

Status Hearing Re: Filing Receipt for Blocked Account

Olivia, age 13	STEPHANIE LASSLEY, Mother, is Guardian of the Estate.	NEEDS/PROBLEMS/COMMENTS:
Cont. from 061313, 071213	The Second Account was settled on 6-13-13.	<u>Continued from 6-13-13, 7-12-13</u>
Aff.Sub.Wit.	Order 6-13-13, authorized Guardian to withdraw the balance remaining after payment of authorized compensation and expenses from a certain account and reinvest it into a Morgan Stanley blocked account.	1. Need receipt for blocked account (Form MC-356).
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg	Order to Deposit Money Into Blocked Account indicates \$47,265.62 to be deposited to a blocked account.	
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Letters		
Duties/Supp		
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Video Receipt		
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Status Rpt		
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Citation		
FTB Notice		
		Reviewed by: skc
		Reviewed on: 7-30-13
		Updates:
		Recommendation:
		File 1 – Lassley

Status Hearing Re: Filing Receipt for Blocked Account

Graceson, age 15	STEPHANIE LASSLEY , Mother, is Guardian of the Estate.	NEEDS/PROBLEMS/COMMENTS:
Cont. from 061313, 071213	The Second Account was settled on 6-13-13.	<u>Continued from 6-13-13, 7-12-13</u>
Aff.Sub.Wit.	Order 6-13-13, authorized Guardian to withdraw the balance remaining after payment of authorized compensation and expenses from a certain account and reinvest it into a Morgan Stanley blocked account.	2. Need receipt for blocked account (Form MC-356).
Verified		
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Notice of Hrg	Order to Deposit Money Into Blocked Account indicates \$48,508.47 to be deposited to a blocked account.	
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Video Receipt		
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Citation		
FTB Notice		
		Reviewed by: skc
		Reviewed on: 7-30-13
		Updates:
		Recommendation:
		File 2 – Lassley

Petition for Approval of Settlement of Dispute [Prob. C. 7600 et seq., 9832, 9837]

DOD: 09/2011	PUBLIC ADMINISTRATOR , Administrator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
Cont. from 071513	Petitioner states:	CONTINUED FROM 07/15/13
<input type="checkbox"/> Aff.Sub.Wit.	<ul style="list-style-type: none"> Petitioner was appointed as Administrator on 03/15/12 with Full IAEA authority. Letters were issued on 03/15/12. Decedent owned three residential properties at the time of her death. She operated the properties as rental units and used the income generated by them to pay her living expenses. Each of the three parcels had two rental units and two street addresses. On 04/27/11, Decedent entered into an agreement to sell Parcel No. 1 to James LeMon ("Respondent") for the sum of \$63,000.00, less all liens and encumbrances on the parcel, including a \$5,291.59 loan that Decedent received from Respondent to pay off a prior indebtedness that had been secured by a Deed of Trust in favor of Brenda Perry. On 05/16/11, Decedent quitclaimed Parcel No. 1 as well as Parcel No. 2 to Respondent. After the Decedent's death, a dispute arose between Petitioner and Respondent regarding the validity of the transfers of Parcels 1 and 2. On 08/14/12, Petitioner filed a Petition to Determine Title to Real Property; for Transfer of Property to the Personal Representative; for Accounting; for Constructive Trust; and for Damages for Financial Abuse of a Dependent Adult against Respondent alleging, among other things, that the transfers were ineffective and invalid, and that the properties rightfully belonged to Decedent's estate. Respondent filed an objection and a trial date was set. On 05/13/13, Petitioner and Respondent agreed to a settlement of the Dispute. In accordance with the settlement, the parties executed a written Settlement Agreement and Mutual Release. Petitioner brings this Petition pursuant to Probate Code § 7600 et seq., 9832 and 9837. 	<p>1. Need Order.</p> <p>Note: A status hearing will be set as follows:</p> <ul style="list-style-type: none"> Friday, January 31, 2014 at 9:00 am in Dept. 303 for filing of the Account and/or Petition for Distribution
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<input type="checkbox"/> FTB Notice		
	Continued on Page 2	
		Reviewed by: JF
		Reviewed on: 07/31/13
		Updates:
		Recommendation:
		File 3 – Scott

- The pertinent terms of the Settlement Agreement and Mutual Release are:
 1. Waiver of Account: Petitioner, in its capacity as Administrator of Decedent's estate, agrees to waive any all accounts and/or written reports by Respondent.
 2. Purchase and Sale of Parcel Nos. 1 and 2: Within 10 days of the Court's approval of the Settlement Agreement, Respondent shall pay the sum of \$63,000.00 to Petitioner in the form of a certified or cashiers check made payable to the Fresno County Administrator. Upon receipt of that amount, Petitioner shall transfer any interest it has in Parcel Nos. 1 and 2 to Respondent, and discharge and remove any liens, including the lien held by Brenda Perry, but excluding tax liens, and remove any holds and other encumbrances.
 3. General Release: Except for the obligations stated in the Settlement Agreement, the parties agree to waive and release any and all claims, demands, obligations, losses, causes of action, costs, expenses, attorneys' fees, liabilities and indemnities of any nature, including related to rents already collected or uncollected.
 4. Waiver of Civil Code § 1542: Except as otherwise provided in the Settlement Agreement, the parties each expressly waive the benefit of Civil Code § 1542. This release shall extend to all claims arising out of transactions prior to the date of this Agreement.
 5. Dismissal of Petitions: Upon the performance of the terms of the Settlement Agreement, Petitioner will dismiss with prejudice its Petition to Determine Title to Real Property; for Transfer of Property to the Personal Representative; for Accounting; for Constructive Trust; and for Damages for Financial Abuse of a Dependent Adult.
 6. Court Shall Retain Jurisdiction: The parties agree that the Fresno County Superior Court shall have jurisdiction over the proceedings described in the Agreement.
 7. Finding of Fault: The parties specifically agree that this settlement does not include any finding of fault, wrongdoing, or improper conduct by any of the parties. Nothing contained in this Agreement shall be construed as an admission or finding of fault, negligence, or wrongdoing by any party.
 8. Attorneys' Fees: The parties agree to each bear their own attorneys' fees and costs in connection with the proceeding. However, should any party later institute an action or proceeding to enforce any term or provision of the Agreement, or for a declaration of any right or obligation thereunder, or to satisfy any term or provision thereof, or for any other judicial remedy pertaining in any way thereto, the parties thereby acknowledge and agree that the prevailing party shall be entitled to reimbursement by the losing party of all costs and expenses incurred thereby, including reasonable attorneys' fees.
- Petitioner submits that the Settlement Agreement and Mutual Release, specifically, the pertinent provisions described above, represent a fair and reasonable compromise of the litigation regarding the Estate of Janet R. Scott.

Petitioner prays: that the Court approve the terms of the Settlement Agreement and Mutual Release, as set forth above.

DOD: 9/25/2011	<p>JULIO A. HINOJOSA was appointed Executor with full IAEA authority and without bond on 6/18/2012.</p> <p>Letters issued on 6/18/2012.</p> <p>Inventory and appraisal was filed on 11/1/2012 showing the estate valued at \$1,892.89.</p> <p>On 4/18/2013 Gary Bagdasarian substituted out as the attorney of record and Nathan Powell of Dowling, Aaron, Inc. substituted in.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need first account, petition for final distribution 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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<p>Reviewed by: KT</p>			
<p>Reviewed on: 7/30/2013</p>			
<p>Updates:</p>			
<p>Recommendation:</p>			
<p>File 4 – Hinojosa</p>			

Status Hearing Re: Agreement

DOD:7-22-10	KAREN CILIA SANTI , surviving spouse, filed a petition to remove trustee, appoint successor trustee, and for attorneys' fees on 2-19-13.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p style="text-align: center;"><u>OFF CALENDAR</u> Matter dismissed 7-29-13</p>
Cont. from 071213	ALBERT S. OWEN, JR. , brother and successor trustee, filed his opposition to the petition on 3-28-13.	
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Notice of Hrg	At Settlement Conference on 5-21-13, the parties reached agreement and agreed to dismiss the petition. Mr. Mele was directed to prepare the agreement and various dates for draft and editing were set.	
Aff.Mail		
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Sp.Ntc.	The Court also set this status hearing regarding the agreement. If signed, no appearance necessary.	
Pers.Serv.		
Conf. Screen	Status Report filed 7-3-13 by Attorney Mele states the parties are in the final stages of completing the settlement agreement and requests continuance to 8-2-13 to complete the final agreement and submit to the Court.	
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		Reviewed on: 7-29-13
		Updates:
		Recommendation:
		File 5 – Santi

Probate Status Hearing Re: Issuance of Amended Letters of Conservatorship

Age: 58 years	SYLVIA GONZALEZ , is the sole remaining Conservator, Co-Conservator Guadalupe Pena passed away.	NEEDS/PROBLEMS/COMMENTS:
DOB: 5/3/55		
	Order Settling the Twelfth Account ordered new Letters to issue reflecting Sylvia Gonzalez as the sole conservator.	2. Need amended Letters to issue 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.
	Notice of Status Hearing was mailed to attorney Ruth Ratzlaff on 6/24/2013.	
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<input type="checkbox"/> Citation		
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		Reviewed by: KT
		Reviewed on: 7/30/2013
		Updates:
		Recommendation:
		File 6 – Larssen

Status Hearing Re: Filing of the Second Amended Petition

DOD: 1/26/2004	<p>ANTONETTE FREGOSO was appointed Administrator on 6/15/2004.</p> <p>Petitioner's Amended Report of Administrator, Petition for Distribution upon Waiver of Accounting and Allowance of Fees for Attorney was before the court on 6/14/2013.</p> <p>Minute Order from 6/14/2013 denied the petition and ordered the Administrator to file a Second Amended Petition.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>3. Need second 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>		
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			Reviewed by: KT	
			Reviewed on: 7/30/2013	
			Updates:	
		Recommendation:		
		File 7 – Canales		

Page 2

Minute Order 5-17-13: Mr. Gilmore requests that the matter be set for trial. Mr. Thompson objections to having the trial set for 7/23/13 on the basis that he needs additional time to prepare. Matter is continued to 6/14/13. The Court directs both counsels to file briefs by 6/7/13 addressing the time-out issue. Continued to 6/14/13 @ 9:00 a.m. Dept. 303.

The following items have since been filed:

- Declaration of David M. Gilmore in Support of Motion to Set Hearing
- Memorandum Re Motion to Set Trial (David M. Gilmore)
- Defendant Susan Alley's Brief Regarding Expiration of the 5 Year Statute Pursuant to CCP § 583.310

Minute Order 6-17-13: Based on the information before it, the Court finds that the trial was not set with sufficient time. The Court indicates to the parties that it is not going to set a trial date before 7/23/13. Parties estimate the trial to take 3-4 days. Set on 8/2/13 @ 9:00 a.m. Dept. 303 for: Status Conference.

Dept. 303, 9:00 a.m. Friday, August 2, 2013

DOD: 7/29/2010	FRANK SCOTT HINE was appointed Administrator with Full IAEA and bond set at \$118,260.00 on 1/5/2011.	NEEDS/PROBLEMS/COMMENTS:																								
	Minute order dated 6/15/2012 states the court orders bond set at \$45,000.00 and Limited IAEA authority.																									
	Bond of \$45,000.00 filed on 8/10/12.	1. Need First Account or Petition for Final Distribution																								
	Letters issued 10/24/12.																									
Cont. from 062113	Inventory and Appraisal filed on 6/6/2012 showing the estate valued at \$134,550.00																									
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	<p>Creditor's Claims filed:</p> <table style="width: 100%;"> <tr> <td>CitiBank</td> <td style="text-align: right;">-</td> <td style="text-align: right;">\$12,563.66</td> </tr> <tr> <td>DCM Services</td> <td style="text-align: right;">-</td> <td style="text-align: right;">\$ 260.80</td> </tr> <tr> <td>Frank Hine</td> <td style="text-align: right;">-</td> <td style="text-align: right;">\$ 4,743.41</td> </tr> <tr> <td>Donna Langley</td> <td style="text-align: right;">-</td> <td style="text-align: right;">\$17,625.99</td> </tr> <tr> <td>Wesley Langley</td> <td style="text-align: right;">-</td> <td style="text-align: right;">\$ 1,397.38</td> </tr> <tr> <td>FTB</td> <td style="text-align: right;">-</td> <td style="text-align: right;">\$ 2,660.09</td> </tr> <tr> <td>FTB</td> <td style="text-align: right;">-</td> <td style="text-align: right;">\$ 4,337.54</td> </tr> <tr> <td>Total</td> <td></td> <td style="text-align: right;">\$43,689.17</td> </tr> </table> <p>Status Report filed 7/25/2013 states the personal representative has relocated to Chicago. Mr. Krbechek states he has been in contact with his client and has informed him of his obligation to complete the administration of the estate. Mr. Krbechek states his communications with Mr. Hine have been direct. Mr. Krbechek is hopeful that it will not be necessary for the Court to Order Mr. Hine to make a personal appearance to explain the status of the probate administration directly to the bench.</p>	CitiBank	-	\$12,563.66	DCM Services	-	\$ 260.80	Frank Hine	-	\$ 4,743.41	Donna Langley	-	\$17,625.99	Wesley Langley	-	\$ 1,397.38	FTB	-	\$ 2,660.09	FTB	-	\$ 4,337.54	Total		\$43,689.17	
CitiBank	-	\$12,563.66																								
DCM Services	-	\$ 260.80																								
Frank Hine	-	\$ 4,743.41																								
Donna Langley	-	\$17,625.99																								
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		File 9 - Hine																								

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

DOD: 2/15/2012		<p>NORMAN JOSPEH ROGERS was appointed as Administrator with full IAEA authority and without bond on 5/31/2012.</p> <p>Letters issued on 6/1/2012.</p> <p>Inventory and appraisal was filed on 11/15/2012 showing the estate valued at \$142,000.00</p> <p>Status Report filed on 6/17/2013 states a decision has not been made between the two beneficiaries of the estate (decedent's mother and father) concerning whether the estate's real property is to be distributed to them or sold and the proceeds distributed.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need first account or petition for final distribution.</p>	
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		File 10 – Rogers		

DOD: 7-3-11	<p>BARBARA R. MORGAN, Mother, was appointed Administrator with Full IAEA without bond and Letters issued on 10-11-12.</p> <p>At the hearing on 10-11-12, the Court set status hearing for 3-15-13 for filing of the Inventory and Appraisal.</p> <p>At hearing on 3-15-13, there were no appearances. The matter was continued to 4-12-13 and a copy of the minute order was mailed to Attorney Winter.</p> <p>On 4-5-13, Inventory and Appraisal Partial No. 1 was filed, reflecting \$116,314.51 in accounts.</p> <p>Status Report filed 6-12-13 states the decedent had multiple accounts and investments, some of which Ms. Morgan was the pay on death beneficiary of. She also learned that others had other pay on death beneficiaries, so they will not be part of the estate. They are currently waiting to hear from Transamerica Retirement Solutions regarding the one remaining account. I&A Partial No. 2 listing the Decedent's vehicle was sent to the probate referee on 6-11-13, and once Transamerica Retirement Solutions is resolved, Ms. Morgan does not anticipate any further delays.</p> <p>Status Report filed 7-29-13 states he is waiting to hear from Transamerica Retirement Solutions regarding the one remaining stocks and bonds account. He has been in contact over the past months (12 attempts listed) with Transamerica as well as Quiksilver, the employer from which the account originated, to determine if these assets have pay on death beneficiaries or are assets of the estate. However, neither company has provided the information requested.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Continued from 3-15-13, 4-12-13, 6-21-13</u></p> <p>1. Need Final Inventory and Appraisal.</p>
Cont. from 031513, 041213, 062113		
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		Reviewed on: 7-30-13
		Updates:
		Recommendation:
		File 11 - Shaver

Status Hearing Re: Filing of the Receipt for the Blocked Account

DOD: 06/22/2012	<p>KAREN K. WILLIAMS, was appointed as administrator with limited authority without bond and ordered to have \$170,000.00 deposited into a blocked account.</p>	NEEDS/PROBLEMS/COMMENTS:		
<p>Cont. from 051013, 060713, 070513</p>	<p>Minute order dated 06/07/2013 set this status hearing for the filing of the receipt for blocked account.</p>	<p>Minute Order of 07/05/2013: Counsel informs the Court that he just received the data on the bank account. Matter is continued to 08/02/2013. Counsel is directed to file a status report before the next hearing.</p>		
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Status Hearing Re: Filing of Bond

Age:		NEEDS/PROBLEMS/COMMENTS: OFF CALENDAR. Bond filed on 7/8/2013 and Letters issued.
DOD:		
Cont. from		
Aff.Sub.Wit.		
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Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: KT
		Reviewed on: 7/31/2013
		Updates:
		Recommendation:
		File 13 – Carlson

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

Age:		NEEDS/PROBLEMS/COMMENTS: OFF CALENDAR. Order for Final Distribution signed on 11/29/2012.
DOD:		
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: KT
		Reviewed on: 7/31/2013
		Updates:
		Recommendation:
		File 14 – Nelson