



## 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.

<p><b>DOD: 9-17-10</b></p> <hr/> <hr/> <hr/> <p><b>Cont. from 040314, 060214</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 10%;"></td><td style="width: 80%;">Aff.Sub.Wit.</td><td style="width: 10%;"></td></tr> <tr><td style="text-align: center;">✓</td><td>Verified</td><td></td></tr> <tr><td></td><td>Inventory</td><td></td></tr> <tr><td></td><td>PTC</td><td></td></tr> <tr><td></td><td>Not.Cred.</td><td></td></tr> <tr><td style="text-align: center;">✓</td><td>Notice of Hrg</td><td></td></tr> <tr><td style="text-align: center;">✓</td><td>Aff.Mail</td><td style="text-align: center;">w</td></tr> <tr><td></td><td>Aff.Pub.</td><td></td></tr> <tr><td></td><td>Sp.Ntc.</td><td></td></tr> <tr><td></td><td>Pers.Serv.</td><td></td></tr> <tr><td></td><td>Conf. Screen</td><td></td></tr> <tr><td></td><td>Letters</td><td></td></tr> <tr><td></td><td>Duties/Supp</td><td></td></tr> <tr><td style="text-align: center;">✓</td><td>Objections</td><td></td></tr> <tr><td></td><td>Video Receipt</td><td></td></tr> <tr><td></td><td>CI Report</td><td></td></tr> <tr><td></td><td>9202</td><td></td></tr> <tr><td style="text-align: center;">✓</td><td>Order</td><td></td></tr> <tr><td></td><td>Aff. Posting</td><td></td></tr> <tr><td></td><td>Status Rpt</td><td></td></tr> <tr><td></td><td>UCCJEA</td><td></td></tr> <tr><td></td><td>Citation</td><td></td></tr> <tr><td></td><td>FTB Notice</td><td></td></tr> </table>		Aff.Sub.Wit.		✓	Verified			Inventory			PTC			Not.Cred.		✓	Notice of Hrg		✓	Aff.Mail	w		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><b>TERRI DENISE GILL</b>, Daughter And Executor with Full IAEA without bond, is Petitioner.</p> <p><b>Petitioner states</b> that at the time of her death, the decedent was married to Robert Hanggi; however, the decedent had initiated a dissolution of marriage action in Tulare County Superior Court Case No. 10-239678, which was still pending at the time of her death. Petitioner states that at the time of her death, the decedent owned a community property interest in an undivided 48.16% interest in real property located at 33776 Globe Drive, in Springville, CA (residence plus 20 acres) (the Springville Residence), as well as a community property interest in the household furniture, furnishings, appliances, and items of a personal nature located at the Springville residence.</p> <p>Also at the time of her death, the decedent owned a 6-16 acre parcel adjacent to the Springville Residence as her sole and separate property (the Springville Parcel).</p> <p>During their marriage, the decedent and Robert Hanggi owned cows as community property, which were sold during the course of their marriage. Petitioner is informed and believes that the proceeds from the sale of the cows in the amount of \$36,409.00 were the community property of the decedent and Robert Hanggi, and the decedent's share of said sale proceeds was \$18,204.50. The proceeds were deposited into Bank of Sierra account xx180 with title in the name of Robert Hanggi. Petitioner states Robert Hanggi never distributed any of the sale proceeds from the cattle to the decedent or her estate.</p> <p>In addition, Petitioner states that the decedent held as her separate property a Bank of America account xx831 with title on the account as "Darlene K. Hanggi, Robert Herschel Hanggi." Petitioner states Robert Hanggi was on title for convenience only and he did not contribute any funds to the Bank of America account. The source of funds in the Bank of America account was the decedent's retirement, social security, and her portion of her husband's retirement, all held as separate property assets.</p> <p style="text-align: center;"><b>SEE ADDITIONAL PAGES</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><u>Continued from 4-3-14, 6-2-14</u></p> <p><b>Note:</b> On 4-3-14, this matter was continued to 6-2-14 and a status hearing for the filing of the first account was continued to 8-22-14.</p> <p><b>Note:</b> On 5-2-14, Surviving Spouse and Objector Robert Hanggi filed a Petition for Order Setting Aside Probate Homestead. See Page B.</p> <p><b>Note:</b> Respondent's Status Report filed 7-23-14 states the parties are continuing settlement discussions regarding the 850 petition and Respondent requests an additional 60 days to attempt to resolve this matter.</p> <p><b>Note:</b> <u>Per the minute order of 6-2-14, the Court ordered that a joint status report be filed prior to this hearing. However, the above status report is filed by Attorney Pape for Respondent only.</u></p> <p style="text-align: center;"><b>SEE PAGE 3</b></p> <p><b>Reviewed by:</b> skc</p> <p><b>Reviewed on:</b> 7-29-14</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 3A – Hanggi</b></p>
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**Petitioner also states** that the decedent held as her separate property the following:

- Bank of the West account xx714 with title on the account "Darlene K. Hanggi, POA Terri Gill"
- Morgan Stanley account xx1042 with title on the account "Darlene K. Hanggi"
- Morgan Stanley account xx3042 with title on the account "Darlene K. Hanggi"
- USAA brokerage account xx817 with title on the account "Darlene K. Hanggi" (source of funds: inheritance)
- USAA brokerage account xx268 with title on the account "Darlene K. Hanggi" (source of funds: inheritance)

**Petitioner prays for an order:**

1. Determining that the decedent owned an undivided 50% interest a 48.16% community property interest in the Springville Residence at the time of death.
2. Determining that the Decedent owned a community property interest in the household furniture, furnishings, appliances, and items of a personal nature located at the Springville Residence at the time of death;
3. Determining that the Springville Parcel was the Decedent's separate property at the time of death;
4. Determining that the proceeds from the sale of cows were the community property of the decedent and Robert Hanggi and directing Robert Hanggi to pay Petitioner one-half of such proceeds;
5. Determining that the following accounts were the decedent's sole and separate property:
  - Bank of America Account xx831
  - Bank of the West Account xx714
  - Morgan Stanley Account xx1042
  - Morgan Stanley Account xx3042
  - USAA account xx817
  - USAA account xx268
6. For such other and further relief as the court may deem proper.

**Robert Hanggi's Response filed 3-27-14 states** that the decedent owned an undivided 50% interest in a 48.16% community property interest in the Springville Residence, and Respondent owned an undivided 51.84% separate property interest in the Springville Residence, at the time of decedent's death. Certain items of personal property on the premises were community property; however, others were separate property of the decedent which have already been provided to the executor by Respondent, and others were Respondent's separate property, including but not limited to the cattle branding iron. Respondent admits that the Springville Parcel was the decedent's separate property; however, Respondent has an easement or irrevocable license on said property to allow access to his premises.

With respect to the cattle: Respondent had 80 head of cattle and the decedent had 20 head of cattle; therefore, the combined herd was 80% Respondent's and 20% decedent's. The calves and cattle sold were separate property in the same percentage. Even if the livestock was community property, which it is not, decedent agreed with Respondent that the livestock became his as she could not pay her share of costs associated with the livestock. From 1988 through the sale in 2007, Respondent paid over \$150,000.00 in costs associated with the livestock from his separate property accounts, which far exceeds the claimed 50% interest in the \$36,000 in proceeds that Petitioner seeks. For this reason, he did not distribute the proceeds for the 2007 sale of the herd to the decedent.

Respondent admits paragraph 9 in that he did not contribute funds to the Bank of America account and admits paragraphs 10-17.

**Respondent prays for an order denying the petition and for such other and further relief as the court may deem proper.**

**SEE ADDITIONAL PAGES**

NEEDS/PROBLEMS/COMMENTS:

1. If certain items that have already been reflected on the Inventory and Appraisals filed 7-12-13 are determined not to be assets of the decedent's estate, need Corrected I&As.

For Example:

- I&A Partial No. 1 includes the subject interest in the Springville Residence and the personal property alleged therein for a total value of \$77,240.00.
- I&A Partial No. 2 includes the various cash accounts and a brokerage account designated as the decedent's separate property accounts valued at a total of \$40,025.76.
- Final I&A (No. 3) includes two accounts, one listed as the decedent's separate property valued at \$1,608.84 (100%) and the other listed as the decedent's interest in community property (specifically, proceeds from the sale of cows, which were community property) and valued at \$18,204.50 (50% of \$36,409.00) for a total of \$19,813.34.

<b>DOD: 4-14-12</b>	<b>ROBERT HANGGI</b> , Surviving Spouse, is Petitioner.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Continued from 6-2-14</b></p> <p><u>Note:</u> Terri Denise Gill, Daughter, was appointed Executor with Full IAEA without bond on 2-13-13. Ms. Gill filed a Petition under Probate Code §850 that is currently pending for determination of the decedent's community property interest in various assets. Petitioner Robert Hanggi filed an objection to that petition. See Page A.</p> <p>1. Petitioner requests costs. The Court may require clarification or documentation or further petition.</p>
<b>Cont. from 060214</b>	<p>Petitioner states three inventories of the estate were filed showing the character and value of the property as follows:</p> <ul style="list-style-type: none"> <li>• \$72,240.00 Real property</li> <li>• \$5,000.00 Household furniture, furnishings</li> <li>• \$59,837.75 Bank and brokerage accounts</li> </ul>	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/> <b>Verified</b>		
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<input type="checkbox"/> <b>Not.Cred.</b>		
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>	<p>Petitioner completed construction of the residence on or about 10-15-87 which was prior to his marriage to the decedent and has lived in that residence ever since.</p>	
<input checked="" type="checkbox"/> <b>Aff.Mail</b>	<p>The decedent's estate claims a 50% community property interest in a 48.16% interest due to improvements and the like to the property during the marriage. Petitioner is informed and believes that the decedent's will does not leave the community property interest in the residence to him.</p>	
<input type="checkbox"/> <b>Aff.Pub.</b>		
<input type="checkbox"/> <b>Sp.Ntc.</b>		
<input type="checkbox"/> <b>Pers.Serv.</b>		
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<input type="checkbox"/> <b>Letters</b>		
<input type="checkbox"/> <b>Duties/Supp</b>		
<input checked="" type="checkbox"/> <b>Objections</b>	<p>Petitioner is in extremely poor health and any dislocation from the residence would be detrimental to him.</p>	
<input type="checkbox"/> <b>Video Receipt</b>		
<input type="checkbox"/> <b>CI Report</b>		
<input type="checkbox"/> <b>9202</b>		
<input checked="" type="checkbox"/> <b>Order</b>	<p>No third person has a right to possession in the property. The property is suitable for use as a probate homestead.</p>	
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>		
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>	<p><b>Petitioner prays for an order as follows:</b></p> <ol style="list-style-type: none"> <li>1. Setting aside the property as a homestead for the use of Petitioner for his life;</li> <li>2. Allowing costs from the estate;</li> <li>3. For such other orders as the Court may deem proper.</li> </ol>	

**Reviewed by:** skc

**Reviewed on:** 7-29-14

**Updates:**

**Recommendation:**

**File 3B – Hanggi**

**Executor Terri Gill filed a Response on 5-30-14 that requests:**

1. That any probate homestead should be for a duration of only two (2) years from the date of the order or upon the death of Robert Hanggi, whichever is first to occur;
2. That Robert Hanggi not receive payment of his costs from the estate because he has funds sufficient to pay his attorneys' fees and costs;
3. That Robert Hanggi be ordered to pay all of the costs of insurance, taxes and utilities for the time he is occupying the decedent's property under the probate homestead and that the executor of the estate of Darlene Hanggi and the heirs of the estate of Darlene Hanggi be shown as additional insureds entitled to at least 10 days' prior notice before any cancellation or change of the policy.

	<p><b>SHERIE JEANE DAUER</b>, Step-mother, was appointed Guardian on 2-11-14.</p> <p>At the hearing on 2-11-14, the Court set this status hearing re visitation.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><u>Note:</u> Although the minute order notes that Ms. Pepper will be taking over as counsel for Ms. Dauer, and a “Designation of Attorney” was filed, the <u>mandatory</u> Judicial Council Form “Substitution of Attorney” has not been filed. Therefore, Attorney Yates remains Attorney of Record for Ms. Dauer per Court records.</p>
Cont. from 050614		
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FTB Notice		
	Reviewed by: skc	
	Reviewed on: 7-29-14	
	Updates:	
	Recommendation:	
	File 7 - Dauer	