



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 Jeane Girazian (Estate)

Case No. 13CEPR00935

Atty Rube, Melvin K. (for David J. Edwards – former Administrator/Petitioner)

Atty Johnson, Summer A. (for Bruce Bickel – Successor Administrator)

Petition to Determine Ownership of Estate Property and for Order Authorizing and Directing Successor Administrator to Transfer Estate Property to Petitioner

DOD: 02/18/10	DAVID J. EDWARDS , former spouse and former Administrator, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>This matter to be heard at 10:30am.</p> <p><u>CONTINUED FROM 07/13/15 Minute Order from 07/13/15 states: Counsel reports that the issues in this matter are settled, but that they would like time for a brief settlement conference to discuss the mechanics of the agreement. Counsel is to file a joint settlement conference statement.</u></p> <p>Reviewed by: JF</p> <p>Reviewed on: 07/21/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 1 - Girazian</p>
Cont. from 031615, 061515, 071315	Petitioner states that Decedent died in possession of \$108,957.43 consisting of 4 cashier's checks made payable to Jeane Girazian. All 4 checks escheated to the State of California and were held by the Controller and were obtained from the Controller by the Successor Administrator, Bruce Bickel on or about 11/25/14 and Mr. Bickel now has these assets in his possession.	
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<input checked="" type="checkbox"/> Notice of Hrg	Petitioner claims that \$108,957.43 of the \$108,977.67 currently in possession of Bruce Bickel belongs to him. From 1961 through 03/31/12, Petitioner was a physician and surgeon practicing medicine at his medical practice called Sunnyside Medical. Decedent was employed by Petitioner from approximately 1994 through April of 2004 as the office manager for Sunnyside Medical. Her duties included managing Petitioner's accounts receivable and accounts payable, billing, paying bills and compiling financial information for Petitioner's accountant. Decedent and Petitioner were also married from 12/31/98 until the marriage was annulled on 03/22/04. At no time while Decedent was employed by or married to Petitioner did Decedent have or acquire an ownership interest in Sunnyside Medical or in any of its assets. Petitioner authorized the Decedent as office manager of Sunnyside Medical to establish and manage bank accounts in decedent's name along with Petitioner. Petitioner expected that the Decedent would make notations on the bank accounts that the funds were held in trust for Sunnyside Medical and that said bank accounts were to be funded only Petitioner's income derived from Sunnyside Medical.	
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Pursuant to Petitioner's authorization, decedent opened two Citibank accounts under the name Jeane Girazian with Sunnyside Medical's mailing address, another Citibank Account under the name Jeane Girazian, DBA Sunnyside Medical also with Sunnyside Medical's mailing address and a Bank of America Account under the name Sunnyside Medical Jeane Girazian. Decedent, as the office manager of Sunnyside Medical, had petitioner's consent and permission to issue and sign checks on all of these accounts.

In November 2013, Decedent caused three cashier's check totaling \$78,957.45 to be made payable to herself from these bank accounts without Petitioner's knowledge or consent and in April 2004 Decedent caused another cashier's check in the amount of \$30,000.00 to be made payable to herself without Petitioner's knowledge of consent. The accounts from which these checks were drawn were funded solely with Petitioner's income derived from his medical practice and his other investment sources and Petitioner used these accounts to pay the vendors of his medical practice, pay his personal expenses, pay his payroll and other related expense.

These 4 cashier's checks were not discovered by Petitioner until after Decedent's death on 02/18/10, some 6 years after the checks were issued to Decedent. The cashier's checks were purchased with funds from the bank accounts established for Sunnyside Medical and are therefore the property of Petitioner and not of Decedent's estate.

Petitioner prays for an Order:

1. Directing Bruce Bickel, the Successor Administrator of the Estate of Jeane Girazian aka Sandra Jean Girazian, aka Jeane Girazian Edwards, to distribute the sum of \$108,957.43 to Petitioner David J. Edwards.

Objection to Petition to Determine Ownership of Estate Property and for Order Authorizing and Directing Successor Administrator to Transfer Estate Property to Petitioner filed 03/12/15 admits and denies various aspects of the Petition and asserts affirmative defenses.

Status Report of Successor Administrator Bruce D. Bickel filed 06/09/15 states: At the hearing on 03/16/15, the Court continued the hearing for 90 days to allow counsel to confer regarding the Petition and for the Petitioner to have an opportunity to provide to Mr. Bickel additional information concerning Petitioner's basis for his claim of ownership of the cashier's checks. The attorneys have conferred regarding Dr. Edwards' Petition. Mr. Rube has requested an additional period of time to file a supplemental declaration on behalf of Dr. Edwards in order to provide the Court and Mr. Bickel additional information regarding the basis for Dr. Edwards' claim of ownership of the cashier's checks. Mr. Bickel is in agreement with the requested continuance.

Status Report of Melvin K. Rube filed 06/10/15 states: he has been in settlement discussions with Summer Johnson, counsel for Bruce Bickel, the successor administrator in this case. It is felt that this case can be resolved with the filing of supplemental declarations by David J. Edwards and Margot Bellando. Petitioner therefore requests a 30 day continuance in which to file requested supplemental declarations.

Status Report of Melvin K. Rube filed 06/10/15 states: Since the last hearing, respondents have submitted three settlement proposals. Petitioner has countered with two counter-proposals and rejected the third proposal. Petitioner therefore requests that this matter be set for a court trial. Petitioner estimates 3 days for trial.

Status Report of Counsel for Successor Administrator Bruce Bickel filed 07/08/15 states: The parties met prior to the 06/15/15 hearing and counsel for Dr. Edwards provided Declarations of Dr. Edwards and his office manager in further support of Dr. Edwards' Petition to Determine Ownership of Estate Property, etc. It is believed that the parties are close to a settlement framework. The parties believe that a 1-2 hour settlement conference with the court would be beneficial to resolving this issue.