

**Second Account and Report of Trustee; Petition for Approval of Trustee Fees; and
for Allowance of Attorney Fees and Costs (P.C 16063)**

		INLAND COUNTYIES REGIONAL CENTERS INC. , Trustee of the Special Needs Trust, is petitioner.	<p>NEEDS/PROBLEMS/ COMMENTS:</p> <p>1. Attorney fees includes \$3,500.00 (14 hours @ \$250/hr.) in travel time to personally appear at a hearing. Local Rule 7.17 states travel time to and from the court is considered to be costs of doing business and are not reimbursable costs.</p> <p>Note: If the petition is granted a status hearings will be set as follows:</p> <ul style="list-style-type: none"> Friday, May 22, 2015 at 9:00 a.m. in Department 303, for the filing of the third account. <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.</p>
		Account period: 7/1/2010 – 3/31/2013	
Cont. from		Accounting - \$163,664.22	
<input type="checkbox"/>	Aff.Sub.Wit.	Beginning POH - \$103,048.42	
<input checked="" type="checkbox"/>	Verified	Ending POH - \$153,510.40	
<input type="checkbox"/>	Inventory	Attorney - \$9,665.00 (per itemization and declaration, 50.45 hours at \$250/hr. for attorney time and \$100/hr. for paralegal time.)	
<input type="checkbox"/>	PTC	Attorney costs - \$471.00 (filing fee, court call appearances)	
<input type="checkbox"/>	Not.Cred.	Trustee - \$2,576.67 (.75% of trust assets)	
<input checked="" type="checkbox"/>	Notice of Hrg	Bond - Trust does not require bond for this Trustee	
<input checked="" type="checkbox"/>	Aff.Mail	Petitioner requests the court authorize Petitioner to follow the new Fee Schedule dated 2/14/2012 and to take future trustee's fees in the amount of \$1,000.00 on the first \$50,000.00 held in the trust, plus 2% of the next \$250,000.00 held in the trust, plus 1.65% of the next \$450,000.00 held in the trust, plus 1.50% of the next \$250,000.00 held in the trust, plus 1.25% of the next \$1,000,000.00 held in the trust, beginning February 14, 2012.	
<input type="checkbox"/>	Aff.Pub.	Petitioner prays for an order:	
<input type="checkbox"/>	Sp.Ntc.	1. Approving the account and report and the acts by the Trustee	
<input type="checkbox"/>	Pers.Serv.	2. Directing payment of attorney fees in the sum of \$9,665.00 and costs in the sum of \$471.00.	
<input type="checkbox"/>	Conf. Screen	3. Confirming payments to the Trustee in the amount of \$2,576.67 during this account period.	
<input type="checkbox"/>	Letters	4. Authorizing Petitioner to follow the nee Fee Schedule dated 2/14/2012, beginning on 2/14/2012. Authorizing Petitioner to take annual trustee fees in quarterly payments.	
<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		

Reviewed by: KT
Reviewed on: 7/29/2013
Updates:
Recommendation:
File 1 – Rogers

Atty Marshall, Jared / Burnside, Leigh

Atty Sanoian, Joanne

Objector Marlene Hubbell's Notice of Motion for Summary Judgment or in the Alternative Summary Adjudication

Age:		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Examiner notes not provided for this matter.</p>
DOD:		
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: skc
		Reviewed on: 7-30-13
		Updates:
		Recommendation:
		File 2 – McClintic

Petition to Compel Turnover of the Betty Ruth Cozby Trust Pursuant to Probate Code Section 16061.5 and for Damages and Attorney's Fees Pursuant to Probate Code Section 16061.9

		JANICE POTTER is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 7/11/2013.</p> <p>1. Need Order.</p>
		Petitioner states she is an heir at law, and believes she is a beneficiary of the Betty Ruth Cozby Trust.	
		Betty Ruth Cozby died in April 2011.	
<p>Cont. from 022912, 040412, 060412, 081312, 100412, 111512, 010413, 021513, 022213, 032913, 051613, 061313, 071113</p>		Betty Cozby was unmarried and did not have children, and her parents and siblings predeceased her. Petitioner is a niece of Betty Cozby and heir at law under applicable Probate Code intestacy statutes.	
	Aff.Sub.Wit.	Petitioner believes Betty Cozby's friend, Edward D. Reimer, is the named successor Trustee of the Betty Ruth Cozby Trust.	
✓	Verified	Upon the death of Ruth Cozby the Trust became irrevocable. Petitioner states she requested orally, and then more formally, through counsel, a copy of the Trust. The formal request was made on 8/17/2011. No response has been received to the request.	
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg	Probate Code §16061.5 provides that a trustee has a duty to provide a true and complete copy of the terms of an irrevocable trust, or irrevocable portion of a trust, to any beneficiary who requests it, and to any heir of a deceased settlor who requests it.	
✓	Aff.Mail	W/	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order	X	
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
		Wherefore, Petitioner seeks relief as follows:	
		<ol style="list-style-type: none"> For an Order compelling Edward D. Reimer to provide full and complete copies of the Betty Ruth Cozby trust, including any applicable schedules and amendments, if any; For an Order compelling turnover of relevant information on the administration of assets of the Trust pursuant to Probate Code section 16061; That Edward D. Reimer be ordered to personally pay Petitioner's attorney's fees and costs in filing and prosecuting this petition. 	
		Statement of Assets Held in The Betty Cozby Living Trust filed by Edward D. Reimer and Ola May Langley on 6/4/12.	
		Reviewed by: KT	
		Reviewed on: 7/29/13	
		Updates:	
		Recommendation:	
		File 3A - Cozby	

Petition for Settlement of Account and Approval of Trustee Fees [Prob. C. 17200(b)(5)]

		EDWARD D. REIMER and OLA MAE LANGLEY , Trustees, are petitioners.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 7/11/2013. As of 7/29/13 the following issues remain:</p> <ol style="list-style-type: none"> Petition was not signed or verified by Petitioner Ola Mae Langley. Probate Code § 1020 states the petition must be signed by all petitioners. It appears that the trustee (Edward Reimer) has paid himself an amount monthly (approximately \$3,000 per month) regardless of the time spent on trustee tasks. The Trustee declaration should clearly state the amount of time spent on each task and the hourly rate for the services performed. Disbursement schedule includes cell phone payments at approximately \$43 per month. Court may require clarification. Disbursement schedule includes payments to State Farm totaling \$436.14. Court may require more information regarding this disbursement. Order submitted includes a closing reserve of \$25,000.00 that was not included in the accounting presented to the court or noticed on all parties. Order submitted includes distribution of the assets to the various beneficiaries however the distribution was not included in the accounting presented to the court and noticed on all parties.
		Account period: 4/30/11 – 2/28/13 (22 months)	
Cont. from 051613, 061313, 071113		Accounting - \$945,634.96	
<input type="checkbox"/>	Aff.Sub.Wit.	Beginning POH- \$938,966.68	
<input checked="" type="checkbox"/>	Verified	Ending POH - \$849,957.59	
<input type="checkbox"/>	Inventory	Trustee - \$66,182.50	
<input type="checkbox"/>	PTC	(already paid, requesting the court approve said fees)	
<input type="checkbox"/>	Not.Cred.	Attorney - \$3,908.85	
<input checked="" type="checkbox"/>	Notice of Hrg	(already paid)	
<input checked="" type="checkbox"/>	Aff.Mail	W/O	
<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 checked="" 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		
		Petitioner prays for an Order:	
		<ol style="list-style-type: none"> Finding that all facts stated in the Petition are true and that all notices required by law have been given. This account and report be settled, allowed and approved, and all acts and transactions of Reimer set forth in it, or relating to the matters set forth in it, be ratified, confirmed and approved; Compensation in the amount of \$66,182.50 already paid to Reimer be allowed and approved; The Trust be distributed pursuant to the terms of the Trust Agreement 	
		Please see additional page	
		Reviewed by: KT	
		Reviewed on: 7/29/13	
		Updates:	
		Recommendation:	
		File 3B – Cozby	

Objections to Trustee's Fees and Request for Attorney Fees and Costs filed by Janice Potter on 5/10/2013. Janice Potter states there are two issues that need to be resolved the first is the matter of Trustee's fees already taken by Trustee, Edward Reimer, which in her opinion are excessive, especially in light of the Trustee's performance in this matter and, second, the costs and attorney's fees Janice Potter has incurred in petition to get a copy of the Trust from Mr. Reimer, to get a statement of the Trust assets from him and, after that, to force him to account and get the Trust to the point of a distribution, something that took nine court appearances, and the threat of removal of Mr. Reimer on several occasions, to accomplish.

The Issue of Trustee's Fees

Mr. Reimer's seeks approval of \$66,182.50 in Trustee's fees he has already taken. The accounting reveals Mr. Reimer immediately started paying himself "round numbers", for example paying himself \$1,500.00 May 2, 2011 and \$500.00 May 23, 2011 and he continued this pattern right on through February of 2013 taking the total noted above.

Article XII of the Trust does provide that the Trustee is entitled to pay himself "reasonable compensation" from time to time without court approval, but the amounts taken by Mr. Reimer are clearly excessive.

Beginning assets for this Trust were, according to the accounting, \$938,966.68. That would mean the Trustee's fees charged by Mr. Reimer totaled about 7% of the total Trust assets, clearly an excessive amount, even if he had done a diligent job, which he clearly did not.

Using the time submitted by Mr. Reimer, he spent 93.6 hours to date on the Trust. At a generous rate of \$75.00 per hour, this would calculate out to \$7,042.50 in total Trustee's fees.

In summary on this point \$7,042.50, at most should be allowed in trustee's fees and the balance of the funds taken by Mr. Reimer (\$59,140.00) should be remitted by him to the trust. If the Court uses a percentage as a gauge for fees, as opposed to time, at 1% per annum the amount allowed for Trustee's fees should not exceed \$18,909.28.

The Issue of a Surcharge Against Trustee for Ms. Potter's Attorney Fees and Costs

As the Court will recall, Mr. Reimer, before he retained counsel, refused to provide Janice Potter a copy of the Trust, despite her being named as a Trust beneficiary. It to a Petition to get Mr. Reimer to retain counsel, who then secured a copy of the Trust for Ms. Potter. Mr. Reimer should be personally surcharged the attorney's fees and costs incurred by Ms. Potter to compel him to do what he was obligated to do, as a matter of law, from the start of his trusteeship.

The attorney fees and costs total \$7,238.96, which includes the filing fee and telephonic appearance fees.

Probate Code 16061.9 doe provide that the Trustee is responsible for damages, as well as liable for attorney's fees and costs, cause by the Trustee's failure to make reasonable diligent effort to comply with Section 16061.7. Here, the Trustee clearly did nothing, even a letter demanding the information from counsel, forcing Ms. Potter to petition the Court for relief.

The Court will no doubt recall he saga of getting Mr. Reimer to provide an accounting as well.

Please see additional page

Accordingly, under the above Code provisions and the facts of this case, Mr. Reimer should be surcharged the fees and costs incurred to compel him to do his job as Trustee, and to get us to the point of distribution.

Wherefore, Janice Potter requests:

1. That the Trustee be ordered to return excessive compensation taken by him to the Trust, in the sum of \$59,140.00;
2. That the Trustee be surcharged the attorney's fees and costs incurred by Ms. Potter in the amount of \$7,238.96, and that the same be paid to Ms. Potter
3. That the account otherwise be approved and the trustee ordered to make distribution.

		<p>JANICE POTTER filed a Petition to Compel Turnover of the Betty Ruth Cozby Trust, for Damages and Attorney's Fees. The Petition requested Trustee, EDWARD D. REIMER, provide full and complete copies of the Betty Ruth Cozby trust, including any applicable schedules and amendments, if any. That he turnover relevant information on the administration of assets of the Trust and that Edward D. Reimer be ordered to personally pay Petitioner's attorney's fees and costs in filing and prosecuting the petition. (See page 3A of this calendar)</p> <p>EDWARD D. REIMER and OLA MAE LANGLEY, Trustees, responded by filing an accounting. Janice Potter objected to the accounting. (See page 3B of this calendar)</p> <p>Minute order dated 6/13/13 states Mr. Gilmore informs the Court that they have negotiated a resolution as to the objections to the accounting that will require an amended petition. At which time this status hearing was set.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 7/11/13.</p> <p>1. Need amended petition or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.</p>	
Cont. from 071113				
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: 7/29/2013</p>
		<p>Updates:</p>		
		<p>Recommendation:</p>		
		<p>File 3C – Cozby</p>		

(1) First and Final Account and Report of Executor and Petition for Settlement, (2) for Allowance of Compensation for Ordinary Services and (3) for Final Distribution [Prob. C. 10400]

DOD: 7/27/2012		ARLEY R. ROBINSON , Executor, is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> Petition does not contain a statement regarding Probate Code §216 and 9202(b) re: notice to the Director of Victims Compensation and Government Claims Board. Petition does not contain a statement regarding if notice to the Franchise Tax Board was performed, as required by Probate Code 9202(c)(1). Petition requests reimbursement to attorney for costs in the amount of \$1,298.73. Need itemization of costs. Petition requests reimbursement to the executor for the advancement of \$4,000 to cover the costs associated with the Decedent's estate. Need itemization of costs. <p>Please see additional page</p> <p>Reviewed by: KT</p> <p>Reviewed on: 7/29/2013</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 4 - Robinson</p>
		Account period: 7/27/12 – 6/6/13	
		Accounting - \$188,880.33	
Cont. from		Beginning POH - \$177,192.99	
<input type="checkbox"/>	Aff.Sub.Wit.	Ending POH - \$168,643.40	
<input checked="" type="checkbox"/>	Verified	Attorney (statutory) - \$6,666.41	
<input checked="" type="checkbox"/>	Inventory	Attorney costs - \$1,298.73	
<input checked="" type="checkbox"/>	PTC	Executor - not addressed.	
<input checked="" type="checkbox"/>	Not.Cred.	Executor costs - \$4,000.00	
<input checked="" type="checkbox"/>	Notice of Hrg	Distribution, pursuant to Decedent's Will, is to:	
<input checked="" type="checkbox"/>	Aff.Mail	Jimmy Drew Robinson – entire estate.	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters	1/14/2013	
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input checked="" type="checkbox"/>	9202	X	
<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	X	

NEEDS/PROBLEMS/COMMENTS (cont.):

5. Disbursement schedule includes payments to attorney Glen R. Lewis, professional fees in the sum of \$435.00 and to Susan McElhinny attorney, professional fees in the sum of \$100.00. California Rules of Court, Rule 7.700 states the personal representative must neither pay, nor receive and the attorney for the personal representative must not receive, statutory compensation or fees for extraordinary services in advance of a court order of the court authorizing their payment.
6. Petition does not address the Executor commissions.
7. Order does not comply with Local Rule 7.6.1A. All orders in probate matters must be complete in themselves. Orders shall set forth the matters ruled on by the court, the relief granted, and the names of persons, descriptions of property and/or amounts of money affected with the same particularity as required of judgments in general civil matters. Monetary distributions must be stated in dollars, and not as percentages of the estate.

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

Age: 84	TEMP EXPIRES 9-18-13	<p>NEEDS/PROBLEMS/ COMMENTS:</p> <p><u>CONTINUED TO 9-18-13 per stipulation filed 7-30-13</u></p> <p><u>Court Investigator advised rights on 3-19-13</u></p> <p><u>Voting rights are affected - Need minute order.</u></p> <p>Note: Petitioners, relatives, and attorneys Bagdasarian (for Petitioners) and Sanoian (for the proposed Conservatee) have met in mediation and reached agreement, in part, that conservatorship is in the proposed conservatee's best interest, but agreed to mediate further. Agreements dated 3-5-13 and 5-6-13 are in the file for reference.</p> <p>Note: The 5-6-13 agreement indicated further mediation on 7-22-13; however, nothing further has been received.</p>
	STANLEY GREENBERG and CHERYL TAYLOR, Son and Daughter, are Petitioners and request appointment as Co-Conservators of the Person with medical consent powers and dementia medication and placement powers.	
Cont. from 032813, 052313	Voting rights affected	
<input type="checkbox"/> Aff.Sub.Wit.	Capacity Declaration was filed 2-26-13.	
<input checked="" type="checkbox"/> Verified	A second Capacity Declaration was filed 6-24-13.	
<input type="checkbox"/> Inventory	Petitioners state their mother suffers from advanced Alzheimer's Disease and dementia. She resides at a care facility in Fresno. Petitioners are agents under a Power of Attorney dated 12-5-06 and an Advance Health Care Directive dated 12-5-06. Two of the conservatee's other three children, Michele Torres of Gilroy and Nadine Walker of Fresno, claim the care the Conservatee is receiving at her current placement, Serenity Living Care, Inc., is not satisfactory and have threatened to remove her to a residence or some other facility. Petitioners have been made aware from speaking with their mother and staff that while the proposed Conservatee shows an interest in knowing about her personal residence, if she is moved, she may become very confused and agitated. The Conservatee is the settlor of a living trust in which her assets are located. Petitioner Stanley Greenberg is the trustee. Petitioners do not believe any movement is in the proposed conservatee's best interest and request upon appointment to obtain authorization to keep her in a living arrangement suited for her condition.	
<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 checked="" type="checkbox"/> Pers.Serv. w		
<input checked="" type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters		
<input checked="" type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input checked="" type="checkbox"/> Video Receipt		
<input checked="" type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input checked="" type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice	Court Investigator Jennifer Young filed a report on 3-19-13.	
		<p>Reviewed by: skc</p> <p>Reviewed on: 7-30-13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 5 - Greenberg</p>

Amended Petition to 1) Compel Accounting; 2) Suspend and Remove John M. Welsh as Trustee of the Bartimore Family Trust; 3) Compel Distribution; 4) Conversion; 5) Constructive Trust; 6) Breach of Fiduciary Duty; and 7) Return of Property to Trust [Prob. C. 859, 15642, 17000, 17200; Civ. C. 2224 & 3294]

		VIRGINIA CHENIER, LESLIE BARTIMOR, LORI JOHNSON and LYNN FEATHERSTON , beneficiaries, are petitioners.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> Petition was not signed by Petitioners, Leslie Bartimore, Lori Johnson and Lynn Featherston. Probate Code §1020. Need order.
		Petitioners states Grantors and original Co-Trustees, Charlotte V. Bartimore and Leonard D. Bartimore , executed the Trust on 10/28/2008. Grantor Charlotte V. Bartimore died on 2/1/2011 and Grantor Leonard D. Bartimore died on 9/5/2009.	
Cont. from		Charlotte V. Bartimore signed the First Amended and Restated Trust Agreement on 8/31/2010.	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail	W/	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order	X	
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		John M. Welsh is the current Trustee of the Trust.	
		Pursuant to Paragraph 3.3.2(b), page 3 of the Trust, the trust was to divide the trust into two equal shares. 50% of the estate was to be allocated to the issue of Charlotte and the remaining 50% was to be allocated to the issue of Leonard.	
		Each of the Petitioners are the issue of Settlor Charlotte V. Bartimore, and they are each entitled to an equal share with John Welsh.	
		On 5/26/2011 Petitioner Lynn Featherston sent a letter requesting that John M. Welsh provide and accounting as required by Probate Code §16063.	
		Please see additional page	
		Reviewed by: KT	
		Reviewed on: 7/30/2013	
		Updates:	
		Recommendation:	
		File 6 – Bartimore	

On 2/5/2013, Petitioner's attorney sent a letter to John Welsh requesting he provide an accounting as required by Probate Code § 16063.

On 2/20/2013, Petitioner's attorney sent an additional letter to John Welsh requesting that he provide an accounting.

After representing that he would provide an accounting, John Welsh has failed and refused to provide an accounting, and no accounting has ever been provided to Petitioners.

Petitioners believe that pursuant to Probate Code § 15642 John Welsh's refusal to provide an accounting to Petitioners is a breach of the Trust. Furthermore, John Welsh's conduct demonstrates recalcitrance with regards to dealing with Petitioners, and renders John Welsh unfit to act as Trustee.

John Welsh while wrongfully acting as Trustee, and controlling the Trust, failed to comply with the terms of the Trust to distribute equal shares of the Trust estate to Petitioners.

Petitioners allege that John Welsh has failed to distribute to them their rightful shares of the Trust estate. Such failure constitutes a wrongful act made in bad faith to deprive the proper beneficiaries of the property in the Trust estate. As such John Welsh should be compelled to provide an accounting of the Trust estate at the time of Charlotte's death, and should be compelled to pay double damages as a consequence of such a wrongful appropriation of the Trust estate.

A Constructive Trust should be imposed on the real property of John Welsh located at 46910 Dunlap Road, Miramonte, California 93641 under Civil Code § 2224. Petitioners allege that John Welsh has used a portion of the Trust estate to maintain, repair, improve or otherwise benefit the Miramonte property sufficient to support a constructive trust being imposed on the Miramonte property for the benefit of Petitioners.

A Constructive Trust should also be imposed on Bank of America Account no. 23416-31370 and Wells Fargo Bank Account no. 101 10221047174 that have been used by John Welsh in the handling of the Trust Estate. Petitioners believe John Welsh has used those accounts for his personal benefit sufficient to support a constructive trust being imposed on them for the benefit of Petitioners.

Previous paragraphs allege wrongful acts which are a breach of the Trust, a mistake, accident, or outright fraud. Because John Welsh has deprived Petitioners of their rightful distributions and property, John Welsh should be deemed to be holding said property as Constructive Trustee for Petitioners.

John Walsh's acts of depriving Petitioners of their rightful property and withholding all authorized distributions constitutes the tort of conversion.

John Welsh must pay double damages for the wrongful appropriation of Trust assets in clear violation of the Trust.

Pursuant to Civil Code § 3294, an award of punitive damages against John Welsh should be awarded to Petitioners as a result of John Welsh's acts of fraud, oppression, or malice arising out of his breach of fiduciary duty as acting as Trustee and as a result of the fraudulent concealment and conversion of Trust assets.

Please see additional page

Wherefore, Petitioners pray for an Order of this Court:

1. Compelling John Welsh to render an account for the Trustee since the date of Charlotte V. Bartimore's death on 2/1/2011 through the present;
2. Removing John Welsh as successor Trustee of the Trust, or in the alternative, suspending his powers as Trustee and delivering the Trust estate to the Successor Trustee Dale R. Welsh, pending the filing of said account with this Court;
3. Compelling the distribution of Petitioners' share of the Trust estate as allocated to them under the Trust;
4. Surcharging John Welsh at the legal rate for improper payments made out of the Trust assets and for the lost value of the Trust as a consequence of their failure to make the Trust productive for beneficiaries;
5. Imposing a Constructive Trust over the wrongfully held assets by John Welsh, including but not limited to, the real property located at 46910 Dunlap Road, Miramonte, California 93641, in an amount determined at trial;
6. For double damages pursuant to Probate Code §859 in an amount to be determined at trial;
7. For punitive damages against John Welsh, in an amount determined at trial; and
8. For such other and further Orders and relief as the Court deems just and proper.

DOD: 05/02/2012	BLANCHE LOPEZ , surviving spouse, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
	No other proceedings.	
	Decedent died intestate.	
Cont. from		
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified	Petitioner states: she married the decedent in 1946. During the course of their marriage, in 1957, the Decedent and Mrs. Lopez purchased the lot next door to their personal residence. The lot was located at 326 South Fifth Street, Fowler. The Decedent and Mrs. Lopez took title as "Henry Lopez and Blanche Lopez, Husband and Wife as Joint Tenants." To finance the purchase of the property, they borrowed the amount of the \$3,500.00 from Bank of America, which loan was secured by a Deed of Trust and Assignment of Rents executed by both the Decedent and Mrs. Lopez. The loan payments were paid by community funds of the Decedent and Mrs. Lopez.	
<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	Notwithstanding the ambiguity in legal title, the Decedent and Mrs. Lopez intended to acquire the property as the community property of them as husband and wife. It was not their intention for the form of title to override the community property presumption for property acquired during marriage with respect to the property located at 326 South Fifth St. Fowler, California.	
<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		
	Please see additional page	Reviewed by: LV Reviewed on: 07/30/2013 Updates: Recommendation: Submitted File 7 – Lopez

Additionally, during the course of their marriage, the Decedent's father gifted equally to his three children a forty acre ranch located in Fowler, California. In 1972, the Decedent and Mrs. Lopez purchased the property from Mr. Lopez's other brother and sister. As part of the financing for the purchase, the Decedent and Mrs. Lopez took title to the entire parcel as "Henry Lopez and Blanche Lopez, Husband and Wife as Joint Tenants." The purchased interests in the ranch were paid by community funds of the Decedent and Mrs. Lopez.

The Decedent and Mrs. Lopez, while acquiring title as joint tenants, took title in joint form for convenience only and did not intend to override the community property presumption for property acquired during marriage with respect to the forty acre parcel in Fowler, California.

Additionally, during the course of their marriage, the Decedent and Mrs. Lopez resided in a home owned by the Decedent's father, Matilde Lopez, located at 330 South Fifth Street, Fowler, California.

In 1949, Matilde Lopez gifted the property located at 330 South Fifth Street, Fowler, California to the Decedent and Mrs. Lopez. Legal title was in Decedent's name.

The Decedent and Mrs. Lopez resided in the home throughout the course of their lengthy marriage and considered the home to be owned by both of them. During their marriage, the Decedent and Mrs. Lopez obtained a loan secured by the Deed of Trust on the home to support the Decedent's community business operations. Both the Decedent and Mrs. Lopez signed the Deed of Trust and the loan was taken in both of their names. The Decedent and Mrs. Lopez held out their home as "theirs" and it was considered to be their community property.

All assets owned by Decedent and his surviving spouse were their community property.

Petitioner is requesting Court confirmation that the Decedent's fifty percent (50%) interest to her as his surviving spouse in the following real property:

- **326 S. Fifth Street, Fowler**
- **5245 E. Clayton, Fowler**
- **330 S. Fifth Street, Fowler**

DOD: 01/13/2010		<p>JAMES C. LYMAN, JR., TROY SEAN LYMAN, and VICTORIA DARNELL GELLNER, are petitioners.</p> <p>40 days since DOD</p> <p>No other proceedings</p> <p>I&A - \$145,000.00</p> <p>Will dated: 07/16/2004</p> <p>Petitioners request Court determination that decedent's 100% interest in real property located at 3298 N. Barcus, Fresno, California pass 1/3 to James C. Lyman, Jr., 1/3 to Troy Sean Lyman, and 1/3 to Victoria Darnell Gellner.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> Will devises property to Dorothy L. Lyman therefore it does not appear that the petitioners are successors in interest to property. Need clarification. The petition does not provide the relationship between the decedent and the petitioners. #9a(1) or #9a(2) of the petition was not answered regarding whether decedent was survived by a spouse. Note: If spouse is deceased need date of death per Local Rule 7.1.1D. #9a(3) or #9a(4) of the petition was not answered regarding registered domestic partner. #9a(7) or #9a(8) of the petition was not answered regarding issue of predeceased child. Inventory & Appraisal was not signed by the petitioners. The caption of the Inventory & Appraisal indicates it is the final however #3 of the I&A indicates this is a portion of the estate. Please clarify.
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail w/o		
<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		
		Reviewed by: LV	
		Reviewed on: 07/30/2013	
		Updates:	
		Recommendation:	
		File 8 – Lyman	

8. The Income & Appraisal contains white out over the appraised value of the property. It appears that the amount of the property was appraised at \$155,000.00 before the amount was changed to \$145,000.00. If the amount of the property is \$155,000.00 then this summary proceeding would not be appropriate. Court may require documentation from Probate Referee as to value of assets.
9. Need original will to be deposited with the Court pursuant to Probate Code §8200(a)(1).
10. Will does not comply with Probate Code §6110 as there is no signature of witnesses.
11. A portion of the will is holographic. Even though the will is not technically probated, the right to succeed to the property necessarily includes a determination as to the validity of the will. Court may require proof of holographic instrument.
12. Petition should include typed copies of the handwritten portion of the will.

Atty Reyes, Brittney (pro per – mother/Petitioner)

Atty Montero, James (pro per – father of Anthony & Aubrianna/Petitioner)

Petition for Termination of Guardianship

Steve, 9	<p>BRITNEY REYES and JAMES MONTERO, mother and father of Anthony & Aubrianna, are Petitioners.</p> <p>NANCY ALDEN and MOLLY O'DAY, maternal grandmother and maternal great aunt, were appointed Co-Guardians on 04/25/11. – <i>Consent & Waiver of Notice signed by both on 05/29/13</i></p> <p>Father (Steven, Seth, Shellbie): STEVE REYES – Served by mail on 07/12/13</p> <p>Paternal grandfather: NOT LISTED Paternal grandmother: ERMA RUEDA – <i>Consent & Waiver of Noticed signed 05/30/13</i></p> <p>Maternal grandfather: KENT MCCULLOUGH – <i>Consent & Waiver of Notice signed 06/01/13</i></p> <p>Petitioners state that they have completed many programs and have proven that they are now able to care for the children. The parties agree that guardianship will continue as to Symphony and Aubrianna.</p> <p>Court Investigator Charlotte Bien filed a report on 07/23/13.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>This Petition is for Steve Reyes, Seth Reyes, Shellbie Reyes, and Aubrianna Montero only.</p> <p>1. Need proof of service by mail at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Termination of Guardianship</i> <u>or</u> <i>Consent & Waiver of Notice</i> <u>or</u> <i>Declaration of Due Diligence</i> for:</p> <ul style="list-style-type: none"> - Paternal grandfather
Seth, 8		
Shellbie, 7		
Anthony, 4		
Cont. from		
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input checked="" type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg	w/	
<input type="checkbox"/> Aff.Mail		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input checked="" type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		<p>Reviewed by: JF</p> <p>Reviewed on: 07/30/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 9 – Reyes & Montero</p>

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

Age: 18 years		<p style="text-align: center;">THERE IS NO TEMPORARY. No temporary was requested.</p> <p>MELANIE BROOKHART, maternal grandmother, is petitioner and requests appointment as conservator of the person with medical consent powers.</p> <p>Declaration of Dr. Brar, 4/25/2013 supports request for medical consent powers.</p> <p>Voting Rights affected</p> <p>Petitioner states the proposed conservatee is diagnosed with 4Q-chromosomal defect (very similar to Down's Syndrome). She has the cognitive ability of a 7 year old child. She also is moderately mentally retarded.</p> <p>Court Investigator Charlotte Bien's Report filed on 7/18/2013.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Court Investigator Advised Rights on 7/15/2013.</p> <p>Voting Rights Affected need Minute Order.</p> <p>1. Need proof of personal service of the citation on proposed conservatee Christina Brookhart. – Proof of service indicates the <i>Citation was served on 7/29/2013, 2 days prior to the hearing and not the required 15 days.</i></p>	
Cont. from				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input checked="" type="checkbox"/>	Notice of Hrg			
<input checked="" type="checkbox"/>	Aff.Mail			
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			X
<input checked="" type="checkbox"/>	Conf. Screen			
<input checked="" type="checkbox"/>	Letters			
<input checked="" type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input checked="" type="checkbox"/>	Video Receipt			
<input checked="" type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation	X		
<input type="checkbox"/>	FTB Notice			
		Reviewed by: KT		
		Reviewed on: 7/30/2013		
		Updates:		
		Recommendation:		
		File 10 – Brookhart		

Spousal or Domestic Partner Property Petition (Prob. C. 13650)

DOD: 09/20/2008		NUNIK ASLANYAN , surviving spouse, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
Cont. from		No other proceedings.	<ol style="list-style-type: none"> Petition was filed using a fee waiver. A filing fee of \$435 must be paid to the Court prior to signing an order to pass the property. Caption does not indicate whether the petition is a Spousal or Domestic Partner Property Petition. #1 of the petition does not list the petitioner's name. #5a(1) of the petition indicates the decedent was survived by children however natural or adopted or natural, adopted by a third party was not answered. #5a(1) indicates that the decedent was survived by children therefore they should be listed in #9 of the petition. #5a(2) regarding issue of predeceased child was not answered. Need Attachment #7 setting forth the facts upon which the petitioner bases the allegation that the property should be passed or be confirmed to the petitioner. Attachment #7a of the petition was not provided regarding the description of the property. <p style="text-align: center;"><u>Please see additional page</u></p>
<input type="checkbox"/>	Aff.Sub.Wit.	Decedent died intestate.	
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg	x	
<input type="checkbox"/>	Aff.Mail	x	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<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		
			Reviewed by: LV
			Reviewed on: 07/30/2013
			Updates:
			Recommendation:
			File 11 – Vareldjian

9. #5a(1) indicate#9 of the petition does not list the children of the decedent.
10. Need Notice of Hearing and proof of service on all persons entitled. Petition is incomplete therefore it is unclear as to who is entitled.
11. Order is incomplete. Need new order.