>Notice of Hrg</b>		
<input checked="" type="checkbox"/> <b>Aff.Mail</b>	W/	
<input checked="" type="checkbox"/> <b>Aff.Pub.</b>		
<input type="checkbox"/> <b>Sp.Ntc.</b>	Will dated 8/19/19 (admitted to probate on 10/2/2000)	
<input type="checkbox"/> <b>Pers.Serv.</b>		
<input type="checkbox"/> <b>Conf. Screen</b>	Residence: Fresno Publication: Fresno Business Journal	
<input checked="" type="checkbox"/> <b>Letters</b>		
<input checked="" type="checkbox"/> <b>Duties/Supp</b>	Estimated value of the Estate: \$33,718.17	
<input type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>	Probate Referee: Rick Smith	
<input type="checkbox"/> <b>CI Report</b>		
<input type="checkbox"/> <b>9202</b>		
<input checked="" type="checkbox"/> <b>Order</b>		
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>		
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		
		<b>Reviewed on:</b> 7/16/12
		<b>Updates:</b> SUBMITTED
		<b>Recommendation:</b>
		<b>File 1 - Landresse</b>

Atty Rindlisbacher, Curtis D.

Atty Bagdasarian, Gary G.

(1) First and Final Account and Report of Conservator, (2) Petition for Reimbursement of Costs Advanced by Conservator; (3) for Attorney's Fees and Costs Advanced by the Attorney; (4) for Discharge of Conservator and (5) for Authority to Liquidate the Estate by Summary Disposition [Prob. C. 1060-1064; 1860; 1861-1863; 2620; 2623; 2631; 2640]

Age:		NEEDS/PROBLEMS/COMMENTS:  <u>Continued to 8/21/12</u> at the request of the attorney.
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: KT
		Reviewed on: 7/13/12
		Updates:
		Recommendation:
		File 5 - Lewis

<b>DOD: 6-13-11</b>	<b>JAMES DOUGLAS DAVIS</b> , Co-Trustee and Beneficiary, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
<b>Cont. from 060712</b>	<b>CARLA D. RAY</b> , Co-Trustee and Beneficiary (sister of Petitioner), is Respondent.	<b>Continued from 6-7-12</b>
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	Petitioner states he and his sister are all of the beneficiaries of the trust and are the first successor Co-Trustees.	<b>Minute Order 6-7-12: Counsel requests a continuance. Matter continued to 7-19-12.</b>
<input checked="" type="checkbox"/> <b>Verified</b>		
<input type="checkbox"/> <b>Inventory</b>	Petitioner seeks orders and instructions pursuant to Probate Code §17200 as follows:	<b>As of 7-16-12, nothing further has been filed.</b>
<input type="checkbox"/> <b>PTC</b>		
<input type="checkbox"/> <b>Not.Cred.</b>		
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>	17200(b)(7)(C) – Compelling Carla D. Ray to account and report to Petitioner as beneficiary. Petitioner, through prior counsel, made a written request on 1-10-12 to provide an account, but she has failed and refused to provide any such account or report. It has now been more than 40 days since that request.	
<input checked="" type="checkbox"/> <b>Aff.Mail</b>		
<input type="checkbox"/> <b>Aff.Pub.</b>		
<input type="checkbox"/> <b>Sp.Ntc.</b>		
<input type="checkbox"/> <b>Pers.Serv.</b>		
<input type="checkbox"/> <b>Conf. Screen</b>	17200(b)(10) – For the removal of Carla D. Ray as Co-Trustee of the trust and appointing Petitioner as the sole trustee on the grounds that she has committed breach of trust (§1652(b)(1)) and failed to cooperate with Petitioner which has impaired the administration of the trust (§15642(b)(3)). She has failed to account to beneficiaries after demand, failed to distribute assets according to the terms of the trust, and failed to cooperate with Petitioner in administration of the trust.	
<input type="checkbox"/> <b>Letters</b>		
<input type="checkbox"/> <b>Duties/Supp</b>		
<input checked="" type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>		
<input type="checkbox"/> <b>CI Report</b>		
<input type="checkbox"/> <b>9202</b>		
<input type="checkbox"/> <b>Order</b>	17200(b)(5) – for a determination of the debts owed by Carla D. Ray to the trust. Prior and subsequent to their mother's death, she charged expenses, including but not limited to four Dell computers and a 42" LCD HDTV to their mother's estate. The latest charges on 8-23-12 for \$93.24, over two months after their mother passed. Despite several demands to explain and pay, she has failed and refused.	<b>Reviewed by: skc</b>
<input type="checkbox"/> <b>Aff. Posting</b>		<b>Reviewed on: 7-16-12</b>
<input type="checkbox"/> <b>Status Rpt</b>		<b>Updates:</b>
<input type="checkbox"/> <b>UCCJEA</b>		<b>Recommendation:</b>
<input type="checkbox"/> <b>Citation</b>		<b>File 6 - Davis</b>
<input type="checkbox"/> <b>FTB Notice</b>	17200(b)(12) – Compelling Carla D. Ray to pay the Dell Computer invoice in the amount of \$2,693.37 and reimburse the trust for any other charges or expenses owed to the trust.	
	17200(b)(6) – Instructing that the purpose of the trust has been concluded and it shall be brought to a close, and that the trustee is to conclude the administration of the estate and distribute proceeds of the trust to beneficiaries pursuant to the terms of the trust, including but not limited to the share of the State Farm check, and that Carla D. Ray cooperate with Petitioner as Co-Trustee in administration if she is not removed.	
	<b>SEE PAGE 2</b>	

**Petitioner prays for an Order:**

1. Compelling Carla D. Ray to account fully for all trust property and report all actions taken;
2. Removing Carla D. Ray as trustee;
3. Appointing James Douglas Davis as sole trustee;
4. Instructing the trustee that Carla D. Ray owes the trust the amount of \$2,693.37 for the Dell computer account and that said amount shall be charged against and paid by her share of the trust proceeds;
5. Instructing the trustee to distribute all known assets of the trust to the named beneficiaries according to the terms of the trust and bring the trust to conclusion;
6. For costs herein; and
7. For such other orders as the court may deem proper.

**Response filed 5-29-12 by Carla Ray states:**

Respondent did not receive a written request from Petitioner or an attorney or anyone else requesting an accounting of any sort. It is noteworthy that Petitioner did not attach such request as an exhibit along with his other exhibits do to the simple fact that one does not exist. Section 16062(a) provides that a trustee generally has a duty to account at least annually to a beneficiary. Decedent died on 6-13-11, less than one year ago. Based on the above, Petitioner is premature in his petition to remove Respondent as co-trustee for failure to account. Respondent would have provided an accounting in the ordinary course – with the help of Petitioner as co-trustee – after 6-13-12, but has instead provided the attached accounting – without his help – for the period 6-13-11 through 5-25-12.

Second, before a distribution can be accomplished, the final bills of the decedent must be satisfied. Attached are invoices for unpaid bills. In addition, the trustee has incurred the expense of \$250.00 to Ed Huff, CPA, for tax preparation and \$2,740 to David M. Camenson, Professional Corporation, for legal services after the decedent's death. Also, a court filing fee of \$395.00 for this response was incurred after the date of the accounting. Petitioner has demanded that he is owed half of the \$38,883.82 death benefit from State Farm before satisfying these debts of the estate. This request should be denied.

Third, before final distribution can occur, an account of interim distributions must be prepared so that the final distribution can be equal as required by the trust. Based on the values of the accounting, Petitioner has already received 2/3 of the value of the trust estate (\$96,000) while Respondent has received only \$45,020.

Fourth, contrary to the allegation by Petitioner, Respondent has provided as much information at her disposal to address any inquiries from Petitioner at all times. At times, the information was not available. This can hardly be considered to be failing to cooperate.

Fifth, Petitioner is well aware of the fact that Respondent was not responsible for any charges made to a Dell credit card. The decedent opened a credit card without Respondent's knowledge for use by Misty Blackmon, the decedent's granddaughter, and the balance was paid in full on 5-14-12 by Misty Blackmon from her own money, not from any trust estate monies.

**Respondent prays for an Order:**

1. Denying and dismissing the petition, Petitioner's request for an accounting and the removal of Respondent as Co-Trustee;
2. Instructing Petitioner as Co-Trustee to cooperate with Respondent to obtain updated appraisals on the jewelry in their possession of Petitioner so as to correctly value the assets already distributed to him;
3. Instructing the Trustees to pay all bills of the trust estate as set forth in Exhibit B to the extent required by the respective creditors;
4. Distribute the balance of the trust estate such that both Petitioner and Respondent receive a distribution of equal value;
5. For costs herein; and
6. For such other orders as the court may deem proper.

**SEE PAGE 3**

**Petitioner filed Reply to Response on 6-6-12 stating:**

- A demand letter was received by Respondent on 1-17-12. A copy of the letter and certified mail receipt signed by Ms. Ray are attached.
- Petitioner objects to Respondent's accounting as it incorrectly charges Petitioner with \$51,000 in personal property that he never received or was property owned by Petitioner. For example, Petitioner never received the jewelry alleged in the accounting and believes it is in Respondent's possession or was given to third parties.

*[Examiner notes that the informal accounting contained in the Response is not before the Court at this time and was not reviewed by Examiner.]*

- As to the administration itself, Petitioner and Respondent are co-trustees, but Respondent has denied Petitioner involvement and keeps information from him. Petitioner demands all records, bank statements, bills, etc.
- Petitioner requests Respondent be instructed to provide a proper account to the trust with all records and information and allow Petitioner to participate as co-trustee. If the above issues can be resolved

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

DOD: 5/16/2011	HOWARD GATLIN, Trustee of the Gatlin Family Trust dated 6/3/1998, is petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Note:</b> Declaration of Petitioner states the first sentence of paragraph 4 of decedent's will devises the entire residue of her estate to the trustee of the Gatlin Family Trust, dated February 12, 1998. Petitioner states they did not execute a trust on 2/12/1998, nor did they execute any wills on that day or any other documents. The Will is in error. The only trust petitioner and his wife [decedent] ever executed is the trust know as the Gatlin Family Trust dated 6/3/1998. The title page of the Trust states "This Declaration of Trust made February 12, 1998." However as noted above, the trust was signed on 6/3/1998. In order to avoid any problems with the title company, petitioner requests the property be distributed to Howard Gatlin, Trustee of the Gatlin Family Trust, dated February 12, 1998 (executed on June 3, 1998).  <b>Reviewed by: KT</b> <b>Reviewed on: 7/16/12</b> <b>Updates:</b> <b>Recommendation:</b> <b>File 7 - Gatlin</b>
Cont. from 060712	40 days since DOD	
Aff.Sub.Wit.	No other proceedings	
✓ Verified		
Inventory	I & A - <b>148,165.60</b>	
PTC		
Not.Cred.	Will dated: 6/3/1998 – devises the entire estate to the Gatlin Family Trust dated 2/12/1998.	
✓ Notice of Hrg		
✓ Aff.Mail	W/	
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.	Petitioner requests Court determination that decedent's 8.33% interest in a tractor, 7 parcels of real property located in Mariposa County and 1/12 interest in real property in Mariposa County pass to Howard Gatlin as Trustee of the Gatlin Family Trust, dated 6/3/1998 pursuant to decedent's will.	
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
✓ Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		

<b>DOD: 02/29/2012</b>		<p><b>LANCE MALACH</b> and <b>LORAN MALACH</b>, sons are petitioners and request appointment as Co-Administrators without bond.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p>
		All heirs waive bond	<p><b>Note: If the petition is granted status hearings will be set as follows:</b></p> <ul style="list-style-type: none"> <li>• <b>Friday, 01/04/2013 at 9:00a.m. in Dept. 303</b> for the filing of the inventory and appraisal <u>and</u></li> <li>• <b>Friday, 09/27/2013 at 9:00a.m. in Dept. 303</b> for the filing of the first account and final distribution.</li> </ul> <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>
<b>Cont. from</b>		Full IAEA – o.k.	
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/>	<b>Verified</b>		
<input type="checkbox"/>	<b>Inventory</b>	Decedent died intestate	
<input type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>		
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>	Residence: Fresno Publication: The Business Journal	
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>	W	
<input checked="" type="checkbox"/>	<b>Aff.Pub.</b>	<b>Estimated value of the Estate:</b> Personal property - \$200,000.00	
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>	Probate Referee: Steven Diebert	
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input checked="" type="checkbox"/>	<b>Letters</b>		
<input checked="" type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		
			<b>Reviewed by:</b> KT / LV
			<b>Reviewed on:</b> 07/13/2012
			<b>Updates:</b>
			<b>Recommendation:</b> Submitted
			<b>File 8 - Malach</b>

Report of Status of Administration and Petition for Extension of Time to File  
Petition for Final Distribution (Prob. C. 12200, 12201)

<b>DOD: 07/24/09</b>		<p><b>MIA CROMARTY</b>, daughter, Administrator without bond, is Petitioner.</p> <p>Petitioner is currently in the process of locating assets and having those assets valued. Partial Inventory &amp; Appraisals have been filed, with the last, Partial No. 3 filed on 07/26/11.</p> <p><b>Report of Status filed 01/04/12</b> states: a significant portion of the estate will be received from the Estate of Evelyn Cromarty (decedent's mother) who predeceased him. Petitioner states that a petition for final distribution in Evelyn Cromarty's estate was signed on 12/22/11 (in SLO county). Petitioner states that she anticipates that the assets from decedent's mother's estate will be transferred to the decedent's estate and appraised within the next three months.</p> <p>Petitioner further states that she has recently been named as a defendant in a partition action related to the estate's 10.1% interest in real property. Petitioner anticipates that this partition action will take at least 6 to 9 months to resolve.</p> <p>Petitioner is requesting a 12 month extension to receive and value all assets to be received from the decedent's mother's estate and also to settle its portion of the partition action.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>CONTINUED FROM 01/12/12</b></p> <p>As of 07/16/12 the only additional document filed in this matter is a <b>Satisfaction of Two Claims of Grant Mercantile</b>, which was filed on 06/29/12.</p> <p>1. <b>Need Status update and/or Final Accounting and Petition for Final Distribution.</b></p>	
<b>Cont. from 011212</b>				
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>			
<input checked="" type="checkbox"/>	<b>Verified</b>			
<input type="checkbox"/>	<b>Inventory</b>			
<input type="checkbox"/>	<b>PTC</b>			
<input type="checkbox"/>	<b>Not.Cred.</b>			
<input type="checkbox"/>	<b>Notice of Hrg</b>			n/a
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>			
<input type="checkbox"/>	<b>Aff.Pub.</b>			
<input type="checkbox"/>	<b>Sp.Ntc.</b>			
<input type="checkbox"/>	<b>Pers.Serv.</b>			
<input type="checkbox"/>	<b>Conf. Screen</b>			
<input type="checkbox"/>	<b>Letters</b>			
<input type="checkbox"/>	<b>Duties/Supp</b>			
<input type="checkbox"/>	<b>Objections</b>			
<input type="checkbox"/>	<b>Video Receipt</b>			
<input type="checkbox"/>	<b>CI Report</b>			
<input type="checkbox"/>	<b>9202</b>			
<input checked="" type="checkbox"/>	<b>Order</b>			
<input type="checkbox"/>	<b>Aff. Posting</b>			
<input type="checkbox"/>	<b>Status Rpt</b>			
<input type="checkbox"/>	<b>UCCJEA</b>			
<input type="checkbox"/>	<b>Citation</b>			
<input type="checkbox"/>	<b>FTB Notice</b>			
		<p><b>Reviewed by:</b> JF</p> <p><b>Reviewed on:</b> 07/16/12</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 9 - Cromarty</b></p>		