



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.

DOD: 1-8-09	NORMA M. KARMANN , Conservator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: <u>Continued from 7-12-12.</u> Minute Order 7-12-12: The Court continues the matter to 8/9/12. If Items one and two on the examiner's notes are completed by 8/9/12, no appearance will be necessary. <u>As of 8-2-12, nothing further has been filed. See Page 2.</u> Note: This petition is titled "Amended Fourth (Final) Account;" however, the Amended Fourth Account was settled 8-13-10. This petition is reviewed as a "Fifth (Final) Account." <p style="text-align: center;"><u>SEE PAGE 2</u></p>
	Account period: 1-2-09 through 4-1-12	
Cont from 071212	Accounting: \$67,650.86	
<input type="checkbox"/> Aff.Sub.Wit.	Beginning POH: \$65,782.01	
<input checked="" type="checkbox"/> Verified	Ending POH: \$59,025.98 (cash)	
<input type="checkbox"/> Inventory	Conservator: \$1,000.00 (for sale of real property per Local Rule) (See #1)	
<input type="checkbox"/> PTC	Attorney: \$1,000.00 (per Local Rule)	
<input type="checkbox"/> Not.Cred.	Costs: \$395.00 (filing)	
<input checked="" type="checkbox"/> Notice of Hrg	Petitioner states the Conservatee was predeceased by her spouse, had no children, no living parents, and no living brothers or sisters, but was survived by five nieces and nephews. Petitioner proposes to distribute the remaining property on hand to the nieces and nephews in equal shares pursuant to Probate Code §13100.	
<input checked="" type="checkbox"/> Aff.Mail		
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<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input checked="" type="checkbox"/> 2620(c)		
<input type="checkbox"/> Order	X	
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt	X	
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: skc
		Reviewed on: 8-2-12
		Updates:
		Recommendation:
		File 1 - Cormier

PAGE 2

NEEDS/PROBLEMS/COMMENTS:

1. Examiner notes that Petitioner liquidated the Conservatee's US Savings Bonds on 4-15-12, which is after the closing date of the account period; therefore, bank statements showing the funds are not included. The Court may require clarification as to the current status of the funds received.
2. Attorney Feigel requests \$1,000.00 for legal services per Local Rule; however, Local Rule 7.16.B.5 states: If the account is not timely filed, compliance with 7.16.A. is required. Because this account was not timely filed, need itemization for compensation per Cal. Rules of Court 7.750-7.752.
3. Need § 13100 Declaration signed by the following heirs, along with a certified copy of the death certificate pursuant to Probate Code § 13101 (d). (Petitioner provided an unsigned draft, but a signed version must be filed prior to court order.)
4. Petitioner requests an order terminating the surety bond. For discharge, a separate Ex Parte Petition for Final Discharge and Order (Judicial Council Form DE-295) may be submitted upon the filing of receipts from all distributees and the discharge will be processed thereafter.
5. Need order.

Atty Perkins, Jan T. (for Conservator Stephen Ronald Cloud)
 Atty Sanoian, Joanne (for Stephen Cloud, Jr., Beneficiary)

Filing of First Account or Petition for Final Distribution and Filing of Inventory and Appraisal

DOD: 04/19/04	<p>STEPHEN RONALD CLOUD was appointed Executor with full IAEA without bond on 8-29-06 and Letters Issued 8-30-06.</p> <p>Inventory and appraisal was due 12-29-06.</p> <p>First account or petition for final distribution was due 8-30-07.</p> <p>Status Report of Stephen Ronald Cloud regarding the Inventory and Appraisal filed 4-19-10 states he is also the conservator of the estate of Rhonda Jane Cloud, case no. 0458379. As of the date of the status report the Conservator has not provided Attorney Rindlisbacher with the accounting required nor has the Conservator delivered the Conservatee's estate to Executor. When a final accounting has been prepared and approved by the Court in the Conservatorship, Executor will be in a position to administer the estate of the Decedent.</p> <p>Probate Referee Steven Diebert filed a Request for Special Notice on 8-31-11.</p> <p>Minute Order 11-8-11: Mr. Perkins requests a four month continuance.</p> <p>Minute Order 3-8-12: Matter continued to 6-21-12.</p> <p>Minute Order 6-21-12: The Court would like this case to be scheduled on the same upcoming date as 0458379.</p> <p><i>As of 8-2-12, nothing further has been filed in either case.</i></p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: This estate is dependent on distribution to the personal representative from the conservatorship estate. Stephen Ronald Cloud is also Conservator of the Estate of Rhonda Jane Cloud in Case # 458379.</p> <p>Minute Order 6-21-12: The Court would like this case to be scheduled on the same upcoming date as 0458379 (conservatorship estate).</p> <p>Note: On 6-21-12, the Court denied Petitioner's accounting in the conservatorship estate 0458379 and ordered amended account to be filed. However, no status hearing was set for filing, and no amended account has been filed. The Court may wish to set status hearing at this time.</p> <p>As of 8-2-12, nothing further has been filed in either case.</p> <p>1. <u>Need Inventory and Appraisal and Petition for distribution.</u></p> <p>Notes: Minute Order 11-16-10 states attorney Rindlisbacher represents to the court that they are awaiting bank records that were requested several weeks ago with regard to the conservatorship accounting. The court advises that this will be the last continuance with the possibility of sanctions absent extraordinary good cause.</p> <p>Status report filed 4-9-10 indicated Executor was awaiting distribution from conservatorship estate; however, Examiner notes that the I&A for the probate estate should include assets as of date of death, and may not be contingent on distribution from the conservatorship estate.</p> <p>Documents filed in the Conservatorship Estate (0458379) indicate that Mr. Cloud made unauthorized preliminary distributions after the date of death totaling \$1,779,985.14 directly from the conservatorship accounts to the probate estate beneficiaries' trust accounts, of which he is the trustee. Such actions were reversed, but there were other issues as well. On 6-21-12, the Court ordered an amended account.</p> <p>Probate Referee Steven Diebert has filed a Request for Special Notice in this Estate case.</p>
Cont. from 042810, 061510, 092110, 111610, 012511, 030811, 050311, 053111, 071211, 091311, 110811, 030812, 062112		
Aff.Sub.Wit.		
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Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
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Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt	X	
UCCJEA		
Citation		
FTB Notice		
		Updates:
		Contacts: Reviewed 8-2-12
		Recommendation:
		Reviewed by: skc
		File 2 - Cloud

Atty French, G. Dana (for petitioners)
 Atty Knudson, David N. (guardian ad litem of settlor's minor/unborn lineal issue)

Petition for Modification of Irrevocable Trust and Instructions to Trustee [Prob. C. 15404 & 17200]

		PHILIP OBERTI (Settlor), KLINA OBERTI (Settlor's spouse), LAUREL OBERTI ORRADRE (daughter), GREGORY OBERTI (son) and ALISON KIMBERLY OBERTI (daughter) are petitioners.	NEEDS/PROBLEMS/ COMMENTS:	
Cont. from		<p>HOWARD J. DEMERA is current Trustee of the PHILIP OBERTI LIFE INSURANCE TRUST, which originally held a fully-paid John Hancock Insurance Policy on Settlor's life with a benefit of \$1,000,000.00 upon his death. John Hancock Life Insurance Company converted from a mutual benefit company to a private stock company, and in the process distributed shares of John Hancock to the trust as a policy holder, and the trust sold some of those shares. By order of this Court signed on 6/9/08, the Trust was modified to allow the Trustee to distribute to the Settlor's children the unsold shares of stock. The Trust currently holds approximately \$75,500.00, in Wells Fargo.</p> <p>The Settlor and the Settlor's wife would like their children to receive outright and free of trust at this time a total cash distribution of \$70,500, allocated equally between their three children.</p> <p>All of the Settlor, the identified beneficiaries, and the Trustee have consented to this change.</p> <p>Petitioners pray for an Order:</p> <ol style="list-style-type: none"> 1. Modifying the Trust to allow a distribution of cash to the Settlor's children as follows: <ol style="list-style-type: none"> a. Laurel Oberti Orradre - \$23,500.00 b. Gregory Oberti - \$23,500.00 c. Alison Kimberly Oberti - \$23,500.00 		
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
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	Letters			
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	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
		<p>Reviewed by: KT</p> <p>Reviewed on: 8/2/12</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 3 – Oberti P</p>		

Petition for Modification of Irrevocable Trust and Instructions to Trustee [Prob. C. 15404 & 17200]

		<p>PHILIP OBERTI (Settlor), KLINA OBERTI (Settlor's spouse), LAUREL OBERTI ORRADRE (daughter), GREGORY OBERTI (son) and ALISON KIMBERLY OBERTI (daughter) are petitioners.</p> <p>HOWARD J. DEMERA is current Trustee of the PHILIP OBERTI LIFE INSURANCE TRUST, which originally held a fully-paid John Hancock Insurance Policy on Settlor's life with a benefit of \$1,000,000.00 upon his death. John Hancock Life Insurance Company converted from a mutual benefit company to a private stock company, and in the process distributed shares of John Hancock to the trust as a policy holder, and the trust sold some of those shares. By order of this Court signed on 6/9/08, the Trust was modified to allow the Trustee to distribute to the Settlor's children the unsold shares of stock. The Trust currently holds approximately \$29,600.00, in Wells Fargo.</p> <p>The Settlor and the Settlor's wife would like their children to receive outright and free of trust at this time a total cash distribution of \$24,600.00, allocated equally between their three children.</p> <p>All of the Settlor, the identified beneficiaries, and the Trustee have consented to this change.</p> <p>Petitioners pray for an Order:</p> <p>2. Modifying the Trust to allow a distribution of cash to the Settlor's children as follows:</p> <p>d. Laurel Oberti Orradre - \$8,200.00</p> <p>e. Gregory Oberti - \$8,200.00</p> <p>f. Alison Kimberly Oberti - \$8,200.00</p>	<p>NEEDS/PROBLEMS/ COMMENTS:</p>
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
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<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		<p>Reviewed by: KT</p> <p>Reviewed on: 8/2/12</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 4 – Oberti P-K</p>	

DOD: 5-4-09		<p>CHRISTOPHER LEE FULLBRIGHT, brother and Administrator with full IAEA without bond, is Petitioner.</p> <p>Accounting is waived.</p> <p>I&A: \$548,165.47 POH: \$610,620.80 (cash)</p> <p>Administrator (Statutory): \$3,490.82 (Statutory fees are \$13,963.30. Petitioner previously received \$10,472.48 after approval of the first account and now requests the balance of \$3,490.82.)</p> <p>Attorney (Statutory): \$3,490.82 (Statutory fees are \$13,963.30. The Mayfield Law Group previously received \$10,472.48 after approval of the first account. Attorney Wall subsequently represented the Petitioner and now requests the balance of \$3,490.82.)</p> <p>Distribution pursuant to intestate succession and disclaimer filed 12-15-10 is to:</p> <p>Christine Adams, as Trustee of the Mickey Fulbright Grantor Trust: Entire estate</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: Decedent's mother is under conservatorship in Case #04CEPR00703. An Inter Vivos Trust was established via substituted judgment on 2-22-12, to hold her mobile home, subject to either bond or blocked account, <u>and the transfer of any additional property to the trust shall be subject to Court approval.</u></p> <p>A Petition filed in the new Trust file 12CEPR00361 requests authority to add distribution from this estate to the trust. See Page 9.</p> <p>1. Need Court authorization within the trust case to distribute as requested. SEE PAGE 9.</p>
Cont. from 043012, 061412, 062812			
<input type="checkbox"/>	Aff.Sub.Wit.		
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<input checked="" type="checkbox"/>	FTB Notice		
		<p>Reviewed by: skc</p> <p>Reviewed on: 8-2-12</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 5 - Scharton</p>	

6. After payment of all final expenses, including Trustee commissions and attorney fees, the balance remaining and any other property of the Trust, be distributed, without further accountings as follows:
 - a. Fifty percent (50%) to Sheridan Mae Rodkey, consisting of cash in the sum of \$53,172.34;
and
 - b. Fifty percent (50%) to Peggy Walton, consisting of cash in the sum of \$53,172.34.
7. In light of the foregoing, the Order on the Second and Final Account and Report dated 06/18/12 should be amended as set forth.

Status Hearing Re: Filing of the Amended Account

DOD: 6-25-09	KEVIN JOHNSON , son, was appointed Administrator without bond with Limited IAEA authority and Letters issued on 5-20-10.	NEEDS/PROBLEMS/COMMENTS: <u>Continued from 6-21-12.</u> Minute Order 6-21-12: The Court states that the minute order from 5-10-12 authorizes Ms. Williams to buy the house in the estate. The minute order from 5-10-12 is provided to both parties. Note: The Administrator was formerly represented by Attorney Joanne Sanoian. Substitution of Attorney filed 3-14-11 indicates the Administrator is now self-represented. Note: Administrator requests in the status report that the Court make a determination regarding the attorney's fees charged by Joanne Sanoian, and Attorney Sanoian has filed a Declaration in response; <u>however, the issue of attorney's fees is not before the Court at this time.</u> 1. <u>Need amended final account and/or petition for final distribution.</u>
Cont. from: 062112	I&A filed 7-14-10 shows a total estate value of \$45,000.00 (real property only). The sole heirs of the estate are the Administrator, Kevin Johnson, and his sister, Phyllis Williams.	
Aff.Sub.Wit.	Status report filed 1-18-12 states Administrator has completed administration of the estate except that the real property cannot be sold because it is currently subject to two actions:	
Verified	<ul style="list-style-type: none"> Unlawful Detainer action 10CECL07703 (Johnson v. Williams) Civil Action 11CECG00131 (Williams v. Estate of Shirley McCray) 	
Inventory	Petitioner filed a First and Final Account and also a Petition for Court Order to Sell Estate Real Property on 1-18-12. At the hearings on 3-8-12, numerous issues were noted and the Court set this status hearing for the filing of an amended account.	
PTC	Per Minute Order 5-10-12, the Administrator's sister, Phyllis Williams, informed the Court that she had a loan in progress to purchase the real property.	
Not.Cred.	Status Report filed 6-13-12 states that Ms. Williams was not able to obtain a loan to purchase the property; however, she is living in the home and making the mortgage payments. They are paying on the creditor's claim from their own funds to reduce the debt, but there is still a balance of approx.. \$7,000.00, and there are also property taxes that must be paid prior to closing the estate.	
Notice of Hrg	In addition, Joanne Sanoian, former attorney for Administrator, has submitted a bill for \$11,198.75. The Administrator states that even with the extraordinary fees for preparing the unlawful detainer action, the attorney fees should not be \$11,198.75, and requests the Court make a determination of a fair amount for such fees.	
Aff.Mail	Administrator states that the estate has no liquid assets to pay the filing fees, creditor's claim, property taxes, or attorney's fees. Therefore, it is requested that the Court allow the administrator to immediately list the home for sale with a qualified agent and attempt to sell it, with Court confirmation. Administrator requests 90 days to accomplish this.	
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt	X	
UCCJEA		
Citation		
FTB Notice		

Reviewed by: skc

Reviewed on: 8-2-12

Updates:

Recommendation:

File 7 - McCray

(1) First and Final Account of Administrator and (2) Petition for Its Settlement, for Allowance of Fees and for (3) Final Distribution (Prob. C. 11600)

DOD: 11/16/2010		WILLIAM STANFORD , Administrator, is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> Statutory fees were calculated incorrectly. Calculation indicates receipts total \$12,636.16 however receipt schedule indicates receipts total \$11,136.16. Therefore the correct statutory fees are \$25,275.82. Disbursement schedule includes payments to Mitch Stanford, for residence clean-up totaling \$800.00. Probate Code §1064(a)(4) requires the account to disclose any family relationship between the fiduciary and any agent hired by the fiduciary. Disbursement schedule includes payments totaling \$7,874.00 to Dominion Courtyard Villas for cat housing. In addition there are payments totaling \$2,561.16 to Elizabeth Jensen for pet care. Court may require more information as to these disbursements. Probate Code §1064(a)(2). <p>Please see additional page</p>
		Account period: 11/16/2010 – 6/12/2012	
Cont. from		Accounting - \$1,229,081.21	
	Aff.Sub.Wit.	Beginning POH - \$1,219,344.29	
✓	Verified	Ending POH - \$1,166,764.53	
✓	Inventory	Administrator (statutory) - \$25,290.82	
✓	PTC	Administrator x/o - \$3,280.00 (118 hrs @\$20/hr., for cleaning and repairing the estate property and 46 hours @ \$25/hr for transfer of assets belonging to the decedent's parents and to their trust, the Murray Harris Owen and Rachel H. Owen Living Trust, for which he was appointed successor trustee by this court in case no. 11CEPR00295.)	
✓	Not.Cred.	Attorney (statutory) - \$25,290.82	
✓	Notice of Hrg	Attorney x/o - \$2,195.00 (3.90 hours @ \$280/hr for attorney time and 5.9 hours of paralegal time @120/hr for the appointment of a successor trustee in the Murray Harris Owen and Rachel H. Owen Living Trust and \$395.00 in costs for the filing fee.)	
✓	Aff.Mail	Closing - \$2,000.00	
	Aff.Pub.	Distribution, pursuant to intestate succession, is to:	
	Sp.Ntc.	Ruth Strong - real property, IRA account, \$491,750.39.	
	Pers.Serv.		
	Conf. Screen		
✓	Letters 2/10/11		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
✓	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
✓	FTB Notice		
			Reviewed by: KT
			Reviewed on: 8/3/12
			Updates:
			Recommendation:
			File 8 - Owen

NEEDS/PROBLEMS/COMMENTS (cont.):

4. Disbursement schedule includes 4 charges of \$500 each to Elizabeth Jensen for supplies for residence clean-up. Court may require more information. Probate Code §1064(a)(2).

5. Petitioner is requesting extraordinary fees for cleaning and repairing estate property. Extraordinary fee request does not comply with California Rules of Court 7.702. The statement of facts must:

(1) Show the nature and difficulty of the tasks performed;

(2) Show the results achieved;

(3) Show the benefit of the services to the estate;

(4) Specify the amount requested for each category of service performed;

(5) State the hourly rate of each person who performed services and the hours spent by each of them;

(6) Describe the services rendered in sufficient detail to demonstrate the productivity of the time spent; and

(7) State the estimated amount of statutory compensation to be paid by the estate, if the petition is not part of a final account or report.

Age: 67	CHRISTINE ADAMS, Trustee of the MICKEY FULBRIGHT GRANTOR TRUST, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: <u>Continued from 6-28-12.</u> <u>As of 8-2-12, the following issues remain:</u>
DOB: 11-7-44		
Cont from 062812	Petitioner states Trust beneficiary Mickey Fulbright is the sole beneficiary of the Estate of Barbara Scharton 09CEPR00512.	1. Examiner notes previously noted: Pursuant to Order Authorizing Proposed Action (Substituted Judgment) filed 2-28-12 in Conservatorship 04CEPR00703, this inter vivos trust was created to avoid probate upon the death of the Conservatee. The Trust was not created as a federally authorized safe harbor trust (Special Needs Trust) due to the age of the beneficiary, (and does not contain a notice or payback clause pursuant to requirements of such safe harbor trusts). Therefore, at this time, the Court may require notice pursuant to Probate Code §17203(b) and/or as contemplated by Probate Code §§ 3602(d)-(f) and 3611(c) to the State Director of Health Care Services, or authority for such transfer without notice. <i>Notice of Hearing filed 7-5-12 reflects service on Deptl of Health Care Services Medi-Care Eligibility on 7-5-12.</i>
Aff.Sub.Wit.		
✓ Verified	A petition for distribution of the Scharton Estate is pending and the personal representative has on hand, after payment of fees and costs, cash in the sum of \$603,693.16 for distribution.	2. Petitioner does not list the names and addresses of those entitled to notice in the petition pursuant to Probate Code §17201. Need verification that all appropriate parties have been served pursuant to Notice of Hearing filed 6-6-12.
Inventory		
PTC	The terms of the Grantor Trust and the Court order dated 2-28-12 require prior approval for the transfer of any property into the Mickey Fulbright Grantor Trust. Petitioner desires to transfer the anticipated distribution from the Sharton Estate to the Trust.	3. Need Order.
Not.Cred.		
✓ Notice of Hrg	Petitioner prays for an order authorizing the transfer to the trust of the cash to be distributed to Mickey Fulbright from the Scharton Estate.	<u>If granted, the Court will set status hearings as follows:</u> - Friday 9-21-12 for receipt of funds in blocked account pursuant to Order 2-28-12 - Friday 10-4-13 for filing of the first account
✓ Aff.Mail w		
Aff.Pub.	The terms of the Grantor Trust and the Court order dated 2-28-12 require prior approval for the transfer of any property into the Mickey Fulbright Grantor Trust. Petitioner desires to transfer the anticipated distribution from the Sharton Estate to the Trust.	Reviewed by: skc
Sp.Ntc.		
Pers.Serv.	Petitioner prays for an order authorizing the transfer to the trust of the cash to be distributed to Mickey Fulbright from the Scharton Estate.	Reviewed on: 6-26-12
Conf. Screen		
Letters	Petitioner prays for an order authorizing the transfer to the trust of the cash to be distributed to Mickey Fulbright from the Scharton Estate.	Updates:
Duties/Supp		
Objections	Petitioner prays for an order authorizing the transfer to the trust of the cash to be distributed to Mickey Fulbright from the Scharton Estate.	Recommendation:
Video Receipt		
CI Report	Petitioner prays for an order authorizing the transfer to the trust of the cash to be distributed to Mickey Fulbright from the Scharton Estate.	File 9 - Fulbright
9202		
Order X		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		

Age: 36	JOYCE A. HENRY , Mother of Trust Beneficiary, is the Successor Trustee of the Intervivos Trust of Charmaigne Tyler, U/T/D/ 11-5-84.	NEEDS/PROBLEMS/COMMENTS:
DOB: 8-27-75		
Cont. From 071212	The last accounting covering the period 12-11-95 through 4-30-08 (a 13-year period) was settled on 11-3-08.	<u>OFF CALENDAR</u>
Aff.Sub.Wit.	On 5-3-12, the Court approved purchase of a van, payment for summer camp, and attorney fees, and set status hearing for the filing of the next accounting for 7-12-12.	
Verified	On 7-12-12, there were no appearances. The Court continued the matter to 8-9-12 and ordered Attorney Barrus to be personally present on 8-9-12.	Second Account filed 7-9-12 is set for hearing on 8-14-12.
Inventory		
PTC		
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Notice of Hrg		
Aff.Mail		
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Status Rpt	X	Reviewed by: skc
UCCJEA		Reviewed on: 8-2-12
Citation		Updates:
FTB Notice		Recommendation:
		File 10 - Tyler

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

DOD: 09/26/08	<p>CHRIS JOHNSON, son, was appointed Executor and Letters were issued on 10/21/10.</p> <p>Minute Order from hearing on 10/21/10 set this matter for status for filing the First Account or Petition for Final Distribution on 12/15/11.</p> <p>An Inventory & Appraisal was filed 01/26/11.</p> <p>Clerk's Certificate of Mailing filed 05/29/12 states that Chris Johnson was mailed a copy of the 05/24/12 minute order and Order to Show Cause on 05/29/12.</p> <p>Clerk's Certificate of Mailing filed 07/27/12 states that Chris Johnson was mailed a copy of the 07/12/12 minute order and Order to Show Cause on 07/27/12.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>CONTINUED FROM 07/12/12</u> Minute order from 07/12/12 states: No appearances.</p> <p>As of 08/02/12, the petitioner has not filed any new documents.</p> <p>1. Need First Account or Petition for Final Distribution.</p>
Cont. from 121511, 020912, 052412, 071212		
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: JF
		Reviewed on: 08/02/12
		Updates:
		Recommendation:
		File 11A – Johnson

Order to Show Cause Re: Failure to File the First Account and/or Petition for Final Distribution

DOD: 09/26/08	<p>CHRIS JOHNSON, son, was appointed Executor and Letters were issued on 10/21/10.</p> <p>Minute Order from hearing on 10/21/10 set this matter for status for filing the First Account or Petition for Final Distribution on 12/15/11.</p> <p>An Inventory & Appraisal was filed 01/26/11.</p> <p>Minute Order dated 12/15/11 states that there were no appearances and continued/set the matter for an Order to Show Cause on 02/09/12</p> <p>Minute Order from 02/09/12 states: Examiner notes are provided to Mr. Johnson. Mr. Johnson is directed to cure the defects. The matter was continued to 05/24/12.</p> <p>Minute Order from 05/24/12 states: No appearances. The Court sets the matter for an Order to Show Cause re: Failure to File the First Account and/or Petition for Final Distribution on 07/12/12. Chris Johnson is ordered to be personally present on 07/12/12.</p> <p>Clerk's Certificate of Mailing filed 05/29/12 states that Chris Johnson was mailed a copy of the 05/24/12 minute order and Order to Show Cause on 05/29/12.</p> <p>Clerk's Certificate of Mailing filed 07/27/12 states that Chris Johnson was mailed a copy of the 07/12/12 minute Order and Order to Show Cause dated 07/27/12.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>CONTINUED FROM 07/12/12 Minute order from 07/12/12 states: No appearances. The Court sets the matter for an Order to Show Cause on 08/09/12 regarding sanctions in the amount of \$900.00. Chris Johnson is ordered to be personally present on 08/09/12.</p>
Cont. from 071212		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
	<p>Reviewed by: JF</p> <p>Reviewed on: 08/02/12</p> <p>Updates:</p> <p>Recommendation: File 11B - Johnson</p>	

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

DOD: 1/22/2008		<p>KAREN SLOAN, daughter, was appointed Administrator with full IAEA authority and without bond on 6/9/11.</p> <p>Inventory and Appraisal - \$135,000.00</p> <p>Beneficiaries of this estate appear to include the petitioner, another daughter of the decedent and 4 adult grandchildren of the decedent.</p> <p>This status hearing was set on 6/9/11 at the time the Petition for Probate was granted. A copy of the Minute Order dated 6/9/11 and showing this status hearing was mailed to the Karen Sloan, Administrator on 6/10/11.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need current status report, first account or petition for final distribution.</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			
		<p>Reviewed by: KT</p> <p>Reviewed on: 8/2/12</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 12 - Sloan</p>	

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Age: 12		<p>TEMPORARY EXPIRES 9-8-12</p> <p>GENARA GARCIA-GARCIA, Paternal Grandmother, is Petitioner.</p> <p>FRANK CONRAD, Maternal Step- Great-Grandfather, was appointed Guardian on 10-24-11.</p> <p>Father: MARTIN PACHECO GARCIA - Consent and Waiver of Notice filed 5-29-12</p> <p>Mother: LESLIE LANE - Consent and Waiver of Notice filed 7-13-12 - Personally served 6-19-12</p> <p>Paternal Grandfather: Deceased Maternal Grandfather: Timothy Lane - Served by mail 6-18-12 Maternal Grandmother: Tracy Lane - Served by mail 6-18-12</p> <p>Petitioner states CPS had placed the child with the great-grandfather. [Guardianship was granted 10-24-11] Petitioner was contacted that the guardian was in the hospital and the mother had left the child alone. Petitioner has been caring for her grandson since 2-15-12.</p> <p>Court Investigator Julie Negrete to file report, clearances.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: This petition pertains to Matthew Lane only. (Guardianship of Bella Hernandez, this minor's half-sister, was granted to her paternal grandparents, Daniel and Elizabeth Hernandez, on 10-24-11.)</p> <p>Court Investigator to file report, clearances.</p> <p>1. Notice of Hearing filed 7-3-12 does not indicate that a copy of the petition was mailed to the maternal grandparents with the Notice of Hearing. The Court may require amended service.</p>
DOB: 3-26-06			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail w/o		
	Aff.Pub.		
	Sp.Ntc.		
✓	Pers.Serv. w		
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report X		
	Clearances X		
✓	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		
		<p>Reviewed by: skc</p> <p>Reviewed on: 8-2-12</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 13 – Hernandez- Lane</p>	

DOD: 6-21-11	LETTERS OF SPECIAL ADMINISTRATION EXPIRE 8-9-12	NEEDS/PROBLEMS/COMMENTS:
		<u>Continued from 2-14-12, 4-10-12</u>
	PHILLIP ROGER ALANIZ, Son, is Petitioner and requests appointment as Administrator with Full IAEA without bond.	<u>Minute Order 2-14-12</u> : Examiner notes provided to Petitioner. Petitioner is directed to cure the defects.
Cont. from 021412, 041012	Full IAEA – <i>Need publication</i>	<u>Minute Order 4-10-12</u> : Court informs Mr. Alanis the petition needs to be published. The Court on its own motion orders special administration limited to communicating with any lienholder of real property owned by Sally Rios for the purpose of determining the status of the loan and any insurance that might be on the property.
<input type="checkbox"/> Aff.Sub.Wit.	Decedent died intestate	<u>Later and off the record</u> : The court changes the hearing from 8/10/12 to 8/9/12. A copy of the corrected minute order was mailed to Petitioner on 4-11-12.
<input checked="" type="checkbox"/> Verified	Residence: Fresno	<u>As of 8-2-12, nothing further has been filed. The following issues remain</u> :
<input type="checkbox"/> Inventory	Publication: <i>Need publication</i>	1. Need proof of publication (Probate Code §§ 8120-8124).
<input type="checkbox"/> PTC	Residence: Fresno	2. Need status report for Special Administration. The limited purpose of the Special Administration was to communicate with the lienholder on the decedent's real property to determine the status of loan and insurance. Has the estimated value of the estate changed?
<input type="checkbox"/> Not.Cred.	Publication: <i>Need publication</i>	3. <u>Need amended verified list</u> of all relatives and other parties as appropriate described in #8 of the Petition, and proof of service of Notice of Hearing at least 15 days prior to the hearing pursuant to Probate Code §8110 on all omitted relatives.
<input checked="" type="checkbox"/> Notice of Hrg	Estimated Value of Estate:	Objector states she is a grandchild of the decedent, but Petitioner did not list her at #8 of the Petition, and there may be other relatives that were not listed and noticed who may oppose his appointment as Administrator.
<input checked="" type="checkbox"/> Aff.Mail	Personal property: \$2,500.00	<u>Note</u> : If granted, the Court will set status hearings:
<input type="checkbox"/> Aff.Pub.	Real property: (\$2,500.00)	- Friday 12-14-12 for filing of the inventory and appraisal (Probate Code §8900)
<input type="checkbox"/> Sp.Ntc.	Total: \$0.00	- Friday 12-13-13 for filing of the first account or petition for final distribution (Probate Code §12200)
<input type="checkbox"/> Pers.Serv.	(Petitioner estimates that the real property is valued at \$87,500 less a \$90,000.00 encumbrance)	
<input type="checkbox"/> Conf. Screen	Probate Referee: Rick Smith	Reviewed by: skc
<input checked="" type="checkbox"/> Letters	Objection filed by Shanel Monquie Alanis on 4-10-12 states she is a grandchild of the decedent and Petitioner failed to disclose information about relatives who might wish to oppose him as being administrator of the estate. Objector asks that this Court halt any further proceeding on this matter until Petitioner issues notice to <u>all</u> of the decedent's relatives as required. Further, Objector wishes to request special notice of any future actions pertaining to this case.	Reviewed on: 8-2-12
<input checked="" type="checkbox"/> Duties/Supp		Updates:
<input checked="" type="checkbox"/> Objections		Recommendation:
<input type="checkbox"/> Video Receipt		File 14 - Rios
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order	Note : Objector states in the body of the objection that she is requesting special notice; however, Objector has not filed the mandatory Judicial Council Form DE-154 Request for Special Notice that contains mandatory language and service requirements per Probate Code §1252.	
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		

Atty Verdot, Glen E. Jr. (pro per – paternal grandfather/Petitioner)

Atty Verdot, Ethel (pro per – paternal grandmother/Petitioner)

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Age: 1 DOB: 06/04/11	TEMPORARY EXPIRES 08/09/12	NEEDS/PROBLEMS/COMMENTS: 1. Need proof of personal service of Notice of Hearing with a copy of the Petition for Appointment of Guardian of the Person at least 15 days before the hearing <u>or</u> Consent and Waiver of Notice <u>or</u> Declaration of Due Diligence for: - Glen Verdot, III (father) - Guadalupe Verdot (mother) Note: Notice of Hearing filed 06/07/12 lists the temporary hearing date (06/07/12) and indicates that the parents were personally served on 05/31/12. It is unclear if they were served with a copy of the General Guardianship Petition as well. 2. Need proof of service by mail of Notice of Hearing with a copy of the Petition for Appointment of Guardian of the Person at least 15 days before the hearing <u>or</u> Consent and Waiver of Notice <u>or</u> Declaration of Due Diligence for: - Sylvia Morales (maternal grandmother) - maternal grandfather Note: Proof of service on the Notice of Hearing filed 06/07/12 indicate that Sylvia Morales was served; however, no date of mailing is listed and it is unclear if she was served for the temporary hearing only of both the temporary and general, further the proof of service is not marked indicating whether a copy of the petition was served along with the Notice of Hearing as required.	
	GLEN VERDOT, JR. and ETHEL VERDOT, paternal grandparents, are Petitioners.		
	Father: GLEN VERDOT, III		
Cont. from	Mother: GUADALUPE VALENCIA		
<input type="checkbox"/> Aff.Sub.Wit.	Maternal grandfather: NOT LISTED		
<input checked="" type="checkbox"/> Verified	Maternal grandmother: SYLVIA MORALES		
<input type="checkbox"/> Inventory	Petitioners state that they have cared for Isaac since birth. Both parents are minors and unwilling or unable to care for him at this time. Further, Petitioners state that both parents have substance abuse issues.		
<input type="checkbox"/> PTC			
<input type="checkbox"/> Not.Cred.			
<input checked="" type="checkbox"/> Notice of Hrg			
<input type="checkbox"/> Aff.Mail			X
<input type="checkbox"/> Aff.Pub.			
<input type="checkbox"/> Sp.Ntc.			
<input type="checkbox"/> Pers.Serv.			X
<input checked="" type="checkbox"/> Conf. Screen			
<input checked="" type="checkbox"/> Letters			
<input checked="" type="checkbox"/> Duties/Supp	Court Investigator Jennifer Young filed a report on 08/01/12.		
<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 checked="" type="checkbox"/> UCCJEA			
<input type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice	Reviewed by: JF Reviewed on: 08/02/12 Updates: Recommendation: File 15 - Verdot		

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

Sterlyn, 14 DOB: 07/15/98	<u>GENERAL HEARING 09/27/12</u>	NEEDS/PROBLEMS/COMMENTS:	
Zoey, 9 DOB: 05/05/03		<p>GARY MULLER and NINA MULLER, paternal grandparents, are Petitioners.</p>	<p>1. Fee waiver of Gary Muller was denied on 07/30/12. Therefore filing fees in the amount of \$285.00 (\$225.00 for the General Guardianship petition and \$60.00 for the Temporary Petition).</p>
Wyatt, 4 DOB: 04/10/08		<p>Father: AARON MULLER</p>	<p>2. Need Notice of Hearing.</p>
Cont. from	<p>Mother (Sterlyn & Zoey): BELINDA SAMONS</p>	<p>3. Need proof of personal service at least 5 court days before the hearing of Notice of Hearing with a copy of the Petition for Appointment of Temporary Guardian of the Person or Consent and Waiver of Notice or Declaration of Due Diligence for:</p>	
Aff.Sub.Wit.	<p>Mother (Wyatt): MEGAN MULLER</p>	<p>- Aaron Muller (father)</p>	
✓ Verified	<p>Maternal grandparents (all): UNKNOWN</p>	<p>- Megan Muller (Wyatt's mother)</p>	
Inventory	<p>Sibling: Paetyn Blakely</p>	<p>- Belinda Samons (Sterlyn & Zoey's mother)</p>	
PTC	<p>Petitioners state that Aaron (father) and Megan (Wyatt's mother) are homeless and jobless. Megan is a heroin addict and Aaron is also using drugs. Belinda (Sterlyn & Zoey's mother) had the children removed from her care due to abuse and neglect and her whereabouts are unknown. Petitioners state that the children came to live with them in March after a domestic violence incident between Aaron & Megan. Upon learning that the Petitioners were planning to seek guardianship, Aaron came and got the kids and threatened the Petitioners. Later the same day there was a violent episode between Aaron & Megan and the Petitioners got the kids again. Petitioners state that the parents are against the guardianship because they will lose the public assistance they get for the kids which they use for drugs. Petitioners state that temporary guardianship is necessary in order to protect the children and provide them with a clean and safe home free from violence and drugs.</p>	<p>- Sterlyn Muller (minor)</p>	
Not.Cred.		<p>Reviewed by: JF</p>	
Notice of Hrg	x	<p>Reviewed on: 08/02/12</p>	
Aff.Mail		<p>Updates:</p>	
Aff.Pub.		<p>Recommendation:</p>	
Sp.Ntc.		<p>File 18 - Muller</p>	
Pers.Serv.	x		
✓ Conf. Screen			
✓ Letters			
✓ Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
✓ Order			
Aff. Posting			
Status Rpt			
✓ UCCJEA			
Citation			
FTB Notice			

DOD: 12-22-11	DONNA SYLVIA, Daughter and Executor with Full IAEA without bond, filed a Creditor's Claim on 4-17-12 for \$65,643.29.	NEEDS/PROBLEMS/COMMENTS:
	The claim states: Executor loaned \$55,000.00 to the decedent to help him purchase the 1/4 interest of his nephew, Steve Karam, in the family ranch partnership. The promissory note provided for interest at 3% per annum on the unpaid portion. Petitioner claims the principle amount of the note plus interest.	Note: Executor's Final Account filed 7-3-12 is set for hearing on 8-14-12.
<input type="checkbox"/> Aff.Sub.Wit.	- Attached is a copy of the Promissory Note dated 12-14-10 and check.	Note: The Court may wish to continue this matter to be heard on that date with the account.
<input checked="" type="checkbox"/> Verified	The claim also states Executor paid multiple expenses of the decedent prior to his death, including irrigation water bills, legal fees to his attorney (Lance Armo), a deposit for his apartment at an elderly care complex, meals while he resided there, purchase of equipment, vehicle and transportation expenses such as taxi rides and parking charges.	SEE PAGE 2
<input type="checkbox"/> Inventory	- Attached is an itemized list.	
<input type="checkbox"/> PTC	Executor submitted an Allowance of Creditor's Claim on 7-3-12, which required authorization by the Court pursuant to Probate Code §9252.	
<input type="checkbox"/> Not.Cred.	On 7-9-12, the Court requested additional information and set the matter for hearing because the claim requests payment of nearly half of the value of the estate. Specifically, the Court requested information:	
<input checked="" type="checkbox"/> Notice of Hrg	- Documentation evidencing purchase by Decedent of the 1/4 interest in the family ranch partnership, which creditor's claim purports to be the reason for th loan and promissory note in the amount of \$55,000.00 plus interest. (I&A filed 6-15-12 does not include such partnership interest as an estate asset.)	Reviewed by: skc
<input checked="" type="checkbox"/> Aff.Mail	- Documentation evidencing any payments made on the promissory note by the decedent	Reviewed on: 8-2-12
<input type="checkbox"/> Aff.Pub.	- Documentation of services rendered to support payments for attorney fees to Lance Armo totaling \$3,301.00	Updates:
<input type="checkbox"/> Sp.Ntc.	- Documentation and/or receipts to support the multiple expenditures totaling \$9,174.57	Recommendation:
<input type="checkbox"/> Pers.Serv.	The Order requires Executor to send notice of this hearing to all interested parties, including the Franchise Tax Board, pursuant to Probate Code §9252.	File 19 - Karam
<input type="checkbox"/> Conf. Screen	A copy of the Order was mailed to Attorney Armo on 7-18-12.	
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		

PAGE 2

Note: I&A filed 6-15-12 reflects \$135,750.02 cash and personal effects valued at \$500.00. However, the personal items were valued by the Executor and not by the Probate Referee pursuant to Probate Code 8900 et seq. This item will be noted as an issue for the upcoming hearing on the account.

Note: Decedent's will devises his personal effects to his three children, Donna Sylvia, Shelly Karam, and Robert Karam and the residue to a family trust (the **KARAM 2000 REVOCABLE TRUST**).

Note: Shelly Karam also filed a Creditor's Claim for a similar promissory note for \$55,000.00 to the decedent made the same date and payment of the Decedent's cell phone bills, for a total of \$57,687.01.

According to the Final Account set for hearing on 8-14-12, that claim was allowed and has been paid by the Executor pursuant to her authority under IAEA and Probate Code §9250. However, Examiner notes that payment is not reflected in the disbursements schedule of the account. This item will also be noted as an issue for the upcoming hearing on the account.

NEEDS/PROBLEMS/COMMENTS:

1. Need information as stated in 7-9-12 Order.

Note: Examiner notes that the promissory notes do not include payments – the notes would be due with interest upon decedent's death.

2. Notice of Hearing filed 7-24-12 reflects notice to Decedent's three children individually; however, the Decedent's will devises the estate to a family trust (the KARAM 2000 REVOCABLE TRUST).

There is no indication in the file of who the trustee of the trust is, or if that person received notice in his or her capacity as trustee.

Probate Code §1208: If the Executor and the Trustee are the same person, notice is required to trust beneficiaries.

Therefore, need clarification: Who is the trustee of the trust? Is notice required to trust beneficiaries?

Examiner notes that it appears from the account filed 7-3-12 that is set for hearing on 8-14-12 that these two claims, together with costs of administration, deplete the estate, and only the personal effects are to be distributed.