

**1A In the Matter of the Verni Family Trust**

**Case No. 10CEPR00639**

**Atty Marchini, Joseph; Fashing, Peter; of Baker Manock & Jensen (for Petitioner Carmela DeSantis, daughter and Trust Beneficiary)**

**Atty Baldwin, Kenneth A.; Thompson, Timothy; Cunningham, Nikole; of McCormick Barstow (for Co-Trustees Antonietta "Rosa" Verni, daughter, and Nicola "Nick" Verni, son)**

**Atty Phillips, John, of Wild, Carter & Tipton (for Leonard "Dino" Verni, son)**

**Atty Childs, Jerry; Bohn, Jeffrey D., sole practitioner (for Erlinda M. Verni, surviving spouse)**

**Status Hearing**

Leonarda DOD: 7/31/2000	<p><b>CARMELA DeSANTIS</b>, daughter and Trust Beneficiary, filed the following pleadings in this matter:</p> <ul style="list-style-type: none"> <li><i>Petition to Remove Trustees; Appoint Receiver; Surcharge Trustees; Deny Trustees Compensation; Impose Constructive Trust on Assets; and Cause Proceedings to Trace and Recover Assets on 7/26/2012.</i></li> <li><i>Amended Objections to First Account Current of Trustee, and Objections to Second Account Current of Trustee on 7/26/2012.</i></li> <li><i>Petition to Construe Trust Provision on 7/26/2012.</i></li> <li><i>Petition to Establish Claim of Ownership, in Favor of Trust, to Property and for Order Directing its Transfer to the Trustees to Hold in Trust on 8/14/2012.</i></li> </ul>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Page 1B</b> is the <i>Petition to Remove Trustees, etc.</i></p> <p><b>Page 1C</b> is the <i>Petition to Construe Trust Provision.</i></p> <p><b>Page 1D</b> is the <i>Petition to Establish Claim of Ownership in Favor of Trust to Property, etc.</i></p> <p><b>Page 1E</b> is the <i>Petition for Review of Accounts and Acts of Trustees.</i></p> <p><b>Continued from 5/30/2014.</b></p> <p><b>Note:</b></p> <ul style="list-style-type: none"> <li><i>Direction for Preparation of Proposed Statement of Decision filed 5/15/2014 finds the Court orders counsel for Trustees Nicola Verni and Rosa Verni to prepare a Statement of Decision for consideration by the Court and Petitioner pursuant specifically to California Rule of Court 3.1590.</i></li> </ul>
Saverio DOD: 5/25/2009		
Cont. from 032114, 053014		
Aff.Sub.Wit.		
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CI Report		
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Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		

**CARMELA DeSANTIS**, daughter and Trust Beneficiary, filed the following pleadings in this matter:

- Petition to Remove Trustees; Appoint Receiver; Surcharge Trustees; Deny Trustees Compensation; Impose Constructive Trust on Assets; and Cause Proceedings to Trace and Recover Assets on 7/26/2012.*
- Amended Objections to First Account Current of Trustee, and Objections to Second Account Current of Trustee on 7/26/2012.*
- Petition to Construe Trust Provision on 7/26/2012.*
- Petition to Establish Claim of Ownership, in Favor of Trust, to Property and for Order Directing its Transfer to the Trustees to Hold in Trust on 8/14/2012.*

**NICOLA "NICK" VERNI**, son and Successor Trustee of the **SURVIVOR'S TRUST**, and **ANTONIETTA "ROSA" VERNI**, daughter and Trustee of the **MERGED FAMILY SUB-TRUST**, filed the following pleadings in this matter:

- Response to Petition to Remove Trustees, etc. on 9/27/2012.*
- Response to Petition to Construe Trust Provision on 9/27/2012.*
- Response to Petition to Establish Claim of Ownership on 9/27/2012.*

**Court Trial Minutes – 2<sup>nd</sup> Day dated 1/27/2014:** Court set a Status Hearing on 3/21/2014. *Minute Order* dated 3/21/2014 continues all matters to 5/30/2014. *Minute Order* dated 5/30/2014 states Mr. Thompson advises the Court that the statement of decision is being prepared. Matter continued to **8/4/2014**.

**Petitioner Carmela DeSantis' Status Report filed 7/25/2014 states, in brief sum**, that the Trustees have provided, but not filed with the Court, accountings for 2011 and 2012; Petitioner filed Objections on 9/25/2013, and served them on 10/8/2013; the Trustees served, but did not file with the Court, an accounting for 2013; Petitioner is reviewing this accounting for possible objection. On 4/29/2014, the Court issued its *Tentative and Proposed Statement of Decision*; Petitioner filed and served her Request for a Supplemental Statement of Decision on 5/9/2014; the matter is pending.

**NEEDS/PROBLEMS/COMMENTS:**

**Page 1B** is the *Petition to Remove Trustees, etc.*

**Page 1C** is the *Petition to Construe Trust Provision.*

**Page 1D** is the *Petition to Establish Claim of Ownership in Favor of Trust to Property, etc.*

**Page 1E** is the *Petition for Review of Accounts and Acts of Trustees.*

**Continued from 5/30/2014.**

**Note:**

- Direction for Preparation of Proposed Statement of Decision filed 5/15/2014 finds the Court orders counsel for Trustees Nicola Verni and Rosa Verni to prepare a Statement of Decision for consideration by the Court and Petitioner pursuant specifically to California Rule of Court 3.1590.*

**Reviewed by:** LEG

**Reviewed on:** 7/29/14

**Updates:**

**Recommendation:**

**File 1A – Verni**

**1B In the Matter of the Verni Family Trust (Trust) Case No. 10CEPR00639**

**Atty** Marchini, Joseph; Fashing, Peter; of Baker Manock & Jensen (for Petitioner Carmela DeSantis, daughter and Trust Beneficiary)

**Atty** Baldwin, Kenneth A.; Thompson, Timothy; Cunningham, Nikole; of McCormick Barstow (for Co-Trustees Antonietta "Rosa" Verni, daughter, and Nicola "Nick" Verni, son)

**Atty** Armo, Lance, sole practitioner (for Leonard "Dino" Verni, son)

**Atty** Childs, Jerry; Bohn, Jeffrey D., sole practitioner (for Erlinda M. Verni, surviving spouse)

**Petition to: (1) Remove Trustees; (2) Appoint Receiver; (3) Surcharge Trustees; (4) Deny Trustees Compensation; (5) Impose Constructive Trust on Assets; and (6) Cause Proceedings to Trace and Recover Assets [Prob. C. 15642, 16420 & 17200]**

Leonarda DOD: 7/31/2000	<p><b>CARMELA DeSANTIS</b>, daughter and Trust Beneficiary, is Petitioner.  <b>Petitioner states:</b></p> <ul style="list-style-type: none"> <li>The <b>VERNI FAMILY TRUST of 1999</b> was created by <b>SAVERIO VERNI</b> and <b>LEONARDA VERNI</b> on 6/10/1999, and was amended once by Settlers on the following day, 6/11/1999; Leonarda died on 7/31/2000, thereby causing the Trust to be divided into three sub-trusts: the <b>VERNI MARITAL TRUST</b>, the <b>VERNI FAMILY TRUST</b>, (which was amended once during both Trustors' lifetimes), and the <b>VERNI SURVIVOR'S TRUST</b> (copies of Trusts attached as Exhibit A); following Leonarda's death, Saverio amended the <b>SURVIVOR'S TRUST</b> seven times, with the <i>Eighth Amendment</i> (the final) amending the <b>SURVIVOR'S TRUST</b> in its entirety;</li> <li>Saverio served as sole trustee of the three sub-trusts until his death on 5/25/2009, and upon his death the Marital Sub-Trust terminated and its principal was added to the Family sub-trust, which became the <b>MERGED FAMILY SUB-TRUST</b>;</li> <li>Pursuant to the Trust terms, <b>ANTONIETTA ROSA VERNI</b>, daughter, is first appointed and currently serves as Successor Trustee of the Merged Family Sub-Trust; pursuant to the <i>Eighth Amendment</i> to Trust, <b>NICOLA VERNI</b>, son, is first appointed and currently serves as Successor Trustee of the <b>SURVIVOR'S TRUST</b>;</li> <li>The beneficiaries of each of the Sub-Trusts are the Settlor's five children: <b>ANTONIETTA ROSA VERNI (Rosa)</b>, <b>NICOLA VERNI (Nick)</b>, <b>LEONARD VERNI (Dino)</b>, <b>MARIA STANZIALE</b>, and <b>CARMELA DeSANTIS</b> (Petitioner); and specific distributions from the Survivor's Sub-Trust are to <b>ERLINDA MARCIANO VERNI (\$200,000.00)</b> and <b>ST. ANTHONY OF PADUA CATHOLIC CHURCH (\$200,000.00)</b>;</li> <li>Following the death of Saverio and Leonarda, the Merged Family Sub-Trust names Rosa as First Successor Appointee, and Maria as Second Successor Appointee; Eighth Amendment provides that upon Saverio's ceasing to act as trustee, Nick will serve as trustee of the Survivor's Sub-Trust;</li> <li><b>Petitioner seeks a Court order pursuant to Probate Code § 15642 removing Rosa as trustee of the Merged Family Sub-Trust, and removing Nick as trustee of the Survivor's Sub-Trust; Petitioner also seeks a determination by the Court that Dino is not qualified to serve as next successor trustee of the Survivor's Sub-Trust.</b></li> </ul>	<b>NEEDS/PROBLEMS/COMMENTS:</b>							
Saverio DOD: 5/25/2009		<b>Continued from 5/30/2014.</b>							
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**1C In the Matter of the Verni Family Trust (Trust)**

**Case No. 10CEPR00639**

- Atty** Marchini, Joseph; Fashing, Peter; of Baker Manock & Jensen (for Petitioner Carmela DeSantis, daughter and Trust Beneficiary)
- Atty** Baldwin, Kenneth A.; Thompson, Timothy; Cunningham, Nikole; of McCormick Barstow (for Co-Trustees Antonietta "Rosa" Verni, daughter, and Nicola "Nick" Verni, son)
- Atty** Phillips, John, of Wild, Carter & Tipton (for Leonard "Dino" Verni, son)
- Atty** Childs, Jerry; Bohn, Jeffrey D., sole practitioner (for Erlinda M. Verni, surviving spouse)

**Petition to Construe Trust Provision [Prob. C. 17200]**

<p>Leonarda DOD: 7/31/2000</p> <hr/> <p>Saverio DOD: 5/25/2009</p> <hr/> <p>Cont. from 100212, 120512, 010313, 022113, 032213, 052413, 062113, 062813, 083013, 092713, 103013, 120613, 012714, 032114, 053014</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 10%;"></td><td style="width: 10%;">Aff.Sub.W</td><td style="width: 80%;"></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></td><td>Notice of Hrg</td><td></td></tr> <tr><td></td><td>Aff.Mail</td><td></td></tr> <tr><td></td><td>Aff.Pub.</td><td></td></tr> <tr><td></td><td>Sp.Ntc.</td><td></td></tr> <tr><td style="text-align: center;">✓</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/S</td><td></td></tr> <tr><td></td><td>Objectn</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. Post</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 Notc</td><td></td></tr> </table>		Aff.Sub.W		✓	Verified			Inventory			PTC			Not.Cred.			Notice of Hrg			Aff.Mail			Aff.Pub.			Sp.Ntc.		✓	Pers.Serv.			Conf. Screen			Letters			Duties/S			Objectn			Video Receipt			CI Report			9202		✓	Order			Aff. Post			Status Rpt			UCCJEA			Citation			FTB Notc		<p><b>CARMELA DeSANTIS</b>, daughter and Trust Beneficiary, is Petitioner. <b>Petitioner states:</b></p> <ul style="list-style-type: none"> <li>• The <b>VERNI FAMILY TRUST of 1999</b> was created by <b>SAVERIO VERNI</b> and <b>LEONARDA VERNI</b> on 6/10/1999, and was amended once by Settlers on the following day, 6/11/1999; Leonarda died on 7/31/2000, thereby causing the Trust to be divided into three sub-trusts: the <b>VERNI MARITAL TRUST</b>, the <b>VERNI FAMILY TRUST</b>, (which was amended once during both Trustors' lifetimes), and the <b>VERNI SURVIVOR'S TRUST</b> (copies of Trusts attached as Exhibit A);</li> <li>• The instant petition relates to a provision contained in the <b>SURVIVOR'S SUB-TRUST</b>; over Petitioner's objections, Trustees Nick and Rosa have provided a commingled accounting for the Merged Family and Survivor's Sub-Trusts, which fails to segregate each Sub-Trust's assets, liabilities, receipts and disbursements;</li> <li>• The failure to appropriately segregate assets, liabilities, receipts and disbursements among the Sub-Trusts prevents the Court, trustee and beneficiaries from determining the size and holdings of the <b>SURVIVOR'S SUB-TRUST</b>; because the <b>SURVIVOR'S SUB-TRUST</b> will be used to fund the above-referenced equalization provision, any appropriate increase in size to that particular Sub-Trust will allow greater realization of the Trustor's intent and will provide a means for effectuating the equalization of prior distributions; conversely, any inappropriate decrease in the size of the <b>SURVIVOR'S SUB-TRUST</b> will undermine the Trustor's intent and deny the Trustee the ability to effectuate an equalization;</li> <li>• <b>The Trustee of the SURVIVOR'S SUB-TRUST believes that distributions made during Saverio's lifetime should <u>not</u> be considered for purposes of the equalization process; Petitioner believes this to be contrary to the language of the provision and intent of the Trustor.</b></li> </ul> <p>Petitioner requests a judicial declaration from the Court concerning the proper construction of Subsection 1, of Section B, or Article IV of the <b>SURVIVOR'S SUB-TRUST</b> [refer to copy of Trust or Paragraph 11 of Petition for exact language requiring apportionment of the residue of the trust estate into equal shares for Trustor's living children.]</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><u>Continued from 5/30/2014.</u></p> <p><b>Note:</b> Additional notes pages originally prepared with respect to this petition have been omitted.</p>
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**1D In the Matter of the Verni Family Trust (Trust) Case No. 10CEPR00639**

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**Atty Baldwin, Kenneth A.; Thompson, Timothy; Cunningham, Nikole; of McCormick Barstow (for Co-Trustees Antonietta "Rosa" Verni, daughter, and Nicola "Nick" Verni, son)**  
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**Atty Childs, Jerry; Bohn, Jeffrey D., sole practitioner (for Erlinda M. Verni, surviving spouse)**

**Petition to Establish Claim of Ownership, in Favor of Trust, to Property and for Order Directing its Transfer to the Trustees to Hold in Trust (Prob. C. 850, 17200.1)**

Leonarda DOD: 7/31/2000	<b>CARMELA DeSANTIS</b> , daughter and Trust Beneficiary, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
Saverio DOD: 5/25/2009	<b>Summary of Petitioner's requests for specific relief:</b>	<b>Continued from 5/30/2014.</b>
Cont. from 100212, 120512, 010313, 022113, 032213, 062113, 062813, 083013, 092713, 103013, 120613, 012714, 032114, 053014	<ol style="list-style-type: none"> <li>1. Determining that the following is property of the Trust estate:             <ol style="list-style-type: none"> <li>(a) <b>Almond crops:</b> (i) The almond meat inventory on hand at the date of Saverio's death; (ii) all almond crops grown on Trust land since Saverio's death; and (iii) proceeds from the sale of the almond inventory and crops;</li> <li>(b) <b>Olive crops:</b> (i) The olive oil, olive crop and olive inventory on hand at the date of Saverio's death; (ii) all olive crops grown on Trust land since Saverio's death; and (iii) proceeds from the sale of the olive oil, inventory and crops;</li> <li>(c) <b>Other crops (Stone Fruit, Grapes, Etc.):</b> (i) The inventory of other crop grown on Trust land, on hand at the time of Saverio's death but not reported in the Trustee's First Account; (ii) all such crops grown on Trust land since Saverio's death and during 2009; and (iii) proceeds from the sale of the inventory and crops;</li> <li>(d) <b>Other Inventory on Hand:</b> (i) The inventory of firewood and olive oil on hand at the time of Saverio's death but not reported in the Trustee's First Account; (ii) all such items produced from products grown on Trust land since Saverio's death and during 2009; [and (iii) proceeds from the sale of the other inventory;]</li> <li>(e) <b>Proceeds from Sale of Trust Real Property:</b> The money received by Nick and Dino from DeYoung Properties in connection with the option to purchase land and used by DeYoung Properties to actually purchase Trust land which sum is believed to be not less than <b>\$1,000,000.00</b>;</li> </ol> </li> <li>2. Directing each of the beneficiaries in possession or holding the property to transfer such property to the Trustees to hold for the benefit of the Trust and the appropriate Sub-Trust(s);</li> <li>3. Directing each of the beneficiaries in possession or holding any proceeds from the sale or exchange of any of the property to transfer such proceeds to the Trustees to hold for the benefit of the Trust and the appropriate Sub-Trust(s);</li> <li>4. For judgment in favor of the Trustees of the Trust against any beneficiary who received the Trust property and proceeds, in an amount to be determined and as required to compensate for all of the detriment and damages cause to the Trust; and</li> <li>5. For treble damages pursuant to Probate Code § 859.</li> </ol>	<b>Note:</b> Additional notes pages originally prepared with respect to this petition have been omitted.
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✓ Verified		
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**1E In the Matter of the Verni Family Trust (Trust)**

**Case No. 10CEPR00639**

**Atty Marchini, Joseph; Fashing, Peter; of Baker Manock & Jensen (for Petitioner Carmela DeSantis, daughter and Trust Beneficiary)**  
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**Atty Phillips, John, of Wild, Carter & Tipton (for Leonard "Dino" Verni, son)**  
**Atty Childs, Jerry; Bohn, Jeffrey D., sole practitioner (for Erlinda M. Verni, surviving spouse)**

**Petition for Review of Accounts and Acts of Trustees [Prob. C. 16063(a)(5); 17200(b)(5)]**

Leonarda DOD: 7/31/2000	<b>CARMELA DeSANTIS</b> , daughter and Trust Beneficiary, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b> <u>Continued from 5/30/2014.</u>
Saverio DOD: 5/25/2009	<b>Summary of Petitioner's requests in the Prayer for Relief:</b>	<p><b>Note:</b> Petitioner's prayer requests the Court <b>disallow</b> the accounts. Petitioner requests in the body of the <i>Petition</i> that the Court <b>review</b> the Second, Third and Fourth Accounts, but because the subject accounts have not been filed with the Court by the Co-Trustees as the fiduciaries, the accounts have not been reviewed by the Court.</p> <p><b>Note:</b> Additional notes pages originally prepared with respect to this petition have been omitted.</p>
Cont. from 120613, 012714, 032114, 053014	<ul style="list-style-type: none"> <li>• That each of the Second, Third, and Fourth Accounts Current submitted to Petitioner by the Co-Trustees be disallowed;</li> <li>• That the Co-Trustees, and each of them, be ordered to compensate the estate for any loss caused by their acts and omissions;</li> <li>• That the Trustees be directed to prepare and file a true and full account of their acts and proceedings within such time as may be allowed by this Court; and</li> <li>• That Petitioner be reimbursed attorney's fees and costs.</li> </ul>	
Aff.Sub.Wit.	<b>Petitioner states the following in support of the requests for relief:</b>	
✓ Verified	<b>Accounts Provided by the Trustees</b>	
Inventory	<ul style="list-style-type: none"> <li>• On or about 8/26/2010, the Co-Trustees, Rosa and Nick Verni, filed a <i>First Account Current and Report of Trustees and Petition for its Settlement</i>;</li> <li>• On 10/5/2010, Petitioner filed written objections to the <i>First Account Current</i> based on, among other things, the limited scope of the Account, the Trustees' failure to render separate accountings for each Sub-Trust, the failure to provide information pertaining to transactions involving the Trustees, as well as with respect to various farming operations being managed by the Trustees on behalf of the Trust;</li> <li>• At Petitioner's request, the Trustees provided Petitioner with a <i>Second Account Current</i>, covering the period of 1/1/2010 through 12/31/2010;</li> </ul>	
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		<b>Reviewed by:</b> LEG
		<b>Reviewed on:</b> 7/29/14
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 1E – Verni</b>



<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> <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> <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> <p>Petitioner is in extremely poor health and any dislocation from the residence would be detrimental to him.</p> <p>No third person has a right to possession in the property. The property is suitable for use as a probate homestead.</p> <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>	
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**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.

**4 Sheila K. Schulteis (Estate)**

**Case No. 13CEPR00488**

**Atty Kelly, Darlene Azevedo (for Tiffany Leanne Galassie – Executor)**

**(1) First and Final Report of Administration and (2) Petition for Its Settlement, Waiver of Accounting, (3) Petition for Allowance of Attorneys' Fees and for (4) Final Distribution**

<b>DOD: 11/28/2012</b>	<b>TIFFANY LEANNE GALASSIE</b> , Executor, is petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>	
	Accounting is waived		
<b>Cont. from</b>	I&A - <b>\$265,500.00</b>		
<b>Aff.Sub.Wit.</b>	POH - <b>\$265,500.00</b>		
<input checked="" type="checkbox"/> <b>Verified</b>	Executor – Waives		
<b>Inventory</b>	Attorney - \$5,875.00		
<b>PTC</b>	(Less than statutory)		
<b>Not.Cred.</b>			
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>	<b>Distribution, pursuant to decedent's Will, is to:</b>		
<input checked="" type="checkbox"/> <b>Aff.Mail</b> w/	<b>Tiffany Leanne Galassie</b> – Real property located at 9780 North Rowell, Fresno, Ca.; the household furniture and furnishings located at the residence; and any other property of the estate not now known or discovered that may belong to the estate.		
<b>Aff.Pub.</b>			
<b>Sp.Ntc.</b>			
<b>Pers.Serv.</b>			
<b>Conf. Screen</b>			
<b>Letters</b>			
<b>Duties/Supp</b>			
<b>Objections</b>			
<b>Video Receipt</b>			
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			<b>Reviewed by:</b> LV
			<b>Reviewed on:</b> 07/30/2014
		<b>Updates:</b>	
		<b>Recommendation:</b> Submitted	
		<b>File 4 - Schulteis</b>	

**5 Harold Bradford Tierce (Estate)**

**Case No. 13CEPR00997**

**Atty Russell, Frank L. (of Sonora, CA, for Executor Sheri L. Sinclair)**

**(1) Petition for Final Distribution Upon Waiver of Accounting and Notice of Hearing;  
 (2) for Allowance of Statutory Attorneys' Fees and Waiver of Statutory Executor Commissions; and (3) for Reimbursement of Costs Advanced by Attorneys**

<b>DOD: 11-19-12</b>	<b>SHERI L. SINCLAIR</b> , Executor with Full IAEA without bond, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
	Accounting is waived	
	I&A: \$165,000.00	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	POH: \$165,000.00 (real property plus misc. personal property)	
<input checked="" type="checkbox"/> <b>Verified</b>	Executor (Statutory): Waived	
<input checked="" type="checkbox"/> <b>Inventory</b>	Attorney (Statutory): \$5,950.00	
<input checked="" type="checkbox"/> <b>PTC</b>	Costs: \$1,630.00 (filing, deposit will, publishing, certified letters, appraisal, recorder fees)	
<input checked="" type="checkbox"/> <b>Not.Cred.</b>	Distribution pursuant to Decedent's will:	
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>	Sheri L. Sinclair: Entire estate	
<input checked="" type="checkbox"/> <b>Aff.Mail</b> w		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<input checked="" type="checkbox"/> <b>Letters</b> 2-10-14		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
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<input checked="" type="checkbox"/> <b>Order</b>		
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<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<input checked="" type="checkbox"/> <b>FTB Notice</b>		
		<b>Reviewed by:</b> skc
		<b>Reviewed on:</b> 7-30-14
		<b>Updates:</b> 8-1-14
		<b>Recommendation:</b> SUBMITTED
		<b>File 5 – Tierce</b>

Atty **Bagdasarian, Gary G. (for Executor Cheryl R. Miller)**

(1) Waiver of Account and Report of Executor, and (2) Petition for Its Settlement, for Allowance of Statutory Executor's Compensation and Statutory Attorney's Fees for Ordinary Services, and for (3) Final Distribution

<b>DOD: 9-11-13</b>	<b>CHERYL R. MILLER</b> , Executor, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
	Accounting is waived	
	I&A: \$237,730.47	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	POH: \$3,028.49 cash plus two parcels of real property in Kerman, CA, and misc. personal property	
<input checked="" type="checkbox"/> <b>Verified</b>		
<input checked="" type="checkbox"/> <b>Inventory</b>		
<input checked="" type="checkbox"/> <b>PTC</b>	Executor (Statutory): \$7,810.60	
<input checked="" type="checkbox"/> <b>Not.Cred.</b>		
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>	Attorney (Statutory): \$7,810.60	
<input checked="" type="checkbox"/> <b>Aff.Mail</b>	Distribution pursuant to Decedent's will:	
<input type="checkbox"/> <b>Aff.Pub.</b>		
<input type="checkbox"/> <b>Sp.Ntc.</b>	Cheryl R. Miller and Laura R. Horne, Co- Trustees of the Dorothy Juanita Harold Family Trust (testamentary trust): Entire estate	
<input type="checkbox"/> <b>Pers.Serv.</b>		
<input type="checkbox"/> <b>Conf. Screen</b>		
<input checked="" type="checkbox"/> <b>Letters</b>   2-19-14		
<input type="checkbox"/> <b>Duties/Supp</b>		
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<input type="checkbox"/> <b>Citation</b>		
<input checked="" type="checkbox"/> <b>FTB Notice</b>		
		<b>Reviewed by:</b> skc
		<b>Reviewed on:</b> 7-30-14
		<b>Updates:</b>
		<b>Recommendation:</b> SUBMITTED
		<b>File 6 – Harold</b>

	<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>
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	Reviewed by: skc	
	Reviewed on: 7-29-14	
	Updates:	
	Recommendation:	
	File 7 - Dauer	

**8 Gloria Andrade (CONS/PE)**

**Case No. 14CEPR00543**

**Atty Teixeira, J. Stanley (for Tracy Cerda – Daughter – Petitioner)**

**Atty Boyajian, Thomas M. (Court appointed for Proposed Conservatee Gloria Andrade)**

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

		<b>TEMP EXPIRES 8-4-14</b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		<b>TRACY CERDA</b> , Daughter, is Petitioner and requests appointment as Conservator of the Person with medical consent powers and dementia treatment and/or placement powers and as Conservator of the Estate without bond.	<b>Court Investigator advised rights on 7-24-14.</b>
	<b>Aff.Sub.Wit.</b>		<b>1. Need video receipt per Local Rule 7.15.8.A.</b>
✓	<b>Verified</b>		<b>2. Petitioner requests appointment without bond; however, pursuant to Cal. Rules of Court 7.207, bond is required, including a reasonable amount for cost of recovery pursuant to Probate Code §2620(c)(4). Based on the estimated income and personal property, bond should be fixed at \$12,760.00.</b>
	<b>Inventory</b>		<b>Note: Petitioner refers to Probate Code §2628 for waiver of bond; however, this code discusses accountings, not bond.</b>
	<b>PTC</b>	<b>Voting rights affected</b>	<b>Note: If granted, the Court will set status hearings as follows:</b>
	<b>Not.Cred.</b>	<b>Capacity Declaration was filed 8-1-14.</b>	<ul style="list-style-type: none"> <li>Monday 9-22-14 for the filing of the bond</li> <li>Monday 1-5-15 for the filing of the Inventory and Appraisal</li> <li>Monday 1-4-16 for the filing of the first account.</li> </ul>
✓	<b>Notice of Hrg</b>	<b>Estimated Value of Estate:</b>	<b>If the appropriate items are on file, the status hearings may be taken off calendar.</b>
✓	<b>Aff.Mail</b>	Personal property: \$3,000.00	<b>Reviewed by: skc</b>
	<b>Aff.Pub.</b>	Annual income: \$8,600.00	<b>Reviewed on: 7-30-14</b>
	<b>Sp.Ntc.</b>	Real property: \$90,000.00	<b>Updates: 8-1-14</b>
✓	<b>Pers.Serv.</b>	<b>Petitioner states</b> her mother suffers from severe dementia. She recognizes persons but is not aware of social contexts or her particular surroundings. She requires assistance in daily living activities. She is not able to manage her finances or otherwise keep track of funds or detect whether someone may be taking advantage of her. Since her husband died in March 2014, she has been cared for by Petitioner. Petitioner requests that no bond be required pursuant to Probate Code §2628(a).	<b>Recommendation:</b>
✓	<b>Conf. Screen</b>		<b>File 8 – Andrade</b>
✓	<b>Letters</b>		
✓	<b>Duties/Supp</b>		
	<b>Objections</b>		
	<b>Video Receipt</b>		
✓	<b>CI Report</b>		
	<b>9202</b>		
✓	<b>Order</b>		
	<b>Aff. Posting</b>	<b>Court Investigator Samantha Henson filed a report on 7-28-14.</b>	
	<b>Status Rpt</b>		
	<b>UCCJEA</b>		
✓	<b>Citation</b>		
	<b>FTB Notice</b>		

Petition for Appointment of Temporary Conservatorship of the Person (Prob. C. 2250)

Age: 74	<p><b><u>TEMPORARY EXPIRES 08/04/2014</u></b></p> <p><b><u>GENERAL HEARING 08/28/2014</u></b></p> <p><b>PUBLIC GUARDIAN</b>, is petitioner and requests appointment as Conservator of the Person.</p> <p><b>Petitioner states:</b> the proposed conservatee is non-ambulatory and uses a wheelchair or travels on his knees where he needs to go. He exhibits poor judgment and cognitive deficits when it comes to his safety. He has been found several blocks from his home in his wheelchair when he wanted a pizza. He grew tired and someone pushed him back to his home.</p> <p>The residence is in very bad condition. The floors and walls are filthy; cockroaches climb all over the walls and floors as well as any visible surface. There is a very strong odor of urine and feces and many flies. The proposed conservatee claims one of his sons took his Social Security check. This left him without food.</p> <p>Adult Protective Services has made Catholic Charities his payee until a permanent conservatorship of the estate can be established. A temporary conservatorship of the person will ensure that the proposed conservatee can be placed in a safe environment and his physical and personal needs are met.</p> <p><b>Court Investigator Dina Calvillo's report filed 07/31/2014.</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Court Investigator Advised Rights on 07/30/2014.</b></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 <span style="float:right">w/</span>		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input checked="" type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input checked="" 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><b>Reviewed by:</b> LV</p> <p><b>Reviewed on:</b> 07/30/2014</p> <p><b>Updates:</b> 08/01/2014</p> <p><b>Recommendation:</b></p> <p><b>File 9 – Toscano</b></p>

Probate Status Hearing Re: Failure to File the Inventory and Appraisal and for Failure to File a First Account or Petition for Final Distribution

DOD: 9/18/2004	RENEE MASON, mother, was appointed as Administrator with full IAEA authority and without bond on 7/26/2005.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. <b>Need inventory and appraisal, and first account or petition for final distribution, or current written status report</b> 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.  2. Need substitution of attorney.
	Letters issued 7/26/2005.	
Cont. from 021414, 053014	Inventory and appraisal was due December 2005.	
Aff.Sub.Wit.	First account or petition for final distribution was due August 2006.	
Verified	Creditor's Claim in the amount of \$799.97 filed on 3/26/2005 by Bank of America.	
Inventory	Notice of Status Hearing was mailed to attorney Kenneth Brock and Administrator Renee Mason on 11/21/14.	
PTC	<b>Minute order dated 2/14/14</b> indicates Administrator Renee Mason was present in court and was provided a copy of the examiner notes.	
Not.Cred.	<b>Minute Order dated 5/30/14</b> states Attorney Douglas Hurt will be representing Ms. Mason.	
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: 7/30/14
		Updates:
		Recommendation:
		File 10 – Swarm

Atty Alabart, Javier A. (for Petitioner Alfredo Banda Arriaga, father)  
 Atty Fanucchi, Edward L. (for Respondent Maria Luisa Sanchez, purported spouse)  
 Atty Kruthers, Heather H. (for Public Administrator, Administrator of the Estate)

Probate Status Hearing Re: Settlement Agreement Filed

<b>DOD: 5/14/2004</b>	<b>ALFREDO BANDA ARRIAGA</b> , father, filed a <i>Petition for Preliminary Distribution of Decedent Estate Assets</i> on 10/2/2013, requesting an order for a preliminary distribution of the estate assets, representing that the Petitioner is the sole-surviving parent of the Decedent, and the sole-surviving devisee of the Will signed by the Decedent on 10/16/1997.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Continued from 7/7/2014.</b> Minute Order states counsel reports that changes have been made to the order.</p> <p>1. Need settlement agreement.</p> <p><b>Note:</b> "Order for Settlement and Release" was submitted by Attorney Fanucchi with a runner's tag dated 7/8/2014.</p> <p><b>Notes for Background:</b></p> <ul style="list-style-type: none"> <li>Minute Order dated 4/22/2014 from the Settlement Conference states the Court signs Order Appointing Court Approved Reporter as Official Reporter Pro Tempore. Clients are not present in court. Agreement stated in open court and is on record. Mr. Alabart will prepare the settlement agreement. Status hearing set for 6/6/2014 can come off if agreement filed. The Court Trial date of 6/2/2014 is vacated.</li> <li><b>PUBLIC ADMINISTRATOR'S Amended First and Final Account</b> of the Public Administrator was approved on 6/25/2012 via <i>Order After Hearing Settling Amended First and Final Account, etc.</i>, finding that after payment of commissions, fees and costs in the amount of <b>\$19,643.43</b>, there will be <b>\$89,703.10</b> to distribute upon further Court order regarding entitlement to final distribution.</li> </ul>
<b>Cont. from 070714</b>	<b>MARIA LUISA SANCHEZ</b> , purported spouse, filed an <i>Opposition to Alfredo Banda Arriaga's Petition for Preliminary Distribution of Decedent Estate Assets</i> on 10/25/2013, representing that this Court ruled 6 years ago that distribution of the estate is controlled by the decree of the Mexican court finding that Ms. Sanchez is the sole heir to the Decedent's estate.	
<b>Aff.Sub.W</b>		
<b>Verified</b>	X	
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/S</b>		
<b>Objection</b>		
<b>Video Rct</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>	<p><b>Order on Arriaga's Petition for Preliminary Distribution of Decedent's Estate's Assets filed on 1/24/2014</b> denies Arriaga's Petition and declines to distribute further assets to Sanchez. The Order concludes:</p> <ul style="list-style-type: none"> <li>Court has expressly found that two issues remain to be tried as to the parties' relative claims to the estate: (1) whether Arriaga's challenge to the orders in Sanchez' favor are untimely and barred; or (2) whether Sanchez' challenge to the estate's distribution was untimely, void and barred;</li> <li>These two issues depend on disputed issues of fact: (1) the address of Arriaga and his wife before and after the time of the filing of the <i>Petition for Probate</i>; (2) the Arriagas' contact, direct or indirect, with the Public Administrator who provided notice of the Petition; and (3) Arriagas' knowledge of the ongoing probate.</li> <li>Also to be tried is the validity of the order for preliminary distribution to Sanchez, as set forth by the Court in its last order dated 8/21/2013.</li> </ul>	
<b>Aff. Post</b>		
<input checked="" type="checkbox"/> <b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
		<b>Reviewed by:</b> LEG
		<b>Reviewed on:</b> 7/31/14
		<b>Updates:</b> 8/1/14
		<b>Recommendation:</b>
		<b>File 11 – Banda-Nieto</b>

**Status Report filed by Attorney Fanucchi on 8/1/2014 states:**

- On 4/22/2014, the parties entered into a stipulation for settlement;
- Mr. Alabart was to prepare the Stipulation;
- When he did not, counsel herein prepared a Mutual Stipulation and sent it to Mr. Alabart for approval and that of his client;
- Mr. Alabart would not approve the Stipulation, so counsel hearing prepared an Order for Settlement and Release which was approved by Mr. Alabart and sent to the Court on 7/8/2014;
- At the Status Hearing on 7/7/2014, the parties were ordered to provide signatures to the Order by 7/28/2014;
- On 7/24/2014, the signatures of Maria Luisa Sanchez and her Mexican attorneys was filed with the Court;
- As of this date [7/31/2014], Mr. Alabart has not provided to counsel the signature of Mr. Arriaga, and calls and emails to Mr. Alabart have not been returned to counsel;
- The Court is requested to approve, without further delay, the Order for Settlement and Release submitted on 7/8/2014, under its powers of retained jurisdiction per CCP § 664.6.

**Note: Text follows of West's Ann. Cal. C. C. P. § 664.6. Entry of judgment pursuant to terms of stipulation**

**for settlement:** If parties to pending litigation stipulate, in a writing signed by the parties outside the presence of the court or orally before the court, for settlement of the case, or part thereof, the court, upon motion, may enter judgment pursuant to the terms of the settlement. If requested by the parties, the court may retain jurisdiction over the parties to enforce the settlement until performance in full of the terms of the settlement. Credits (Added by Stats.1981, c. 904, p. 3437, § 2. Amended by Stats.1993, c. 768 (S.B.252), § 1; Stats.1994, c. 587 (A.B.3600), § 7.)

<b>DOD: 05/22/13</b>	<b>TERRI JEAN</b> , spouse, was appointed as Administrator with limited IAEA and bond in the amount of \$64,400.00 on 10/30/13.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Minute Order of 06/18/2014 (Judge Cardoza):</b> Mr. Garland is appearing specially for the Office of Joanne Sanoian. Mr. Roberts requests a continuance.</p> <p><b>Minute Order of 04/30/2014 (Judge Whitehead):</b> Mr. Garland is appearing specially for the Office of Joanne Sanoian. Mr. Roberts advises the Court that he is substituting in as counsel for Terri Jean.</p> <p>1. Need 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>
<b>Cont. from 040414, 043014, 061814</b>	Bond was filed 11/12/13 and Letters of Administration were issued on 11/20/13.	
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>		
<b>Inventory</b>	Inventory & Appraisal, Partial No. 1 filed 03/12/14 - \$486,277.83	
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
		<b>Reviewed by:</b> LV
		<b>Reviewed on:</b> 07/30/2014
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 12 - Jean</b>

Status Hearing Re: Filing of the Bond

		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><b><u>OFF CALENDAR. Receipt of Bond filed 07/16/2014.</u></b></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	
		Reviewed by: LV
		Reviewed on: 07/30/2014
		Updates:
		Recommendation:
		File 13 – Munsey

**14 Hendrix Escoto, Camryn Escoto, and Carlos Escoto (GUARD/P)**

**Case No. 12CEPR00182**

**Atty Escoto, Laura L (Pro Per – Petitioner – Mother)**

**Petition for Termination of Guardianship**

<b>Hendrix Age: 12</b>	<b>LAURA ESCOTO</b> , mother is petitioner.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <ol style="list-style-type: none"> <li>Petition is incomplete. Petitioner does not provide a reason why termination of the guardianship is in the best interest of the minors.</li> <li>Need Notice of Hearing.</li> <li>Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Termination of Guardianship or consent and waiver of notice or declaration of due diligence for: <ul style="list-style-type: none"> <li>Carlos Escoto (Father)</li> <li>Mark Buik (Maternal Grandfather)</li> <li>Lynda Lockwood (Maternal Grandmother)</li> </ul> </li> </ol>
<b>Camryn Age: 10</b>		
<b>Carlos Age: 8</b>		
<b>Cont. from</b>	<b>CARLOS ESCOTO</b> and <b>NORA ESCOTO</b> , paternal grandparents, were appointed guardians on 02/04/2013. Co-Guardians consent and waive notice.	
<b>Aff.Sub.Wit.</b>	Father: <b>CARLOS ESCOTO</b>	
<input checked="" type="checkbox"/> <b>Verified</b>	Maternal Grandfather: Mark Buik Maternal Grandmother: Lynda Lockwood	
<b>Inventory</b>	Minor: Hendrix Escoto consents and waives notice	
<b>PTC</b>	<b>Petitioner does not provide a reason why termination of the guardianship is in the best interest of the minors.</b>	
<b>Not.Cred.</b>	<b>Court Investigator Dina Calvillo's report filed 07/29/2014.</b>	
<b>Notice of Hrg</b>	<input checked="" type="checkbox"/>	
<b>Aff.Mail</b>	<input checked="" type="checkbox"/>	
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<input checked="" type="checkbox"/> <b>CI Report</b>		
<b>9202</b>		
<input checked="" type="checkbox"/> <b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
		<b>Reviewed by: LV</b>
		<b>Reviewed on: 07/30/2014</b>
		<b>Updates: 08/01/2014</b>
		<b>Recommendation:</b>
		<b>File 14 – Escoto</b>

**Petition for Termination of Proceedings and Discharge of Personal Representative**

<b>DOD: 8-16-13</b>	<p><b>MICHAEL D. COWIN and DANIEL RAY COWIN</b>, Named Executors, are Petitioners.</p> <p><b>History:</b> Decedent's will dated 3-19-04 devises his estate to his four surviving step-sons: Alvin Leon Cowin, Kenneth Paul Cowin, Michael Dale Cowin, and Daniel Ray Cowin, and nominates Michael Dale Cowin and Daniel Ray Cowin as co-executors.</p> <p>On 12-3-13, Michael Cowin filed a petition for probate requesting appointment of himself, alone, as executor.</p> <p>At the hearing on 1-23-14, Daniel Cowin also appeared and the Court referred the two of them to mediation and continued the matter to 1-27-14.</p> <p>On 1-24-14, Michael filed a declaration that attached an agreement that the he and Daniel reached in mediation. The agreement dated 1-23-14 refers to exchange of information regarding various and numerous assets, and states they will work together as executors. Therefore, at hearing on 1-27-14, Michael's petition was denied, and the Court directed that an amended petition be filed.</p> <p>On 2-11-14, Michael and Daniel together filed an amended Petition for Probate of Will and for Letters Testamentary as co-executors. The amended petition estimated that the estate contained approx. \$220,000.00 in personal property assets. Hearing was set for 3-13-14.</p> <p>On 3-10-14, Daniel filed a declaration that attached another agreement, apparently reached in mediation on 3-10-14. According to the agreement, mediation was attended by Michael Cowin, Daniel Cowin, and Bill Cowin. (Note: It is unclear who Bill Cowin is.). This agreement appears to require Daniel to distribute \$21,000 total, with interest, to Alvin, Kenneth, and Michael on a payment schedule.</p> <p style="text-align: center;"><b>SEE ADDITIONAL PAGES</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. <u>The progression of this estate is highly unusual. Need clarification:</u> Were there assets that were marshaled by Petitioners and distributed outside of probate? If so, how was it determined that they were not subject to probate?</p> <p>It was originally alleged that there was approx. \$220,000 in personal property assets, the nature of which is unknown; however, the first mediation agreement refers to various accounts, policies, etc. The second mediation agreement indicates that Daniel was in possession of approx. \$21,000 that he was to distribute to his brothers.</p> <p><u>This petition now states this is a "no-asset estate" but also refers to the mediation agreement(s).</u></p> <p>There is no explanation of how it was determined that the assets were not subject to administration, and no explanation as to the discrepancy in the amounts.</p> <p>Probate estates are protective proceedings designed to ensure that all interested persons have been given notice, etc. This includes heirs and potential creditors of the decedent, as well as various governmental agencies, such as the Franchise Tax Board and the Dept. of Health Care Services. As such, there are various types of proceedings, and various steps required for each type.</p> <p>In a probate estate, Court authorization is necessary before any distribution of assets. <u>The mediation services that are available to litigants are not a substitute for the procedures required by law.</u></p> <p>Because Petitioners are not represented by legal counsel, Examiner brings up these details for the Court's consideration, even though the will was never admitted to probate and Letters never issued.</p> <p>Reviewed by: skc</p> <p>Reviewed on: 7-30-14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 15 – Galvan</p>
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		

Page 2

The Minute Order from the hearing on 3-13-14 states: "The Court is advised that an agreement was reached during mediation. Petitioners to file a petition to close an estate with no assets." The matter was continued to 5-1-14.

There were no appearances at the continued hearing on 5-1-14. The Court continued the matter to 6-26-14 and also issued an Order to Show Cause for failure to appear.

On 6-26-14, Michael, Daniel, and William Cowin appeared. *(Again, it is unclear who William Cowin is.)*

The OSC was dismissed, and the matter was continued to 9-11-14 for the filing of the "amended petition."

**Therefore, on 6-27-14, the instant petition was filed.**

**The petition states: "There is no property of any kind belonging to the estate and subject to administration; after probate mediation agreement." The petition requests that the Court terminate administration and discharge the personal representative.**

**Also filed with the petition are declarations from Alvin Leon Cowin, Kenneth Paul Cowin, Michael Dale Cowin, and Daniel Ray Cowin, confirming notice of the petition and the mediation agreement, and confirming their understanding that this is a "no asset estate."**

Petition to Fix Residence Outside the State of California

		<b>MOSHANAE HILL</b> , Maternal Aunt and Guardian, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. Although the mother Kenyanna Ricks consented and waived notice in connection with the guardianship petition, she has not received notice of this hearing regarding Petitioner's request to move out of state with the minor. Therefore, the Court may require service of Notice of Hearing at least 15 days prior to the hearing on all relatives pursuant to Probate Code §2352.  2. If granted, Probate Code §2352(d) requires that Petitioner establish a guardianship, or its equivalent, in the new state of residence. <u>Therefore, the Court will set a status hearing for Monday, December 15, 2014</u> for the status of the move and whether proceedings have been commenced in Washington. (If Petitioner has moved by that time, please ask the clerk's office for instructions about how to appear at the status hearing by telephone.)
		Petitioner was appointed guardian on 6-9-14.	
	Aff.Sub.Wit.	Father: <b>RUSSELL LOWE, JR.</b>	
✓	Verified	Mother: <b>KENYANNA RICKS</b>	
	Inventory	Paternal grandfather: Unknown	
	PTC	Paternal grandmother: Deceased	
	Not.Cred.	Maternal grandfather: Kenneth Ricks	
	Notice of Hrg	Maternal grandmother: Deceased	
	Aff.Mail	<b>Petitioner states</b> she wants to move to Washington to better her life and go back to school and work.	
	Aff.Pub.	Petitioner feels she would have more help and there are more opportunities there. Petitioner requests authorization to move with the minor to an address in Tukwila, Washington.	
	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: 7-30-14 Updates: Recommendation: File 16 – Lowe			

	<b>NO TEMP REQUESTED</b>		<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. Need proof of personal service of Notice of Hearing with a copy of the petition per Probate Code §1511 on Noah (Minor, age 12), and Michael Williams Jr. (Father).  Note: It appears notice was mailed to the father by certified mail, but was returned undeliverable.
	<b>CATALINA SANCHEZ</b> , Maternal Grandmother, is Petitioner.		
	Father: <b>MICHAEL RAY WILLIAMS, JR.</b> - Mail service returned		
	Mother: <b>LAURA KATHLEEN KITAUCHI</b> - Personally served 6-22-14		
	Paternal Grandfather: Michael Ray Williams, Sr. - Served by mail 6-17-14 Paternal Grandmother: Roxanne Williams - Served by mail 6-17-14		
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	W	
	Aff.Pub.		
	Sp.Ntc.		
✓	Pers.Serv.	W	
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
✓	CI Report		
✓	Clearances		
✓	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		
	<b>Court Investigator Dina Calvillo filed a report on 7-29-14.</b>		
	<b>Petitioner states</b> the mother neglects her children. She was charged for abuse. Father is absent.		
	Reviewed by: skc		
	Reviewed on: 7-30-14		
	Updates:		
	Recommendation:		
	File 17 – Williams		

		<b>GENERAL HEARING 9-24-14</b>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. Petitioner states “None” when asked for the father’s identity. Need clarification. Notice to the father is required. Need proof of service of Notice of Hearing with a copy of the petition on the father pursuant to Probate Code §2250(e) or declaration of due diligence or consent and waiver of notice.</p>
		<b>SYCHANH PHETCHUMPORN</b> , Aunt, is Petitioner.	
		Father: <b>“NONE”</b>	
	Aff.Sub.Wit.	Mother: <b>FANNIE CHINDAPHETH</b>	
✓	Verified	- Consents and waives notice	
	Inventory		
	PTC	Paternal Grandfather: “None”	
	Not.Cred.	Paternal Grandmother: “None”	
	Notice of Hrg	Maternal Grandfather: “None”	
	Aff.Mail	Maternal Grandmother: Khamphiane Chindapheth	
	Aff.Pub.	- Consents and waives notice	
	Sp.Ntc.	<b>Petitioner states</b> she feels the mother is under the influence of drugs and alcohol and is not capable of caring for the infant. The family is financially unstable. The infant needs to go to the doctor.	
	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: 7-30-14
			Updates:
			Recommendation:
			File 18 - Chindapheth

		GENERAL HEARING 9-25-14	NEEDS/PROBLEMS/COMMENTS:
		<b>ZINA BROWN-JENKINS</b> , Maternal Grandmother, is Petitioner.	
		Father: <b>MICHAEL PAUL MCGILL</b> - Consents and waives notice	
		Mother: <b>JALYSSA MCGILL</b> - Consents and waives notice	
		Paternal Grandfather: Raymond McGill Paternal Grandmother: Sally McGill	
N/A	Notice of Hrg	Maternal Grandfather: Gilford Dutch Jenkins - Consents and waives notice	
		<b>Petitioner states</b> there is nothing more important to her than her grandsons' thriving and having a great life. She will do everything to ensure they have what they need in life. More importantly, they will know they can depend on her, and that they are loved. Petitioner states if her grandchildren don't come with her, they will be put into foster care and separated.	
		The UCCJEA indicates that the children have been with Petitioner since February 2014, and prior to that, resided with the paternal grandparents Raymond and Sally McGill.	
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	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		
			<b>Reviewed by:</b> skc
			<b>Reviewed on:</b> 7-31-14
			<b>Updates:</b>
			<b>Recommendation:</b>
			<b>File 19 – McGill</b>