

Continued Hearing by Court Re: First Account and Status Report of Personal Representative

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| DOD: 05/04/08 | <p>DEBRA K. BEATH, Administrator, filed her First Account and Status Report of Personal Representative on 09/30/11.</p> | <p>NEEDS/PROBLEMS/COMMENTS:</p> |
| | <p>An Objection was filed by Rabobank on 12/06/11 and the matter has been continued numerous times.</p> | <p><u>CONTINUED FROM 04/23/13</u> Minute Order from 04/23/13 states: The Court notes for the minute order that the issues with Rabobank have been resolved.</p> |
| | <p>Notice of Withdrawal of Objections to Request to Reduce Bond, First Account and Status Report, and Supplement to First Account and Status Report of Personal Representative filed 03/26/13 by Rabobank.</p> | <p>As of 07/24/13 nothing further has been filed.</p> |
| Cont. from 042313 | <p>Personal Representative's Status Report filed 04/11/13 states: On 10/23/12, Petitioner filed a status report stating that on 11/14/12, there was a scheduled trustee's foreclosure sale of the real property owned by B & B Riverbend Farms, LLC. Petitioner noted that it would be unlikely that the sale price at the foreclosure sale would be sufficient to pay the secured debt against the property and it was unlikely that B & B Riverbend Farms, LLC would have assets of only nominal value and liabilities far in excess of its assets. The foreclosure sale was postponed because a sale of the real property was arranged. B & B Riverbend Farms, LLC sold its real property for the purchase price of \$2,150,000.00. B & B Riverbend Farms, LLC realized nothing from this sale as the proceeds were applied towards the existing liens. Petitioner and Rabobank, N.A. settled their differences and a written settlement agreement was entered. As a result of the settlement, Rabobank filed its Notice of Withdrawal of Objections on 10/26/13. The estate and its two wholly owned companies remain insolvent. Petitioner expects to file her final accounting and petition to close the estate within the next 90 days.</p> | <p>1. Need Status Update.</p> |
| Aff.Sub.Wit. | | <p>Reviewed by: JF</p> |
| Verified | | <p>Reviewed on: 07/24/13</p> |
| Inventory | | <p>Updates:</p> |
| PTC | | <p>Recommendation:</p> |
| Not.Cred. | | <p>File 1 - Boos</p> |
| Notice of Hrg | | |
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| Video Receipt | | |
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| <p>DOD:12-10-10</p> <p>Aff.Sub.Wit.</p> <p>Verified X</p> <p>Inventory</p> <p>PTC</p> <p>Not.Cred.</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 6-2-11</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> | <p>LAWRENCE M. LOWE, Son, was appointed Executor with Full IAEA without bond and Letters issued on 6-2-11.</p> <p>Inventory and Appraisal filed 3-6-13 reflected a total estate value of \$765,111.17. (Note: Supplemental I&A indicates an additional \$6,000.00 for a total estate value of \$771,111.17)</p> <p>Upon filing of the I&A and review of the file, it was determined that a first account or petition for final distribution was due; therefore, on 3-18-13, the Court set a status hearing for failure to file a first account or petition for final distribution for 6-28-13 and sent notice to Attorney Fanucchi.</p> <p>Status Report filed by Attorney Fanucchi (not verified by Exeuctor) states:</p> <ul style="list-style-type: none"> On 2-12-13, the attorney requested the Executor obtain certain documentation regarding the estate, and on 3-5-13, the attorney requested the Executor send an estate check to pay the probate referee (not yet paid), and on 3-12-13, the attorney again requested the documentation requested on 2-12-13. On 3-20-13, the attorney advised Executor of his presence being required at the 6-28-13 status hearing, and again requested the documentation. However, no response was received. The status report states that the executor advised the decedent's granddaughter that a specific bequest of jewelry to her was stolen from his home; however, the attorney was not advised of this fact until contacted by the granddaughter. There were also specific bequests of \$10,000.00 each to the decedent's two grandchildren which have not been made after procedures under probate code have been followed by counsel. Counsel is unable to prepare a final accounting without the documentation requested, and counsel has had no contact from the executor or response to multiple requests, other than to be advised that he has not been able to obtain, or the bank made a mistake, or other reasons. Cousnel has no information on current status of disbursements, receipts, balances, or location of assets. <p style="text-align: center;">SEE ADDITIONAL PAGE</p> | <p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: Page 2B is the OSC re sanctions in the amount of \$1,000.00 for failure to appear and failure to act as executor.</p> <p>Note: Heirs include:</p> <ul style="list-style-type: none"> Lawrence M. Lowe (Son and Executor), Lawrence M. Lowe, as trustee of testamentary trust fbo Sharon Oniwa, (Daughter), Dori Ann Kawai and Darold Oniwa (Grandchildren) (specific bequests). <p>Reviewed by: skc</p> <p>Reviewed on: 7-23-13</p> <p>Updates:</p> <p>Recommendation: File 2A – Lowe</p> |
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Minute Order 6-28-13 states: Mr. Fanucchi informs the Court that Dr. Woo is planning on filing petition to be successor executor. Mr. Lowe is ordered to appear on 7/26/13. Order to show cause issued Re: failure to appear and failure to act as executor. Sanctions of \$1000.00. The Court will consider a surcharge of any loss assets not protected while he has been executor. Set on: 7/26/13 at 9 am in Dept. 303 for: Filing Petition for Successor Executor.

Status Report filed 7-22-13 (verified by Mr. Lowe) states:

- Since the prior status report, Executor has contacted counsel, delivered the jewelry mentioned in the will to Jim Bianchi for appraisal, executed a Supplemental I&A, and filed Notices of Proposed Action re transfer of the piano and vehicle, and for distribution of the cash bequests;
- The turmoil in the case and the thoughts about removing the executor have settled down, the Executor is in full compliance with the instructions of his attorney, and the case is moving along swiftly. Executor does not recall any notice to be present at the last hearing, but will be present on 7-26-13.
- As soon as the appraisal on the jewelry is received, a 2nd Supplemental I&A will be forwarded to the Probate Referee and filed;
- It is anticipated that the above matters will be completed and final accounting filed within the next month.

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

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| DOD: 6-9-11 | <p>JANETTE COURTNEY, was appointed Executor with Full IAEA without bond and Letters issued on 9-15-11.</p> <p>Inventory and Appraisal Partial No. 1 filed 2-13-13 included commercial real property valued at \$250,000.00, which was sold pursuant to Order Confirming Sale of Real Property.</p> <p>At hearing on 2-25-13, the Court set status hearing for 4-8-13 for the filing of the Final Inventory and Appraisal, filing of the first account, and/or petition for final distribution.</p> <p>The status hearing for filing of the final Inventory and Appraisal has been continued to 6-28-13 and now 7-26-13.</p> <p>Status Report filed 7-19-13 states:</p> <ul style="list-style-type: none"> • Petitioner has performed all required duties as personal representative • All known debts have been paid except for mortgage on real property which has a market value below the mortgage amount • All administration costs to date except for compensation to the personal representative and attorney have been paid • The estate is solvent • A creditor's claim filed by Steven Drummond has been rejected • There is currently no pending litigation involving the estate; however, there is a potential claim against beneficiaries for recovery of a vehicle and reimbursement for sales tax paid • The status of a business being operated by a beneficiary, and the estate's current interest therein, has yet to be determined/negotiated. • It is estimated that an additional three (3) months will be needed to complete administration of the estate, unless litigation is needed to recover the vehicle. • Petitioner requests authority to continue administration until 10-1-13. | <p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Minute Order 4-8-13: Mr. Keeler and Mr. Ivy are appearing via conference call. Mr. Ivy is directed to file a fully executed agreement with the court. Matter is set for Status Hearing on 5/24/13 regarding the settlement agreement and the dismissal. If the agreement and dismissal are filed by 5/24/13, no appearance will be necessary. The status hearing regarding the inventory and appraisal is continued to 6/28/13 for appearance by Mr. Neilson only. Set on 5/24/13 @ 9:00 a.m. Dept. 303 for: Status Hearing Re: Settlement Agreement and Dismissal</p> <p>Note: Full and Complete Settlement Agreement and Mutual Release of All Claims filed 4-11-13, and dismissal of petition filed by Dennis L. Thomas on 12-19-11 was entered on 5-1-13.</p> <ol style="list-style-type: none"> 1. Need Final I&A. 2. Need First Account or Petition for Final Distribution pursuant to Probate Code §12200. |
| Cont. from 040813, 062813 | | |
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| Reviewed by: skc | | |
| Reviewed on: 7-23-13 | | |
| Updates: | | |
| Recommendation: | | |
| File 3 - Drummond | | |

4 Arthur Myers & Goldie Myers Joint Rev. Liv. Trust

Case No. 12CEPR00895

Atty Wright, Janet L. (for Doreta Ruth Whitten – Petitioner)

Atty Keeler, William (for Doreta Ruth Whitten – Petitioner)

Atty Sanoian, Joanne (for Diane M. Myers – Respondent)

Status Hearing Re: Settlement Agreement

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| <p>Goldie Myers DOD: 04/20/98</p> | <p>DORETA RUTH WHITTEN, successor trustee, filed a Petition for Determination and Clarification of Trust Terms on 02/28/13.</p> | <p>NEEDS/PROBLEMS/COMMENTS:</p> | | |
| <p>Arthur Myers DOD: 03/25/11</p> | <p>On 04/11/13, Diane M. Myers, Respondent, filed an Opposition to Petition for Determination and Clarification of Trust Terms.</p> | <p>CONTINUED FROM</p> | | |
| | | <p>06/28/13</p> | | |
| | | | | |
| <p>Cont. from 062813</p> | <p>Minute Order from hearing on 04/15/13 states: The Court sets the matter for Settlement Conference on 06/03/13. Counsel is directed to submit their settlement conference statement along with courtesy copies for the Court by 05/28/13. Matter is set for Court trial on 06/28/13 with a one day estimate.</p> | | | |
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| <p>Reviewed by: JF</p> |
| <p>Reviewed on: 07/24/13</p> |
| <p>Updates:</p> |
| <p>Recommendation:</p> |
| <p>File 4 – Myers</p> |

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| Colin (age 2 yrs) | <p>Dr. Lawrence W. Schlak, Maternal Grandfather, was appointed Guardian on 1-3-13.</p> <p>At hearing on 1-3-13, the Court set this status hearing for Dr. Schlak to establish guardianship in Missouri. The Court also made orders for visitation. See Minute Order for details.</p> <p>On 3-20-13, Carol Schmock, Paternal Grandmother, filed a Declaration. Ms. Schmock states there has been no communication from the guardian Lawrence Schlak and he says they are not allowed to talk to Genevieve [mother]. If this is so, how are they supposed to stay in touch with the children and visit them if he will not communicate with us? Ms. Schmock states they needed two forms of ID to get Kali insured on Colin's [father's] insurance, but Mr. Schlak did not respond to the email. Fortunately the mother was able to get them what they needed, otherwise Kali would not have insurance. There has to be communication. Ms. Schmock has no intention of walking away from her grandchildren.</p> <p>At hearing on 3-7-13, the matter was continued to 3-28-13 and the Court ordered that copies of all documents filed in Missouri be submitted no later than 3-21-13.</p> <p>At hearing on 3-28-13, Dr. Schlak provided Missouri case numbers on the record, and the Court again ordered that copies be filed in this case within one week. Re Visitation:</p> <p>Minute Order 3-28-13 states: Dr. Schlak objects to the visitation. The Court orders that supervised visitation with the father begin on 4/4/13. Said visitation is to extend for a period of fourteen days which shall include the date that visitation is to commence. Visits shall be supervised by Carol Schmock. Mr. Fearnside's clients agree that housing for the period of visitation will not be an issue. Carol Schmock is ordered to communicate with Dr. Schlak to coordinate the delivery and return of the children to the guardian. The Court orders that the children not be removed from the county in which visitation will be taking place. Parties are ordered not to speak ill of one another around the children. Set on 4/26/13 at 9:00am in Dept. 303 for Status Hearing Re: Establishing Guardianship in Missouri.</p> | NEEDS/PROBLEMS/COMMENTS: |
| Kali (8 months) | | Continued from 3-7-13, 3-28-13, 4-26-13, 6-28-13 |
| Cont. from 030713, 032813, 042613, 062813 | | Minute Order 4-26-13: Dr. Lawrence Schlak is appearing via CourtCall. Dr. Schlak informs the Court that a hearing date has not been set in Missouri. Matter continued to 6/28/13. Carol Schmock and Dr. Lawrence Schlak are ordered to discuss reasonable visits and times. Continued to: 6/28/13. |
| Aff.Sub.Wit. | | Note: On 4-29-13, Dr. Shlak filed a Declaration with file-stamped copies of the Missouri guardianship filing. |
| Verified | | Update: As of 7-23-13, nothing further has been filed. |
| Inventory | | Examiner's Note: Dr. Shlak has filed proof of Guardianship proceedings commenced in Jackson County, Missouri, which meets the requirements of Probate Code §2352. Any further matters relating to guardianship, including visitation, etc., should be addressed in the new Missouri case(s) 13P8-PR00173 (Colin) and 13P8-PR00174 (Kali). |
| PTC | | Reviewed by: skc |
| Not.Cred. | | Reviewed on: 7-23-13 |
| Notice of Hrg | | Updates: |
| Aff.Mail | | Recommendation: |
| Aff.Pub. | | File 5 - Schmock |
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6A Estate of George Anderson & Rose Anderson (Trust) Case No. 13CEPR00085

Atty Sullivan, Robert L. (for George H. Anderson, Jr., Barbara J. O'Bar, and Cheryl M. Black – children/Petitioners)

Petition for: (1) Neglect [W&I C. 15610.57]; (2) Financial Elder Abuse [W&I C. 15610.30]; (3) Recovery of Estate Property [Prob. C. 850, et seq.]; (4) Removal of Trustee for Breach [Prob. C. 15642]

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| George DOD:01/21/12 | GEORGE H. ANDERSON, JR. , son, BARBARA J. O'BAR | NEEDS/PROBLEMS/COMMENTS: |
| Rose DOD: 01/27/12 | and CHERYL M. BLACK , daughters, are Petitioners. | |
| | Petitioners state: | CONTINUED FROM 06/28/13 |
| | 1. Petitioners are beneficiaries under the terms of the George H. Anderson and Rose M. Anderson Revocable Living Trust dated 05/12/13 (the "Trust"). | As of 07/25/13, nothing further has been filed in this matter. |
| Cont. from 031813, 051713, 062113, 062813 | 2. Steven M. Anderson, also a son of the decedent's, is trustee of the Trust and also a beneficiary of the Trust. | 1. Petition does not include the names and addresses of each person entitled to notice as required by Probate Code 17201. (See also, CA Rules of Court 7.902.) Need supplement to Petition. |
| Aff.Sub.Wit. | 3. Steven Anderson was appointed successor trustee of the Trust following the deaths of the settlors. | 2. Need proof of service by mail at least 30 days prior to the hearing to all persons entitled to notice pursuant to Probate Code § 17203. |
| ✓ Verified | 4. Under the terms of the Trust, Steven Anderson, George Anderson, Jr., Barbara O'Bar, and Cheryl Black each receive 20% of the Trust assets. The remaining 20% is to be distributed to the settlor's living grandchildren. | 3. Need Order. |
| Inventory | 5. In approximately 2002, Steven and Ida Anderson (Steve & Ida/Respondents) jointly purchased a piece of property with George & Rose Anderson. Steven and Ida moved onto said property in approximately December 2002 and George and Rose moved onto said property in early 2003. Similar to a duplex, they all lived in one building that was divided into two separate living areas. Steven & Ida lived in 2/3 of the building and George & Rose lived in 1/3 of the building. | Note: A Notice of Hearing with proof of service by mail was filed 03/21/13; however, because the Petition does not list the persons entitled to notice, the Examiner is unable to determine if notice has been sent to all parties as required. |
| PTC | 6. Just prior to moving onto the property, Rose was diagnosed with Alzheimer's disease and George also suffered from significant health problems and dementia. Steven & Ida voluntarily began caring for George and Rose after they moved onto the property; however they failed to provide the care that George & Rose required as outlined below. | Reviewed by: JF |
| Not.Cred. | 7. First, Respondents failed to ensure that George & Rose were eating properly. Despite repeated requests, Respondents failed to monitor or track George & Rose's meals, causing missed meals and poor nutrition. | Reviewed on: 07/24/13 |
| ✓ Notice of Hrg | | Updates: |
| ✓ Aff.Mail w/ | | Recommendation: |
| Aff.Pub. | | File 6A - Anderson |
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8. Respondents also failed to provide adequate medical care for physical and mental health needs. Specifically, Respondents refused to take Rose to see her doctor, despite a clear need given her deteriorating condition due to Alzheimer's disease. In fact, Respondents altogether failed to take Rose to a single doctor's appointment after 2008 and even missed scheduled appointments with Rose's primary care physician. Similarly, Respondents failed to take George to the doctor or maintain regular doctor visits.
9. Respondents also failed to protect George and Rose from health and safety hazards. Despite assuming the role of caring for George and Rose, Respondents frequently failed to provide adequate protection from hazards. Respondents routinely unplugged their telephone at night in order prevent George & Rose from waking them up, this directly led to injuries to both George and Rose. Rose was injured early one morning and was bleeding profusely. After repeated failed attempts to obtain assistance from the Respondents, George called Barbara O'Bar. By the time Barbara arrived, there was blood all over the house. This was not the only incident where Respondents were unavailable when George and Rose needed their assistance.
10. Respondents also created health and safety hazards within George & Rose's home. Specifically, Respondents kept and maintained live turkeys in George & Rose's garage. Respondents also maintained a live rabbit inside George & Rose's bathroom. As a result, there were animal feces inside George & Rose's home, causing a severe odor and bugs inside the home. The odor and butts were hazardous to George & Rose's health in light of their weakened physical condition.
11. Respondents also failed to assist in providing property hygiene for George & Rose. Both were often visibly filthy and reeked of body odor when Petitioners visited. George was hospitalized on 12/27/11 and the hospital noted that he had "crystals" around his genitals demonstrating an utter and prolonged lack of proper hygiene. During the same hospitalization, George was also found to be severely dehydrated and was believed to have been for approximately 10-14 days. He was also suffering from stage 4 pressure ulcers on his heels, which were so severe; the hospital notified Adult Protective Services ("APS").
12. In December 2011, after APS was notified of George's condition, APS came to the home and investigated Rose's condition as well. At that time, Rose also demonstrated signs of neglect. She was found to have a pressure sore on her tailbone and was also suffering from a bladder infection and ringworm. Ringworm is commonly associated with and transmitted through animal feces, which Respondents failed to clean from George and Rose's home. Further, it was clear that Rose had not been properly bathed and that her hygiene had been severely neglected. Approximately 2 days after the visit from APS, Rose was taken to the Bedford Group, which is a private care home, where she ultimately died. George also died, just weeks after his hospitalization.
13. **First Cause of Action** (Neglect): At all relevant times, George and Rose Anderson were over the age of 65, with George being 94 at the time of his death and Rose being 89. Respondents, having care or custody of George & Rose Anderson both elders under the Welfare and Institutions Code, failed to exercise that degree of care that a reasonable person in a like position would exercise by 1) failing to assist in providing personal hygiene, 2) failing to provide medical care for physical and mental health needs, 3) failing to ensure provision for food, 4) failing to protect from health and safety hazards, and 5) failing to prevent dehydration. As a direct and proximate result of this neglect and physical elder abuse, Decedents suffered damages in an amount according to proof at trial. In addition, Petitioners are entitled to recover punitive damages, and are also entitled to recover remedies provided for in the Welfare & Institutions Code § 15657, including reasonable attorneys' fees and costs.

Continued on Page 3

14. **Second Cause of Action** (Financial Elder Abuse): For several years prior to Decedent's deaths, Respondents had access to George & Rose's bank account through an ATM card and check book. After gaining access to the bank account, Respondents repeatedly took, appropriated and retained money from George & Rose's account. Despite Respondents' failure to properly care for George & Rose, they routinely paid themselves money from George & Rose's account in order to "compensate" themselves for the care provided. Respondents took, appropriated, and retained said money for a wrongful use and with the intent to defraud George & Rose Anderson. Specifically, Respondents repeatedly withdrew and stole money from Decedent's bank account for their personal gain and without Decedent's knowledge or consent. Petitioners are informed and believe and thereon allege that Respondents wrongfully stole in excess of \$250,000.00 from Decedent's bank account from 2006 until the Decedent's deaths in January 2012. Respondents conduct constituted "financial abuse" within the Welfare & Institutions Code § 15610.30 in that George and Rose were "elders" during the perpetration of the acts of Respondents upon them, and that Respondents took and appropriated Decedent's property in bad faith to a wrongful use and with intent to defraud, and diminished the resources available to Decedents for their care and support during their lifetime. George & Rose were harmed by Respondent's depletion of their assets. As a direct and proximate result of this financial elder abuse, George & Rose Anderson suffered damages in an amount according to proof at trial. In addition, Petitioners are entitled to recover punitive damages, and are also entitled to recover remedies provided for in the Welfare & Institutions Code § 15657.5, including reasonable attorneys' fees and costs.
15. **Third Cause of Action** (Recovery of Property pursuant to Probate Code § 850): Respondent Steven Anderson holds title and possession to property contained within the Anderson Trust, money held in Decedent's bank accounts at the time of their deaths, and any other property, both real and personal, owned by the Decedent's at the time of their deaths, all of which property rightfully belongs to the Trust. Petitioners claim the right to title and possession of the property as beneficiaries of the Trust.
16. **Fourth Cause of Action** (Removal of Trustee): Prior to George and Rose Anderson's deaths, Steven Anderson committed both physical and financial elder abuse upon George & Rose. He also frequently converted Trust assets for his own use and benefit to the detriment of other beneficiaries. Steven Anderson's conduct was hostile and repugnant to the interests of George & Rose, and to the interests of the Trust. As such, Steven Anderson is not fit or qualified to serve as trustee. Additionally, Steven Anderson committed breaches of trust since assuming the role of trustee. Petitioners are informed and believe that Steven has improperly used Trust funds after appointment as trustee in order to pay attorneys' fees that were incurred for his personal benefit and not the benefit of the Trust. He has further demonstrated hostility towards the other beneficiaries and refused to provide an accounting of Trust assets. In so doing, Steven Anderson breached the fiduciary duties owed to the beneficiaries of the Trust. Namely, Steven Anderson violated the following duties: duty of impartiality (Probate Code § 16003); duty not to use or deal with trust property for the trustee's own profit (§ 16004); duty to preserve trust property (§ 16006); duty to inform (§ 16060); and duty to account (§16061).

Petitioners pray for an Order:

ON THE FIRST CAUSE OF ACTION:

- A. For consequential and special damages proximately cause by Respondents' acts of elder abuse and neglect upon Decedents George & Rose Anderson, according to proof at trial;
- B. For Respondents to be deemed to have predeceased George & Rose Anderson for the purposes of inheritance, pursuant to Probate Code § 259;
- C. For punitive damages, according to proof at trial;
- D. For attorneys' fees and costs; and
- E. For any and all further relief as the Court deems just and proper.

Continued on Page 4

ON THE SECOND CAUSE OF ACTION:

- A. For consequential and special damages proximately caused by Respondents' acts of financial elder abuse occasioned upon Decedents George & Rose Anderson, according to proof at trial;
- B. For Respondents to be deemed to have predeceased George & Rose Anderson for the purposes of inheritance, pursuant to Probate Code § 259;
- C. For a constructive trust compelling Respondents to transfer all wrongfully obtained property to the Trust pursuant to Civil Code § 2223 and 2224;
- D. For punitive damages, according to proof at trial;
- E. For a treble award of damages against Respondents pursuant to Civil Code § 3345;
- F. For attorneys' fees and costs; and
- G. For any and all further relief as the Court deems just and proper.

ON THE THIRD CAUSE OF ACTION:

- A. Directing Respondents to transfer to the Trust the property that was wrongfully removed from the Trust and to execute any documents or file any court proceedings necessary in order to fully complete the transfer;
- B. Directing Respondents to immediately deliver possession of to the Trust property that was wrongfully removed from the Trust;
- C. For statutory damages in the amount of twice the amount wrongfully taken by Respondents, pursuant to Probate Code § 859;
- D. For attorneys' fees and costs; and
- E. For any and all further relief as the Court deems just and proper.

ON THE FOURTH CAUSE OF ACTION:

- A. To immediately suspend the powers of the trustee, appoint a temporary trustee or trustees, and compel the trustee to surrender all Trust property to such temporary trustee(s);
- B. To remove the trustee and to appoint a successor trustee or trustees to take possession of the Trust property and administer the Trust;
- C. To compel the trustee to redress his breaches through the payment of monetary damages;
- D. To deny or otherwise reduce the compensation to the trustee;
- E. To impose a constructive trust on property of the Trust which has been wrongfully converted;
- F. To cause proceedings to trace and recover property and proceeds to which the Trust is entitled; and
- G. For any and all further relief as the Court deems just and proper.

Respondent's Opposition to Petition for (1) Neglect; (2) Financial Elder Abuse; (3) Recovery of Estate Property; and (4) Removal of Trustee for Breach of Trust filed 03/18/13 by Steven Anderson and Ida Anderson admits some facts of the Petition, denies the allegations in the Petition and asserts the following affirmative defenses:

- 1. Petitioners fail to state facts sufficient to constitute any grounds for the relief requested in their Petition.
- 2. Petitioners' claims are barred by the applicable statute of limitations.
- 3. Petitioners lack standing to seek the relief requested in their Petition.
- 4. Petitioners are barred by the doctrine of unclean hands.
- 5. Petitioners are barred by the doctrine of laches.
- 6. Respondents allege that at no time during his lifetime was George Anderson suffering from any form of dementia. In fact, throughout his lifetime, George Anderson had excellent memory function and was aware of his surroundings.
- 7. Respondents allege that George and Rose Anderson voluntarily paid Respondents and other caregivers to care for them so that they could remain in their own home.

Continued on Page 5

8. Respondents allege that Petitioners have committed acts of perjury in stating that the contents of the Petition are true and correct and that they are within their own personal knowledge.
9. Respondents allege that Petitioners' claims are in bad faith and with the sole intent of extorting money from Respondents and that in doing so, Petitioners are acting with recklessness, oppression, fraud and/or malice.
10. Respondents allege that all assets belonging to the George H. Anderson and Rose M. Anderson Revocable Living Trust remain titled in the name of the trust and have not been distributed or improperly used by Respondents.
11. Respondents allege that at no time has Steven Anderson failed or refused to provide an accounting for the trust during the time period he has acted as trustee nor has he in any way breached his duties and/or responsibilities as trustee under the trust.

Respondent's pray for an Order as follows:

1. Denying Petitioners' Petition;
2. That Petitioners take nothing by way of their Petition; and
3. That Petitioners be ordered to reimburse Respondents for all reasonable costs of suit herein incurred, including all attorney's fees and costs.

6B Estate of George Anderson & Rose Anderson (Trust) Case No.13CEPR00085

Atty Sullivan, Robert L. (for George H. Anderson, Jr., Barbara J. O'Bar, and Cheryl M.

Black – children/Petitioners)

Status Hearing

| | | |
|-----------------------------------|---|--|
| George DOD:01/21/12 | <p>GEORGE H. ANDERSON, JR., son, BARBARA J. O'BAR and CHERYL M. BLACK, daughters, filed a Petition for (1) Neglect; (2) Financial Elder Abuse; (3) Recovery of Estate Property; and (4) Removal of Trustee for Breach of Trust on 01/30/13.</p> <p>STEVEN ANDERSON, son, and IDA ANDERSON, daughter-in-law, filed an Objection to the Petition on 03/28/13.</p> <p>Minute Order from hearing on 03/28/13 set this matter for a status hearing.</p> <p>Respondent Diane M. Myers' Status Conference Statement filed 06/27/13 states: At the June 3, 2013 Settlement Conference, the parties reached a settlement agreement that was read into the Court's record. Pursuant to the settlement agreement and the Court's order, Petitioner Whitten was to provide attorney Joann Sanoian with a list of all Trust accounts and assets and their values. On 06/26/13, attorney Bill Keeler caused a draft settlement agreement to be circulated to the parties. However, Joann Sanoian has not been provided with the Court-ordered list of trust accounts, assets and values. As such it is requested that that information be provided to Attorney Sanoian to be considered prior to the execution of the settlement agreement.</p> | <p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>CONTINUED FROM 06/28/13</u></p> <p>Minute Order from 05/17/13 states: Ms. Cunningham informs the Court that the parties participated in mediation and reached a resolution, but an agreement still needs to be executed.</p> <p>As of 07/24/13, nothing further has been filed in this matter.</p> <p>1. Need status update.</p> |
| Rose DOD: 01/27/12 | | |
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| | | |
| Cont. from 051713, 062113, 062813 | | |
| 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: 07/24/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 6B – Anderson</p> | |

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|-------------------------------------|----------------------|---|--|
| | | ESTELLA MATHISON is petitioner. | NEEDS/PROBLEMS/COMMENTS: |
| | | Petitioner states she is the daughter of John N. Mares and Frances M. Mares, and is a beneficiary of the John Mares and Frances Mares Living Trust dated May 30, 2000. | |
| Cont. from 042913, 060713 | | | OFF CALENDAR. Dismissal entered on 7/22/2013 |
| <input type="checkbox"/> | Aff.Sub.Wit. | | |
| <input checked="" type="checkbox"/> | Verified | | |
| <input type="checkbox"/> | Inventory | | |
| <input type="checkbox"/> | PTC | | |
| <input type="checkbox"/> | Not.Cred. | | |
| <input checked="" type="checkbox"/> | Notice of Hrg | | |
| <input checked="" type="checkbox"/> | Aff.Mail | W/ | |
| <input type="checkbox"/> | Aff.Pub. | | |
| <input type="checkbox"/> | Sp.Ntc. | | |
| <input type="checkbox"/> | Pers.Serv. | | |
| <input type="checkbox"/> | Conf. Screen | | |
| <input type="checkbox"/> | Letters | | |
| <input type="checkbox"/> | Duties/Supp | | |
| <input type="checkbox"/> | Objections | | |
| <input type="checkbox"/> | Video Receipt | | |
| <input type="checkbox"/> | CI Report | | |
| <input type="checkbox"/> | 9202 | | |
| <input checked="" type="checkbox"/> | Order | | |
| <input type="checkbox"/> | Aff. Posting | | |
| <input type="checkbox"/> | Status Rpt | | |
| <input type="checkbox"/> | UCCJEA | | |
| <input type="checkbox"/> | Citation | | |
| <input type="checkbox"/> | FTB Notice | | |
| | | John Mares died on 10/23/2001. Frances M. Mares died on 1/21/2004. Since January 21, 2004, Petitioner's brother, STEVE M. MARES , became the successor Trustee of the Trust. | |
| | | The Trustee has never provided Petitioner with an accounting. On 12/28/2012, Petitioner demanded that the Trustee provide Petitioner with an account. To date, the Trustee has failed to prepare and provide Petitioner with an accounting. | |
| | | Petitioner prays for an Order that: | |
| | | 1. Trustee Steven M. Mares be instructed to prepare and file with this Court an account of the Trust; | |
| | | 2. Trustee Steven M. Mares be instructed to petition this Court for the settlement of the account and give notice of the hearing on the petition; | |
| | | 3. The court order such attorney fees and costs as may be allowable by law. | |
| | | Reviewed by: KT | |
| | | Reviewed on: 7/23/13 | |
| | | Updates: | |
| | | Recommendation: | |
| | | File 7 – Mares | |

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|-------------------------|--|---|
| Brianna (age 11) | <p>MARILYN Z. CUNHA, Paternal Grandmother, was appointed Guardian of the Estate of Brianna (11) and Hope (9) and Letters issued on 6-24-13.</p> | <p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: The following are related matters:</p> <p>8A – Status re Receipt for Blocked Account (Brianna 13CEPR00410)</p> <p>8B – Status re Attorney Fees (Brianna 13CEPR00410)</p> <p>9A – Status re Receipt for Blocked Account (Hope 13CEPR00411)</p> <p>9B – Status re Attorney Fees (Hope 13CEPR00411)</p> <p>10 – Status re Receipt for Blocked Account (Marissa 13CEPR00412)</p> <p>1. Need MC-356 Receipt and Acknowledgment of Order for the Deposit of Money Into Blocked Account for each minor.</p> |
| Hope (age 9) | | |
| Marissa (age 7) | | |
| | <p>JULIANA CUNHA, Mother, was appointed Guardian of the Estate of Marissa (7) and Letters issued on 6-24-13.</p> | |
| Aff.Sub.Wit. | | |
| Verified | <p>Orders to Deposit Money into Blocked Account in the amount of \$40,000.00 each plus accrued interest were filed 6-25-13.</p> | |
| Inventory | | |
| PTC | <p>The Court set this status hearing for the filing of receipt for blocked account.</p> | |
| 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: 7-23-13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 8A – Cunha</p> |

Status Hearing Re: Attorney Fees

| | | |
|----------------------|---|--|
| | <p>MARILYN Z. CUNHA, Paternal Grandmother, was appointed as Guardian of the person of Brianna and Hope on 4-19-12, and as Guardian of the Estates of Brianna and Hope on 6-24-13.</p> <p>In her petitions for guardianship of their estates, Ms. Cunha also requested authorization to pay attorney Jeffrey A. Jaech (Baker Manock & Jensen, PC) for attorneys' fees and costs in connection with obtaining guardianship of the person of Brianna and Hope from the minors' guardianship estates in the total amount of \$13,724.50 plus costs in the amount of \$310.00, or \$7,017.25 each.</p> <p>Declaration in Support of Attorneys' Fees and Costs Advanced filed concurrently with the petition on 5-14-13 states the attorneys had numerous telephone conferences with the petitioner regarding the necessity for guardianship and the minors' parents' relationship. The father had sole custody prior to his death. The attorneys attended hearings, and prepared documentation, and continued to have discussions with the mother regarding supervised visitation. A Synopsis of the qualifications of attorneys Jeffrey A. Jaech and Charles K. Manock, as well as Sally M. Ladd and Elias J. Barrios, is provided.</p> <p>Petitioner also requested reimbursement of her own costs advanced in the amount of \$1,241.00 (\$620.50 from each minor's estate).</p> <p>At hearing on 6-24-13, the Court granted the petitions for guardianship of the estates, but continued the issue of fees to 7-26-13.</p> | <p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: Itemization of costs and expenses shows cost of \$35.00 is requested for court filing paid to a court runner service, which is a cost specifically excluded from reimbursable costs pursuant to Local Rule 7.17(B)(7). Therefore, the amount of \$17.50 should be deducted from the order for reimbursement from this guardianship estate such that \$6,999.75 would be the amount paid, if granted.</p> <ol style="list-style-type: none"> The Court may require clarification with reference to Probate Code §2640 and Cal. Rules of Court 7.751 (I&A not yet filed, reasonableness of request, best interest of ward). Need order per note above. |
| | | <p>Reviewed by: skc</p> |
| | | <p>Reviewed on: 7-23-13</p> |
| | | <p>Updates:</p> |
| | | <p>Recommendation:</p> |
| | | <p>File 8B – Cunha</p> |
| Aff.Sub.Wit. | | |
| Verified | | |
| Inventory | | |
| PTC | | |
| Not.Cred. | | |
| Notice of Hrg | | |
| Aff.Mail | | |
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| Pers.Serv. | | |
| Conf. Screen | | |
| Letters | | |
| Duties/Supp | | |
| Objections | | |
| Video Receipt | | |
| CI Report | | |
| 9202 | | |
| Order | | |
| Aff. Posting | | |
| Status Rpt | | |
| UCCJEA | | |
| Citation | | |
| FTB Notice | | |

9A Hope Destiny Cunha (GUARD/E)

Case No. 13CEPR00411

Atty Jaech, Jeffrey A. (for Marilyn Z. Cunha – Paternal Grandmother – Guardian)

Probate Status Hearing Re: Filing Receipt of Blocked Account

| | | |
|-------------------------|--|---|
| Brianna (age 11) | <p>MARILYN Z. CUNHA, Paternal Grandmother, was appointed Guardian of the Estate of Brianna (11) and Hope (9) and Letters issued on 6-24-13.</p> <p>JULIANA CUNHA, Mother, was appointed Guardian of the Estate of Marissa (7) and Letters issued on 6-24-13.</p> <p>Orders to Deposit Money into Blocked Account in the amount of \$40,000.00 each plus accrued interest were filed 6-25-13.</p> <p>The Court set this status hearing for the filing of receipt for blocked account.</p> | <p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: The following are related matters:</p> <p>8A – Status re Receipt for Blocked Account (Brianna 13CEPR00410)</p> <p>8B – Status re Attorney Fees (Brianna 13CEPR00410)</p> <p>9A – Status re Receipt for Blocked Account (Hope 13CEPR00411)</p> <p>9B – Status re Attorney Fees (Hope 13CEPR00411)</p> <p>10 – Status re Receipt for Blocked Account (Marissa 13CEPR00412)</p> <p>2. Need MC-356 Receipt and Acknowledgment of Order for the Deposit of Money Into Blocked Account for each minor.</p> |
| Hope (age 9) | | |
| Marissa (age 7) | | |
| | | |
| | | |
| 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: 7-23-13</p> | |
| | <p>Updates:</p> | |
| | <p>Recommendation:</p> | |
| | <p>File 8A – Cunha</p> | |

9A

Status Hearing Re: Attorney Fees

| | | |
|----------------------|---|---|
| | <p>MARILYN Z. CUNHA, Paternal Grandmother, was appointed as Guardian of the person of Brianna and Hope on 4-19-12, and as Guardian of the Estates of Brianna and Hope on 6-24-13.</p> <p>In her petitions for guardianship of their estates, Ms. Cunha also requested authorization to pay attorney Jeffrey A. Jaech (Baker Manock & Jensen, PC) for attorneys' fees and costs in connection with obtaining guardianship of the person of Brianna and Hope from the minors' guardianship estates in the total amount of \$13,724.50 plus costs in the amount of \$310.00, or \$7,017.25 each.</p> <p>Declaration in Support of Attorneys' Fees and Costs Advanced filed concurrently with the petition on 5-14-13 states the attorneys had numerous telephone conferences with the petitioner regarding the necessity for guardianship and the minors' parents' relationship. The father had sole custody prior to his death. The attorneys attended hearings, and prepared documentation, and continued to have discussions with the mother regarding supervised visitation. A Synopsis of the qualifications of attorneys Jeffrey A. Jaech and Charles K. Manock, as well as Sally M. Ladd and Elias J. Barrios, is provided.</p> <p>Petitioner also requested reimbursement of her own costs advanced in the amount of \$1,241.00 (\$620.50 from each minor's estate).</p> <p>At hearing on 6-24-13, the Court granted the petitions for guardianship of the estates, but continued the issue of fees to 7-26-13.</p> | <p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: Itemization of costs and expenses shows cost of \$35.00 is requested for court filing paid to a court runner service, which is a cost specifically excluded from reimbursable costs pursuant to Local Rule 7.17(B)(7). Therefore, the amount of \$17.50 should be deducted from the order for reimbursement from this guardianship estate such that \$6,999.75 would be the amount paid, if granted.</p> <p>3. The Court may require clarification with reference to Probate Code §2640 and Cal. Rules of Court 7.751 (I&A not yet filed, reasonableness of request, best interest of ward).</p> <p>4. Need order per note above.</p> |
| | | <p>Reviewed by: skc</p> |
| | | <p>Reviewed on: 7-23-13</p> |
| | | <p>Updates:</p> |
| | | <p>Recommendation:</p> |
| | | <p>File 8B – Cunha</p> |
| Aff.Sub.Wit. | | |
| Verified | | |
| Inventory | | |
| PTC | | |
| Not.Cred. | | |
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| Letters | | |
| Duties/Supp | | |
| Objections | | |
| Video Receipt | | |
| CI Report | | |
| 9202 | | |
| Order | | |
| Aff. Posting | | |
| Status Rpt | | |
| UCCJEA | | |
| Citation | | |
| FTB Notice | | |

| | | |
|------------------|--|---|
| Brianna (age 11) | MARILYN Z. CUNHA, Paternal Grandmother, was appointed Guardian of the Estate of Brianna (11) and Hope (9) and Letters issued on 6-24-13. | NEEDS/PROBLEMS/COMMENTS: |
| Hope (age 9) | | |
| Marissa (age 7) | JULIANA CUNHA, Mother, was appointed Guardian of the Estate of Marissa (7) and Letters issued on 6-24-13. | <p>Note: The following are related matters:</p> <p>8A – Status re Receipt for Blocked Account (Brianna 13CEPR00410)</p> <p>8B – Status re Attorney Fees (Brianna 13CEPR00410)</p> <p>9A – Status re Receipt for Blocked Account (Hope 13CEPR00411)</p> <p>9B – Status re Attorney Fees (Hope 13CEPR00411)</p> <p>10 – Status re Receipt for Blocked Account (Marissa 13CEPR00412)</p> <p>3. Need MC-356 Receipt and Acknowledgment of Order for the Deposit of Money Into Blocked Account for each minor.</p> <p><i>Note: A “Receipt and Acknowledgment of Depository” was filed in pleading for indicating that a blocked account was opened for this minor in the amount of \$100.00; however, this is not the mandatory Judicial Council form required for receipt of blocked account as stated above, and further does not indicate the amount anticipated. Need status of insurance funds and mandatory receipt form.</i></p> |
| | | |
| | The Court set this status hearing for the filing of receipt for blocked account. | |
| 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 | | Reviewed by: skc |
| Status Rpt | | Reviewed on: 7-23-13 |
| UCCJEA | | Updates: 7-25-13 |
| Citation | | Recommendation: |
| FTB Notice | | File 8A – Cunha |

Probate Status Hearing Re: Death of Conservator and Conservatorship is no Longer Necessary

| | | |
|---------------------------------|---|--|
| Age: 57 years DOB: 4/13/1956 | <p>FRED AMEY, father, was appointed conservator on 3/31/1983.</p> <p>In December 2012 Fred Amey passed away.</p> <p>This status hearing was set for possible termination of conservatorship due to the death of the conservator.</p> <p>Court Investigator Jennifer Young's Report filed on 7/17/2013 states she met with Wayne (conservatee) and his step-mother Dorothy Amey. Mrs. Amey reported that she did not feel there was a need for a successor conservatorship. She reported that she has not had any issues with the doctor's office in ensuring Wayne's medical needs are met.</p> <p>Court Investigator recommends that the conservatorship be terminated.</p> | <p>NEEDS/PROBLEMS/COMMENTS:</p> |
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| | | |
| Cont. from | | |
| Aff.Sub.Wit. | | |
| Verified | | |
| Inventory | | |
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| 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: 7/23/2013 | |
| | Updates: | |
| | Recommendation: | |
| | File 11 - Amey | |

Probate Status Hearing Re: Failure to File First Account or Petition for Final Distribution

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|--|---|---|
| DOD: 06/22/07 | <p>LARRY A. DONALDSON, friend, was appointed as Executor without bond on 05/27/08 and Letters were issued on 06/18/08.</p> <p>Notice of Status Hearing filed 11/28/12 set this matter for status. Clerk's Certificate of Mailing states that the Notice of Status Hearing was mailed to Larry A. Donaldson on 10/19/12.</p> <p>Declaration of Beneficiary Laura Leonard re Probate Status Hearing – Failure to File First Account or Petition for Final Distribution filed 01/13/11 states: she and her brother (both beneficiaries of the estate) have made many written and verbal requests to Mr. Donaldson requesting an accounting and for their father's estate be brought to a close. Ms. Leonard states that Mr. Donaldson has ignored their requests and repeatedly failed to communicate with them regarding the estate. Ms. Leonard and her brother had an attorney, Frederick Borges, contact Mr. Donaldson on their behalf to request that he move forward with the estate. Mr. Donaldson responded that he would move forward, but has failed to do so. Ms. Leonard states that she and her brother have also made a complaint to the state bar of California regarding Mr. Donaldson's failure to act. Ms. Leonard states that after all of these efforts, Mr. Donaldson recently provided them with a sloppy, incomplete "accounting", however several years' worth of information is absent and many of the transactions are questionable. Declarant further states that she and her brother were supposed to receive a distribution in early January, but have not received anything.</p> <p>Inventory & Appraisal, partial no. 1 filed 07/24/13 - \$1,619,273.76</p> | <p>NEEDS/PROBLEMS/COMMENTS:</p> <p>CONTINUED FROM 04/26/13</p> <p>As of 07/24/13, the following remains outstanding:</p> <ol style="list-style-type: none"> 1. Need Final Inventory & Appraisal. 2. Need Accounting and/or Petition for Final Distribution. |
| Cont. from 012513, 032913, 042613 | | |
| <input type="checkbox"/> Aff.Sub.Wit. | | |
| <input checked="" type="checkbox"/> Verified | | |
| <input type="checkbox"/> Inventory | | |
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| <input type="checkbox"/> Objections | | |
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| <input type="checkbox"/> CI Report | | |
| <input type="checkbox"/> 9202 | | |
| <input type="checkbox"/> Order | | |
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| <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: 07/24/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 12 - Wallace</p> | | |

| | | |
|------------------------|--|--|
| DOD: 10/01/2009 | <p>CANDY ATKINS, former spouse, was appointed Administrator with Will annexed with full IAEA authority without bond on 03/25/2010.</p> <p>Letters issued on 03/25/2010.</p> <p>Fourth Status Report of Personal Representative filed on 07/03/2013 states the estate is not in a condition to be closed. The estate has no liquid assets to pay the administration expenses or the creditor's claims. Petitioner has listed for sale the decedent's unimproved real property in Madera County, California. The real property consists of two parcels- a 20 acre parcel and a 60 acre parcel. The real property is raw land and has no access to water and utilities.</p> <p>Since the last status hearing, Petitioner has reduced the asking price on the real property from \$299,000 to \$249,000. Petitioner's real estate agent believes that the new price is approximately the same value per acre as other sales in the area. Petitioner and her real estate agent have shown the property to a couple of potential buyers, but have not received an offer to purchase the property. Petitioner intends to keep listing the property for sale. The property is currently being marketed in the multiple listings, on the London Property's website and Yosemite's website.</p> <p>Petitioner requests the Court to order that:</p> <ul style="list-style-type: none"> • The administration of the estate be allowed to continue for one year; and • Such further order be made as the Court considers proper. | <p>NEEDS/PROBLEMS/COMMENTS:</p> |
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| Aff. Posting | | |
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| UCCJEA | | |
| Citation | | |
| FTB Notice | | |
| | | Reviewed by: LV |
| | | Reviewed on: 07/23/2013 |
| | | Updates: |
| | | Recommendation: |
| | | File 13 – Atkins |

Probate Status Hearing Re: Failure to File a First Account or Petition for Final Distribution [Prob. C. 12200, et seq.]

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| DOD: 01/23/11 | <p>LESLEY WAGNER and MEAGAN WAGNER, were appointed Co-Administrators with Full IAEA and without bond on 07/26/11. Letters of Administration were issued on 07/27/11.</p> <p>Inventory & Appraisal, Partial No. 1 filed 02/15/13 - \$210,000.00</p> <p>Notice of Status Hearing filed 03/01/13 set this matter for status regarding filing of the Accounting and/or Petition for Distribution. Clerk’s Certificate of Mailing states that a copy of the Notice of Status Hearing was mailed to attorney Janet Wright on 03/01/13.</p> <p>Status Report of Counsel for Lesley Wagner and Meagan Wagner filed 04/24/13 states: the Inventory & Appraisal, Partial #1 filed 02/15/13 reports the value of the decedent's personal residence. The residence appears to be the sole asset of the estate. Two Creditor's Claims have been timely filed in this matter: Citibank in the amount of \$10,580.79; and West Asset Management (for Bank of America) in the amount of \$11,264.98. The decedent's residence is presently occupied by the decedent's surviving spouse, Virginia Wagner. As the estate is presently illiquid, the Co-Administrators are exploring options for raising sufficient funds to satisfy the two creditor's claims without requiring the sale of the residence. Given the surviving spouse's occupation of the residence and the illiquidity of the estate, it is anticipated that it will take approximately 6 additional months to finalize matters and close the estate. Counsel respectfully requests a continuance to October 2013, subject to the hearing being taken off calendar upon the filing of the First Account and Report and Petition to Close and Distribute Estate.</p> <p>Status Report of Co-Administrator’s filed 07/22/13 states: the Co-Administrators have made numerous attempts to contact the decedent's wife Virginia Wagner who currently lives in the estates real property. The property will need to be sold in order to satisfy creditor's claims that have been filed. Ms. Wagner has not responded to the Co-Administrators, but they informed her in a recent letter that they would be listing the property for sale within 30 days and that they would contact her to advise her of the date of inspection of the property. The Co-Administrators request a continuance until 10/24/13.</p> | <p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need First Account and/or Petition for Final Distribution.</p> |
| Cont. from 042613 | | |
| Aff.Sub.Wit. | | |
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Status Hearing Re: Filing of the First Account and/or Petition for Final Distribution

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| Age: | | NEEDS/PROBLEMS/COMMENTS: <u>OFF CALENDAR ORDER FOR FINAL DISTRIBUTION SIGNED ON 02/25/2013.</u> |
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| Order | | |
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| FTB Notice | | |
| | | Reviewed by: LV |
| | | Reviewed on: 07/23/2013 |
| | | Updates: |
| | | Recommendation: |
| | | File 15 – Marlin |

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

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| Age: | | NEEDS/PROBLEMS/COMMENTS: <u>OFF CALENDAR ORDER FOR FINAL DISTRIBUTION SIGNED ON 12/11/2012.</u> |
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| | | Reviewed by: LV |
| | | Reviewed on: 07/23/2013 |
| | | Updates: |
| | | Recommendation: |
| | | File 17 – Goforth |

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

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| Age: | | NEEDS/PROBLEMS/COMMENTS: <u>OFF CALENDAR ORDER FOR FINAL DISTRIBUTION SIGNED ON 04/10/2013.</u> |
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| FTB Notice | | |
| | | Reviewed by: LV |
| | | Reviewed on: 07/23/2013 |
| | | Updates: |
| | | Recommendation: |
| | | File 18 – Waltrip |

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

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|---------------|--|---|
| Age: | | NEEDS/PROBLEMS/COMMENTS: <u>OFF CALENDAR ORDER FOR FINAL DISTRIBUTION SIGNED ON 12/12/2012.</u> |
| DOD: | | |
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| Citation | | |
| FTB Notice | | |
| | | Reviewed by: LV |
| | | Reviewed on: 07/23/2013 |
| | | Updates: |
| | | Recommendation: |
| | | File 19 – Carais |

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

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|------------------------|---|---------------------------------|
| DOD: 03/25/2012 | <p>DAVID BRANDL, son, was appointed Executor with full IAEA authority without bond on 05/30/2012.</p> <p>Letters issued on 05/30/2012.</p> <p>Status Report of Attorney J. Stanley Teixeira filed 07/12/2013 states there have been some delays in the administration of the estate which do not allow filing of the petition for Final Distribution by 07/16/2013.</p> <p>One of the decedent's children occupied the real property and was unwilling to vacate the premises. After serving a 60-day notice on the occupant the Executor then had to file a Complaint for Unlawful Detainer. This action was filed on 01/24/2013, as Fresno County Superior Court case 12CECL10777.</p> <p>Once eviction occurred, the Executor readied the premises for listing and sale. An acceptable offer was made and the Executor cause a Notice of Proposed Action to be sent to all interested parties. Escrow closed on 07/10/2013.</p> <p>The Executor is also waiting for responses from the stock transfer agent concerning the stock in the estate. Once the transfer is confirmed, the stock will be liquidated immediately. Upon the liquidation of the stock, the Executor will submit a Petition for Final Distribution.</p> <p>For the reasons stated above, the estate is not yet in a condition to be closed. However, it is anticipated that Petition for Final Distribution will be filed within sixty (60) days.</p> | NEEDS/PROBLEMS/COMMENTS: |
| Cont. from | | |
| Aff.Sub.Wit. | | |
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| Letters | | |
| Duties/Supp | | |
| Objections | | |
| Video Receipt | | |
| CI Report | | |
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| FTB Notice | | |
| | | Reviewed by: LV |
| | | Reviewed on: 07/23/2013 |
| | | Updates: |
| | | Recommendation: |
| | | File 20 – Brandl |

Atty Burnside, Leigh W.; Marshall, Jared C., of Dowling Aaron Inc. (for Petitioners Mark Owens and William K. Owens, Jr.)
 Atty Boyett, Deborah K., of Walter & Wilhelm (for Objectors Michael Owens and Elizabeth Fujinami)
 Atty Bagdasarian, Gary G., sole practitioner (Court-appointed for proposed Conservatee)

Status Hearing Re: Settlement Agreement

| | | |
|---------------|---|---|
| Age: 82 years | MARK OWENS and WILLIAM OWENS, JR. , sons, filed a <i>Petition for Appointment of Probate Conservator of the Person and Estate</i> on 8/7/2012. | NEEDS/PROBLEMS/COMMENTS: Note: Status Report of Objectors filed by Attorney Deborah K. Boyett for Michael Owens and Elizabeth Fujinami on 7/23/2013 requests that in the event this Court finds an accounting of the OCTAVIA R. OWENS LIVING TRUST as requested by Petitioners to be appropriate, that the Petitioners be required to proceed under Probate Code § 16061. It should be noted that the Objectors' request is entirely warranted since said Trust is not before this Court in this proceeding; if the Trustees do not comply with the reasonable request of Petitioners under Probate Code § 16061, the information may be sought on petition to the Court in a separate case for the OCTAVIA R. OWENS LIVING TRUST pursuant to Probate Code § 17200(b)(7). Reviewed by: LEG Reviewed on: 7/24/13 Updates: Recommendation: File 21 – Owens |
| | MICHAEL D. OWENS , son, and ELIZABETH FUJINAMI , daughter, filed an <i>Objection to Petition for Appointment of Conservator of the Person and Estate</i> on 9/7/2012. | |
| Cont. from | | |
| Aff.Sub.Wit. | | |
| ✓ Verified | Both Status Reports | |
| Inventory | Minute Order dated 9/17/2012 from the hearing on the <i>Petition for Appointment</i> set the matter for Settlement Conference on 12/11/2012 and for Trial on 1/22/2013. | |
| PTC | | |
| Not.Cred. | | |
| Notice of Hrg | Minute Order dated 12/11/2012 from the <i>Settlement Conference Re: Petition for Appointment of Probate Conservator of the Person and Estate</i> states the parties agree to participate in mediation [on 12/11/2012], and the matter was continued to 12/14/2012. Matter was continued to 1/4/2013 during settlement negotiations. | |
| Aff.Mail | | |
| Aff.Pub. | | |
| Sp.Ntc. | | |
| Pers.Serv. | | |
| Conf. Screen | | |
| Letters | | |
| Duties/Supp | Minute Order dated 1/4/2013 from the last <i>Settlement Conference</i> states: The Court indicates for the minute order that an agreement was reached through Don Fischer, the mediator. The trial date of 1/22/2013 is vacated. Matter set on 7/26/2013 for status re: Settlement Agreement. | |
| Objections | | |
| Video Receipt | | |
| CI Report | Order Approving Stipulation for Settlement filed 1/4/2013 contains approval of specific stipulations, including, among other things, Octavia Owens' residence (continue to reside in the home of daughter ELIZABETH FUJINAMI); Mrs. Owens' health and medical information; personal visits and telephone calls with Mrs. Owens; financial matters and personal property of Mrs. Owens. | |
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~Please see additional page~

Status Report filed by Attorney Jared Marshall for Mark Owens and William Owens, Jr., on 7/17/2013 states:

- Mark and William had significant concerns about the care their mother was receiving in the home of their sister, Elizabeth Fujinami, and about the financial assistance that Elizabeth and her brother, Michael Owens, were providing to Mrs. Owens;
- Mrs. Owens has long suffered from dementia, blindness and other ailments; her son Michael is her designated agent under a statutory form power of attorney and advance health care directive;
- Michael and Elizabeth objected to the petition and denied they had engaged in any wrongdoing with respect to Mrs. Owen's finances and personal care;
- On 12/11/2012, the parties and their attorneys participated in mediation conducted by Don Fischer, and as a result the parties (Mark, William, Elizabeth and Michael) stipulated and agreed to [the terms contained in] the *Order Approving Stipulation for Settlement* entered on 1/4/2013; the parties have complied with or are currently in the process of enacting all of the terms of the agreed settlement;
- **Information revealed by the bank statements:** Pursuant to the stipulated agreement, Mark and William received copies of Mrs. Owens' bank states, and a detailed review and analysis of those records uncovered some disturbing facts that occurred after Elizabeth and Michael took control of Mrs. Owens' accounts upon the death of Mrs. Owens' husband, Kenneth, in January 2008:
 - On 1/1/2008, Kenneth and Octavia had **\$254,453.36** in a Bank of America joint checking account; approximately 1 month later in February 2008, following Kenneth's death, the joint bank account was closed out by Elizabeth and Michael and 3 new accounts were opened: (1) checking account with Elizabeth and Michael as co-signers and possible joint tenant owners; (2) savings account linked to the checking and titled the same; (3) checking account entitled "The Octavia Owens Living Trust" which received the bulk of the money in the sum of **\$235,747.00**; the 3 accounts were opened with **\$237,747.01**, which is **\$16,706.35** less that Octavia and Kenneth had in their account just the month prior;
 - Most debit transactions on the checking account occurred through use of the debit/credit card, and it is highly questionable whether the debits and charges were actually made by or on behalf of Mrs. Owens, such as for fast food restaurants (Mrs. Owens in diabetic), purchases made in Cambria, Las Vegas, Hawaii, Monterey, Disneyland, Legoland, Montana, and Colorado; airline tickets to Illinois, Connecticut, and Tennessee; purchases from Fresno City College bookstore, gas stations, cell phone payments, video rentals, nail salons, massages and facials; Target Visa payments and monthly payments for Elizabeth's EECU loan; along with cash withdrawals in miscellaneous **\$100.00** increments;
 - Attached as Exhibits 1, 2, 3 and 4 are copies of the bank statements of Mrs. Owen's checking account for one representative month from the years 2008 through 2011 showing a sampling of the debits on Mrs. Owens' account; it appears Elizabeth and Michael have been converting the funds of Mrs. Owens for their own personal use;
 - There were also two substantial transactions on the Trust checking account; on 4/10/2008, an electronic debit of **\$36,434.64** was made by way of an un-numbered check (*copy of statement attached as Exhibit 5*); on 11/4/2009, **\$3,000.00** was electronically transferred from Mrs. Owens Trust account in the name of "Lavonne Owens;" both of these transactions, as well as those delineated above, must be explained and documented before final resolution of this matter can be attained;
 - There is also a difference of **\$1,015.60** between what was transferred out of old accounts at Bank of America by Elizabeth and Michael and into new accounts at Chase and Symetra, which must be explained before this matter can be fully settled (*see details in ¶ 10*).

~Please see additional page~

Status Report filed by Attorney Jared Marshall for Mark Owens and Michael Owens, Jr., on 7/17/2013, continued:

- During the time period of January 2008 through December 2012, Mrs. Owens received an additional **\$113,916.00** in Social Security income that was electronically deposited into her checking account and was used to fund the outlined expenditures by Elizabeth and Michael;
- Mrs. Owen's monies were depleted by **\$68,856.00** from the point in time that Elizabeth and Michael took over the handling of her accounts in February 2008, in addition to the **\$113,916.00** in Social Security income during this period of time; throughout this period of time, Mrs. Owens was residing in Elizabeth's home and thus her board and care expenses were minimal;
- The total amount of Mrs. Owens' money expended since Elizabeth and Michael took over control of her finances in or about February 2008 is approximately **\$182,772.00**; **Elizabeth and Michael should be ordered to provide a detailed accounting for this amount expended;**
- **Personal property inventory:** On 5/31/2013, counsel for Elizabeth and Michael provided an extensive inventory of items belonging to Mrs. Owens that are being stored by Elizabeth.
- **Medical information:** On 7/1/2013, Elizabeth and Michael provided Mark and William with a copy of a report from Mrs. Owens' physician, Dr. Adriana Padilla, regarding the status of Mrs. Owen's health and daily tasks required for her care.
- **Estate planning documents:** Counsel for Elizabeth and Michael provided Mark and William with copies of their mother's estate planning documents; Mrs. Owens' 2008 estate plan includes a revocable living trust and a pour-over will; all of Mrs. Owens' children are largely treated equally, save for Mark, who receives only a small bequest of **\$5,000.00**.

Status Report of Objectors filed by Attorney Deborah K. Boyett for Michael Owens and Elizabeth Fujinami on 7/23/2013 states:

- **Status of complying with Order Approving Stipulation for Settlement entered 1/4/2013:** Michael and Elizabeth, to the extent it was within their ability to do so, have complied with each of the several tasks for which they agreed to be responsible pursuant to the Order entered 1/4/2013;
 - Michael and Elizabeth are pleased to inform the Court that their mother continues to reside with Elizabeth and continues to do very well with Elizabeth as her primary care giver; Michael and Elizabeth believe it is in their mother's best interest to continue to reside with Elizabeth;
 - Documents provided to Attorney Leigh Burnside include Authorization dated 1/16/2013 from Adriana Padilla, M.D.; Authorization letter dated 2/7/2013 from Elizabeth to Paul C. Norwood, M.D.; Letter dated 6/21/2013 from Adriana Padilla, M.D., with a general description and status of Mrs. Owen's current and future medical issues and needs (*copies of these documents attached as Exhibit A*);
 - There have been no medical emergencies or hospitalizations of Mrs. Owens; Elizabeth has been providing health reports at least monthly to all Mrs. Owens' children, either by email or U.S. Post;
 - Since January 2013, neither of the Petitioners have requested visits with Mrs. Owens; she has received occasional telephone calls from her daughter, April Linn; recently, another daughter, Judy Baldwin, visited with Mrs. Owens; there have been no other requests to visit with Mrs. Owens; none of the siblings have requested out-of-state trips for Mrs. Owens; Mrs. Owens has not travelled out-of-state or out-of-country this year;
 - Monthly financial statements have also been mailed to Mrs. Owens' children, including Petitioners; additionally, copies of bank statements dating back to 1/31/2008 were provided to Petitioners' legal counsel, Attorney Burnside, on 2/8/2013;

~Please see additional page~

- **Status of complying with Order Approving Stipulation for Settlement entered 1/4/2013, continued:**
 - Copies of Mrs. Owens' estate planning documents executed in or after February 2008, as well as copies of the 1983 Will signed by Mrs. Owens and her deceased husband were provided to Petitioners' legal counsel, Attorney Burnside, on 1/15/2013;
 - Despite Elizabeth's repeated requests, Petitioners Mark and William have not provided their email addresses and she therefore has been mailing monthly reports to them and to Mrs. Owens' other children; **Michael and Elizabeth request that email addresses be given to them for their siblings who use email, as use of email would be more efficient and less burdensome;**
 - A written and photo inventory of all of Mrs. Owens' personal property being stored by Elizabeth was provided to Petitioners' legal counsel, Attorney Burnside, on 5/31/2013; a written and photo inventory of all of Mrs. Owens' personal property being stored by Michael was provided to Petitioners' legal counsel, Attorney Burnside, on 7/16/2013;
 - On 7/17/2013, a photograph of what Michael and Elizabeth believe to be personal property items of Mrs. Owens in the possession of Judy Baldwin was received; also, a photograph of what Michael and Elizabeth believe to be personal property items of Mrs. Owens in the possession of April Linn was received recently; copies of these photos were provided to Attorney Burnside on 7/22/2013;
 - Michael and Elizabeth have used all reasonable efforts to collect all items of Mrs. Owens' personal property given to other family members; however, Michael and Elizabeth have not received information from Petitioner Mark Owens as to the status of his renting a commercial storage unit for the storage of Mrs. Owens' personal property; therefore, some of the items that are not in the possession of Michael or Elizabeth have yet to be received by them; **Michael and Elizabeth request that Mark Owens rent a storage unit as was agreed and that he make arrangements to have Mrs. Owens' personal property items stored at such location;**
 - The Buck Owens autographed acoustic guitar has been retrieved by Michael, who arranged for two separate appraisals of the guitar; copies of said appraisals were provided to Petitioners' legal counsel, Attorney Burnside, on 7/22/2013; Petitioner Mark Owens was to provide pictures of said guitar taken while William K. Owens was living; however, no such pictures have been received by either Michael or Elizabeth; therefore, it is requested that Mark Owens provide such pictures as agreed upon by the parties;
 - Michael and Elizabeth are to take possession of the entertainment center and curio cabinet, currently believed to be with Judy Baldwin's daughter, as soon as a storage unit is made available by Mark Owens; Elizabeth does not have proper storage space at her residence to store this item and, therefore, she has chosen not to retrieve this item at this time;
 - Michael and Elizabeth believe the paintings made by Mark Owens that were given to his mother are in the possession of Mark Owens;
 - A cancelled check from Michael for the purchase of Mrs. Owens' Chevy truck was provided to Petitioners' legal counsel, Attorney Burnside, on 7/16/2013;
 - On 5/14/2013, Mrs. Owens received an unannounced visit at Elizabeth's home by an investigator with Fresno County Department of Social Services; the investigator told Elizabeth that Social Services had been contacted by an individual concerned about the well-being and care of Mrs. Owens; during the visit, the investigator requested and was given a copy of Mrs. Owens' Uniform Statutory Form Power of Attorney dated 2/7/2008, and her Advance health Care Directive/Power of Attorney for Health Care dated 2/7/2008;

~Please see additional page~

Status of complying with Order Approving Stipulation for Settlement entered 1/4/2013, continued:

- To the best of Elizabeth's knowledge, and based upon comments made by the investigator to Elizabeth during the home visit, the investigator was pleased with Mrs. Owens' care and assured Elizabeth there was no negative findings;
 - On 5/16/2013, Elizabeth wrote to her siblings requesting dates in June and July 2013 when Mark Owens could join Elizabeth in making copies of family photos for those who wanted copies, as required pursuant to the Stipulation; also in the 5/16/2013 letter, Elizabeth requested Mark Owens to provide available dates to transport Mrs. Owens' personal property to the storage unit that was to be rented; Elizabeth received no response to either request (*copy of letter attached as Exhibit B*);
- **As Michael and Elizabeth have Complied with the Stipulation, the Court should Dismiss the Petition for Appointment of Conservator of the Person and Estate:** Petitioners state in their Status Report filed 7/17/2013 that the parties have complied with or are currently in the process of enacting all of the terms of the agreed settlement; nevertheless, Petitioners allege in their Status Report that Elizabeth and Michael have been converting funds of Mrs. Owens for their personal use; Michael and Elizabeth deny such allegation; Petitioners additionally allege Elizabeth and Michael should be ordered to provide a detailed accounting for this amount expended; specifically, Petitioners' Status Report makes the following request:
 - Explanation and documentation of an electronic debit of **\$36,434.64** on 4/10/2008 and an electronic transfer on 11/4/2009 of **\$3,000.00** from Mrs. Owens' Trust account; Michael and Elizabeth state that the 4/10/2008 debit was a gift Mrs. Owens chose to give Elizabeth so that Elizabeth could resign from her job with Clovis Transit and become Mrs. Owens' primary care giver; the gift allowed Elizabeth to reduce certain debts so that income from her job outside the home was no longer necessary; Elizabeth did resign from Clovis Transit in May 2008 and became Mrs. Owens' primary care giver, and Elizabeth's husband became the sole incomer earner for the family;
 - Explanation of a **\$1,015.60** deficit as a result of transfers from Bank of America to Chase and Symetra; and an accounting dating back to February 2008; Michael and Elizabeth object to these requests on the grounds that they call for information beyond that to which the parties settled this matter under the Stipulation, and additionally, a conservatorship petition is not the appropriate means by which remainder beneficiaries may request and receive a fiduciary accounting by the Trustee of the Owens Trust;
 - Notwithstanding Michael and Elizabeth denying any misappropriation of funds, and so as to avoid any appearance of improper use of Trust funds, Elizabeth has voluntarily chosen to deposit personal funds into the Trust account; to date, Elizabeth has deposited her personal funds into Chase Bank account [*number omitted*] in an amount of at least **\$9,321.98**; said funds were deposited into the Trust account months ago, with the last deposit in or about February 2013 (*copies of cancelled checks payable to the Trust attached as Exhibit C*);
 - To avoid any appearance of improper use of Trust funds, Michael too has voluntarily deposited in the Trust account personal funds in the amount of **\$3,500.00** on 9/7/2012 and in the amount of **\$350.00** on 9/12/2012 (*copies of bank statements showing deposits to the Trust attached as Exhibit C*);
 - **As Michael and Elizabeth have complied with the Stipulation, they respectfully request this Court deny Petitioners' request for an accounting and dismiss the Petition for Appointment of Conservator.**

~Please see additional page~

Status of complying with Order Approving Stipulation for Settlement entered 1/4/2013, continued:

- **As Remainder Beneficiaries of the Trust, Petitioners are Limited to Requesting Information from the Trustee Pursuant to Probate Code § 16061:** Petitioners, as remainder beneficiaries of the Trust, do not have a right to an accounting under Probate Code § 16062(a); however, a remainder beneficiary may request information "relevant to the beneficiary's interest" from the trustee (Probate Code § 16061);
 - Michael and Elizabeth are the current and acting successor Co-Trustees of the **OCTAVIA R. OWENS LIVING TRUST, UTD 2/7/2008**; the current income of the Trust is the Settlor of the Trust, Mrs. Owens; all of the net income of the Trust is to be distributed to Mrs. Owens;
 - Upon the death of Mrs. Owens, the following named children are to receive the balance of the Trust estate in equal shares: Michael Owens, April Lynn [sic, in original], Elizabeth Fujinami, Greg Owens, Judy Baldwin, William K. Owens, Jr., Gladys Martinez, and David Owens;
 - Pursuant to the First Amendment to the Trust, executed by Mrs. Owens on 3/14/2008, the Trust was amended to add a **\$5,000.00** gift to Mark Owens who was otherwise "disinherited" under the Trust;
 - Petitioners are attempting to continue their battle to have Mrs. Owens conserve despite Michael and Elizabeth's complete disclosure as required under the Stipulation; such conduct on the part of Petitioners after settlement smacks of bad faith in relation to the Stipulation;
 - Petitioners are attempting to bootstrap their conservatorship petition to their demand for a trust accounting; however, Petitioners should be held to the agreed upon settlement as contained in the Stipulation, and additionally, their Petition for Appointment of a Conservator should be dismissed;
 - Alternatively, should the Court exercise its discretion and allow for a trust accounting, Michael and Elizabeth request that it be pursuant to a request by Petitioners under Probate Code § 16061, and all costs related to preparing the fiduciary accounting be allowed as an expense of administering the Trust.
- **Objector's request:**
 1. That this Court dismiss the *Petition for Appointment of Conservator of the Person and Estate* filed by Mark Owens and William Owens, Jr., pursuant to the *Order Approving Stipulation for Settlement* entered by this Court on 1/4/2013;
 2. In the event this Court finds an accounting to be appropriate, that Petitioners be required to proceed under Probate Code § 16061.

Status Hearing Re: Probate Code 7660 Issue

| | | |
|-----------------------|--|---------------------------------|
| DOD: 11/5/2012 | PUBLIC ADMINISTRATOR was appointed Administrator of the Estate pursuant to Probate Code §7660 on 11-27-12. | NEEDS/PROBLEMS/COMMENTS: |
| | The Public Administrator's original petition for administration under Probate Code §7660 only identifies one heir, Robert Ambrose; however, he is incorrectly identified as a nephew while in fact he is a first cousin of the decedent. | |
| Cont. from | | |
| Aff.Sub.Wit. | | |
| Verified | TERRY BOBLET , a maternal first cousin of the decedent, filed a petition to determine heirship. | |
| Inventory | | |
| PTC | | |
| Not.Cred. | Minute order dated 6/17/13 granted the Terry Boblet's Petition to Determine Heirship and set this status hearing. | |
| Notice of Hrg | Status Report of the Public Administrator filed on 7/23/13 states on 3/1/2013 the Public Administrator filed an Inventory and Appraisal valuing the real property at \$150,000.00. Although he has not bases to question the validity of the appraisal, no offers came in over \$100,000.00, confirming the Public Administrator's belief that the estate was within the amount allowed by Sections 7660 (a)(1) and 13100. Aside from the real property that sold for \$90,000.00, the only other asset was personal property valued at less than \$2,000.00. | |
| Aff.Mail | The Public Administrator has been contact with Thomas Cain, who represents one of the heirs. The beneficiaries determined to be such at the hearing on 6/17/13 were not known at the outset of the administration. | |
| Aff.Pub. | | |
| Sp.Ntc. | | |
| Pers.Serv. | | |
| Conf. Screen | | |
| Letters | | |
| Duties/Supp | | |
| Objections | | |
| Video Receipt | | |
| CI Report | | |
| 9202 | | |
| Order | The probate examiner raised the issue of whether a regular probate needs to be opened. The Public Administrator and Mr. Cain both oppose any such requirement, arguing that the actual value of the estate was never more than \$150,000.00. There is nothing to be gained by dismissing this administration in favor of another petition for probate. In fact, it would be quite costly to the estate. | |
| Aff. Posting | | |
| Status Rpt | | |
| UCCJEA | | |
| Citation | | |
| FTB Notice | The estate is ready for distribution. No one will be harmed by this matter moving forward toward being closed. | |
| | | Reviewed by: KT |
| | | Reviewed on: 7/23/13 |
| | | Updates: |
| | | Recommendation: |
| | | File 22 – Ambrose |

Status Hearing Re: Filing of the Inventory and Appraisal

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|-----------------------|---|--|
| DOD: 1/14/2013 | <p>EDWIN S. DARDEN was appointed Executor, without bond, and will Full IAEA authority on 2/26/2013.</p> <p>Letters issued on 2/26/2013.</p> <p>Inventory and Appraisal, part 1, was filed on 4/18/2013 with a value of \$145,000.00.</p> | <p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need final inventory and appraisal 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> |
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| 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: KT</p> <p>Reviewed on: 7/23/2013</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 23 – Barsam</p> | |

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

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|-----------------------|---|---|
| DOD: 2/22/2012 | <p>ROBERT F. PEREZ was appointed executor without bond and with Full IAEA authority on 5/24/2013.</p> <p>Letters issued on 5/24/2013.</p> <p>Inventory and Appraisal filed on 9/10/2012 shows a value of \$132,916.63.</p> <p>Unverified Status Report filed on 7/15/2013 states the 2012 income tax returns are in the process of being prepared.</p> <p>It is estimated that the petition for final distribution will be filed after the 2012 income taxes have been completed and filed.</p> <p>It is estimated that the petition for final distribution will be filed within the next 4 – 6 months.</p> | <p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Status Report was not verified. Local Rule 7.5B and Probate Code §1021 requires status reports to be verified.</p> |
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| 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: KT</p> <p>Reviewed on: 7/23/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 24 – Perez</p> | |

Status Hearing Re: Filing of the Inventory and Appraisal

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|------------------------|--|--|--|
| DOD: 12/14/2012 | <p>KURT JOHN BREMENKAMP was appointed as executor, without bond and with Full IAEA authority on 3/4/2013.</p> <p>Letters issued on 3/5/2013.</p> <p>Inventory and Appraisal filed on 2/19/2013.</p> | <p>NEEDS/PROBLEMS/COMMENTS:</p> <p>OFF CALENDAR. Inventory and Appraisal was filed on 7/24/2013.</p> <p><u>Note:</u> A Petition for Final Distribution has been filed and is set for hearing on 8/12/2013.</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 | | | |
| | | | <p>Reviewed by: KT</p> <p>Reviewed on: 7/23/2013</p> <p>Updates: 7/25/2013</p> <p>Recommendation:</p> <p>File 25 - Bremenkamp</p> |

Probate Status Hearing Re: Accounting and/or Report to the Court Regarding the Assets of the Guardianship

| | | |
|--------------------------|--|---|
| Age: 18 | <p>ROSIE VILLANUEVA, maternal grandmother, was appointed guardian of the Person and Estate on 02/07/2000. Letters of Guardianship were issued on 02/07/2000.</p> <p>Inventory & Appraisal, final filed 08/09/2000 - \$325.68</p> <p>Ex Parte Petition for Withdrawal of Funds from Blocked Account was filed 06/13/13 stating that Nicolette has reached the age of 18 and requesting to withdraw funds held in a blocked account.</p> <p>Order on Ex Parte Petition for Withdrawal of Funds from Blocked Account set this matter for status regarding accounting and/or Report to the Court Regarding the Assets of the Guardianship.</p> <p>Declaration of Rosie Villanueva filed 07/23/13 states: \$20,000.00 was deposited with the Golden 1 Credit Union on 03/27/01. The current balance on the account is \$20,092.53. Ms. Villanueva requests that the account be released to Nicolette Martinez because she has reached 18 years of age.</p> | NEEDS/PROBLEMS/COMMENTS: |
| | | CONTINUED FROM 07/19/13 |
| | | 1. Need Accounting and/or Report to the Court regarding assets of the Guardianship. |
| | | Note: The Inventory & Appraisal filed 08/09/2000 lists an insurance claim for wrongful death, amount uncertain as an asset. It does not appear that a Supplemental Inventory & Appraisal was ever filed upon the settlement of that insurance claim. Nothing further was filed in the matter until the Ex Parte Petition for Withdrawal of Funds from Blocked Account. |
| | | Note: Rosie Villanueva was represented by William F. Hancock in her initial Petition to be appointed as Guardian. The Ex Parte Petition to Withdraw funds from Blocked Account was filed by Rosie Villanueva in pro per. |
| Cont. from 071913 | | |
| Aff.Sub.Wit. | | |
| Verified | | |
| Inventory | | |
| PTC | | |
| Not.Cred. | | |
| Notice of Hrg | | |
| Aff.Mail | | |
| Aff.Pub. | | |
| Sp.Ntc. | | |
| Pers.Serv. | | |
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| Letters | | |
| Duties/Supp | | |
| Objections | | |
| Video Receipt | | |
| CI Report | | |
| 9202 | | |
| Order | | |
| Aff. Posting | | |
| Status Rpt | | |
| UCCJEA | | |
| Citation | | |
| FTB Notice | | |
| | | Reviewed by: JF |
| | | Reviewed on: 07/24/13 |
| | | Updates: |
| | | Recommendation: |
| | | File 26A – Martinez |

Reconsideration of the Petition for Withdrawal of Funds from a Blocked Account

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|--------------------------|---|---|
| Age: 18 | <p>ROSIE VILLANUEVA, maternal grandmother, was appointed guardian of the Person and Estate on 02/07/2000. Letters of Guardianship were issued on 02/07/2000.</p> <p>Inventory & Appraisal, final filed 08/09/2000 - \$325.68</p> <p>Ex Parte Petition for Withdrawal of Funds from Blocked Account was filed 06/13/13 stating that Nicolette has reached the age of 18 and requesting to withdraw funds held in a blocked account.</p> <p>Order on Ex Parte Petition for Withdrawal of Funds from Blocked Account set this matter for reconsideration of the Petition for Withdrawal of Funds from Blocked Account.</p> <p>Declaration of Rosie Villanueva filed 07/23/13 states: \$20,000.00 was deposited with the Golden 1 Credit Union on 03/27/01. The current balance on the account is \$20,092.53. Ms. Villanueva requests that the account be released to Nicolette Martinez because she has reached 18 years of age.</p> | NEEDS/PROBLEMS/COMMENTS: |
| | | <u>CONTINUED FROM 07/19/13</u> |
| Cont. from 071913 | | The Order on Ex Parte Petition for Withdrawal of Funds from Blocked Account ordered that Rosie Villanueva be personally present at the hearing if no accounting and/or report is filed prior to the hearing. |
| Aff.Sub.Wit. | | Note: Rosie Villanueva was represented by William F. Hancock in her initial Petition to be appointed as Guardian. The Ex Parte Petition to Withdraw funds from Blocked Account was filed by Rosie Villanueva in pro per. |
| Verified | | |
| Inventory | | |
| PTC | | |
| Not.Cred. | | |
| Notice of Hrg | | |
| Aff.Mail | | |
| Aff.Pub. | | |
| Sp.Ntc. | | |
| Pers.Serv. | | |
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| Video Receipt | | |
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| Order | | |
| Aff. Posting | | |
| Status Rpt | | |
| UCCJEA | | |
| Citation | | |
| FTB Notice | | |
| | | Reviewed by: JF |
| | | Reviewed on: 07/24/13 |
| | | Updates: |
| | | Recommendation: |
| | | File 26B – Martinez |