



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.

Status Hearing Re: Accounting/ Petition for Final Distribution

DOD: 01/26/04	<p>ANTONETTE FREGOSO, Daughter, was appointed Administrator with full IAEA without bond and Letters issued on <u>6-15-04</u>.</p> <p>Inventory and Appraisal (“Reappraisal Final Dist”) filed 1-3-11 reflects revised values for the real properties as follows: residence \$90,000.00; undivided one-half interest in business and real property \$70,000.00 (total: \$160,000.00).</p> <p>Minute Order dated March 26, 2012 set this matter for status and states: Counsel advised the Court that due to the condition of the building, financing has been difficult. Counsel further advises that there is no money in the estate.</p> <p>Inventory & Appraisal filed 06/05/12 - \$50,000.00.</p> <p>Status report re: Sale of Estate Property filed 06/15/12 states: the anticipated closing date for the sale of real property is 07/02/12. Money received from the sale will be put toward the loan on the home that was procured to pay outstanding bills on the business property. It is anticipated that the EDD will accept the partial release on the outstanding EDD lien.</p>	NEEDS/PROBLEMS/COMMENTS:
		<u>CONTINUED FROM 06/18/12</u>
		<u>Note to Judge:</u> This is the 14 th status hearing in this matter.
Cont. from 050712, 061812		As of 08/03/12, no additional documents have been filed.
Aff.Sub.Wit.		1. Need final account/petition for distribution.
Verified		
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Status Rpt		
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Citation		
FTB Notice		
		Reviewed by: JF
		Reviewed on: 08/03/12
		Updates:
		Recommendation:
		File 1 - Canales

Amended Petition for Authority to Refinance Estate Real Property and for Authority to Begin Distribution from Individual Retirement Accounts to Pay Expenses of Conservatee

Age: 65 DOB: 07/09/47	<p>DOUGLAS H. SHUMAVON, brother/Conservator of the Person and Estate, is Petitioner.</p> <p>DOUGLAS H. SHUMAVON, brother, was appointed Conservator of the Person and Estate on June 23, 1997 and Letters were issued on June 24, 1997.</p> <p>Petitioner states:</p> <ol style="list-style-type: none"> The Conservatorship Estate includes two (2) parcels of real property as follows: - 508 Midvale, Mill Valley, CA (the "Mill Valley Property") - 1020 King Street, Santa Rosa, CA (the "Santa Rosa Property"). The Mill Valley Property is subject to a mortgage in favor of Wells Fargo Bank with an outstanding principal balance as of April 2012 of \$75,246.61. The mortgage bears an interest rate of 5.50% per annum and is payable in monthly payments of \$1,380.88 excluding property taxes and insurance. The annual payments for property taxes and insurance are \$6,774.12 and \$789.60 respectively. The mortgage matures in September 2018. The Mill Valley Property is currently rented and the conservatorship estate presently receives \$2,700.00 per month net of the property management fees. <p>Continued on Page 2</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>CONTINUED FROM 07/09/12</p> <p>Minute Order dated 07/09/12 states: No appearances. The court sets the matter for an Order to Show Cause Re: Sanctions and Failure to appear on 08/31/12. The Court orders Jeffrey Simonian and Douglas Shumavon to be personally present on 08/31/12.</p> <ol style="list-style-type: none"> If the Petition is granted with authorization to begin disbursements of \$1,500.00 per month from conservatee's IRA accounts, this will result in an increase in the annual income of the estate by \$18,000.00. Accordingly, Bond should be increased to \$353,250.72 based on the Fourth Accounting. Bond Worksheet included in the file for reference. <p>Note: The minute Order from 07/09/12 continued this matter and set the OSC for 08/31/12. It appears that the 08/31/12 hearing was taken off calendar and the hearings rescheduled for 08/10/12. It is unclear why or how the hearing date was changed as Petitioner did not file the required Petition to change the hearing date.</p> <p>Note: It appears that the Fifth Account and Report of Conservator is now due. A status hearing regarding filing of the Fifth Account and Report of Conservator will be set as follows:</p> <ul style="list-style-type: none"> Friday, 09/21/2012 at 9:00a.m. in Dept. 303 for the filing of the fifth account. <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.</p>
Cont. from 070912		
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<input checked="" type="checkbox"/> Order		
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UCCJEA		
Citation		
FTB Notice		
Reviewed by: JF		
Reviewed on: 08/03/12		
Updates:		
Recommendation:		
File 2 - Shumavon		

3. The Santa Rosa Property is a four-plex and is subject to a mortgage in favor of Wells Fargo Bank with an outstanding principal balance as of May 8, 2012 of \$86,189.00. The mortgage bears an interest rate of 5.625% per annum and is payable in monthly payment of \$2,019.17 including property taxes and insurance. The mortgage matures in September 2018. The Santa Rosa Property units are currently rented and the Conservatorship estate presently receives \$3,500.00 per month net of the property management fees.
4. Petitioner proposes to refinance the present outstanding principal balance of the Mill Valley Property with Wells Fargo Bank for a 10 year term at an interest rate not to exceed 3.75% per annum. The expected monthly payment after refinancing the Mill Valley mortgage will change to \$1,380.77 including amounts impounded for property taxes and insurance. The result is an increase in cash flow to the Conservatorship Estate of approximately \$7,500.00 per year.
5. Petitioner also proposes to refinance the present outstanding principal balance of the Santa Rosa Property with Wells Fargo Bank for a 10 year term at an interest rate not to exceed 4.25% per annum. The expected monthly payment after refinancing the Santa Rosa mortgage will change to \$1,481.20, including property taxes and insurance. The result is an increase in cash flow to the Conservatorship Estate of approximately \$6,500.00 per year.
6. Petitioner states that the monthly expenses relating to the care and maintenance of the Conservatee has increased due to the continuing deterioration in the Conservatee's condition and exceeds the net monthly income of the Conservatorship Estate resulting in a shortfall of cash to pay the expenses of the Conservatee. Refinancing the Mill Valley and Santa Rosa mortgages will result in additional cash to the Conservatorship Estate to meet expenses and is preferable to selling the properties because both properties are expected to appreciate in value compared with current market conditions and the loans can be repaid from current rental income. Petitioner proposes to execute notes in favor of Wells Fargo Bank to evidence the indebtedness and deeds of trust covering the Mill Valley Property and Santa Rosa Property to secure the notes to Wells Fargo Bank.
7. The Conservatorship Estate also includes two (2) individual retirement accounts for the benefit of the Conservatee (the "Franklin IRA" and "T. Rowe Price IRA"). Monthly distributions of benefits from these accounts have not commenced.
8. The present value of the Franklin IRA is \$12,348.23 (as of March 31, 2012) and the present value of the T. Rowe Price IRA is \$91,500.53 (as of May 17, 2012).
9. The current income of the Conservatorship Estate is insufficient to satisfy the ongoing expenses associated with the Conservatee's care and maintenance. The monthly cost of the Conservatee's care and maintenance has increased to approximately \$6,500.00 per month. In addition, the cost of the Conservatee's medical insurance is approximately \$250.00 per month. This does not include an allowance for incidental expenses associated with the Conservatee's care and maintenance. The net monthly rental income from the Mill Valley and Santa Rosa Properties is approximately \$2,200.00, after deducting the mortgages against the properties, property taxes and insurance. The Conservatee also receives benefits from Social Security of \$1,628.00 per month.
10. The monthly expenses for the Conservatee's care and maintenance exceed the income of the Conservatorship Estate by approximately \$2,450.00 per month. Taking into consideration the anticipated savings to the Conservatorship estate from refinancing the properties as proposed, the monthly expenses of the Conservatee will exceed the monthly income by \$1,200.00 per month.

Continued on Page 3

11. Petitioner also proposes that distributions commence from the Conservatee's IRA accounts of at least \$1,500.00 per month if the Petitioner is authorized to refinance the Mill Valley and Santa Rosa Properties and \$2,500.00 per month if authority to refinance the properties is denied. Another benefit of commencement of distributions from the IRA's is that although distributions will be subject to state and federal taxes, the Conservatee has sufficient deductions to shelter the distributions from income taxation.
12. On 09/28/10, bond was increased to \$333,451.00. An increase in the bond may be required upon the grant of the authority requested in this Petition.

Petitioner prays for an Order:

1. Authorizing Petitioner to refinance the outstanding principal balance of the mortgage secured by the Mill Valley Property by executing a note and deed of trust in favor of Wells Fargo Bank secured by the Mill Valley Property;
2. Authorizing Petitioner to refinance the outstanding principal balance of the mortgage secured by the Santa Rosa Property by executing a note and deed of trust in favor of Wells Fargo Bank secured by the Santa Rosa Property;
3. Authorizing Petitioner to begin the commencement of distributions from the individual retirement accounts held for the benefit of the Conservatee in the amount of at least \$1,500.00 per month if Petitioner is authorized to refinance the Mill Valley and Santa Rosa properties; or, if authority to refinance the Mill Valley and Santa Rosa properties is not granted, in the amount of at least \$2,500.00.

Court Investigator Charlotte Bien filed a report on 06/21/12.

Order to Show Cause Re: Sanctions for Failure to Appear

		<p>DOUGLAS H. SHUMAVON, brother/Conservator of the Person and Estate filed an Amended Petition for Authority to Refinance Estate Real Property and for Authority to Begin Distributions from Individual Retirement Accounts to Pay Expenses of Conservatee on 05/30/12 that was set for hearing on 07/09/12.</p> <p>Minute Order from hearing on 07/09/12 indicates that there were no appearances in this matter and the Court set this matter for an Order to Show Cause re: Sanctions and Failure to Appear on 08/31/12 and further ordered Jeffrey Simonian and Douglas Shumavon to be personally present on 08/31/12.</p> <p>Clerk’s Certificate of Mailing filed 07/30/12 states that Jeffrey Simonian and Douglas Shumavon were mailed a copy of the 07/09/12 Minute Order and Order to Show Cause on 07/30/12.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: The minute Order from 07/09/12 set the OSC for 08/31/12. It appears that the 08/31/12 hearing was taken off calendar and the hearing rescheduled for 08/10/12. It is unclear why or how the hearing date was changed as Petitioner did not file the required Petition to change the hearing date. It is unclear whether counsel has been informed of the new hearing date for the Order to Show Cause as the OSC that was mailed states that the Petitioner and Attorney are to appear on 08/31/12.</p>
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Objections			
Video Receipt			
CI Report			
9202 Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		<p>Reviewed by: JF</p> <p>Reviewed on: 08/03/12</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 4B- Shumavon</p>	

Probate Status Hearing Re: Failure to File a First Account or Petition for Final Distribution (Prob. C. 12200, et seq.)

DOD: 01/15/11	<p>PHILLIP ANDREW MOUNTS, son, was appointed as Executor, without Bond on 04/21/11. Letters were issued on 04/21/11.</p> <p>Inventory & Appraisal filed 06/02/11 - \$96,000.00</p> <p>Substitution of Attorney filed 08/09/11, Petitioner now appearing in Pro Per, formerly represented by Thomas Markeson.</p> <p>Notice of Status Hearing filed 05/06/12 set this matter for status. Clerk's Certificate of Mailing states the Notice of Status Hearing was mailed to Philip Andrew Mounts on 05/08/12.</p> <p>Status Statement filed 06/19/12 states that upon appointment as Executor, Mr. Mounts was represented by Thomas Markeson. On 08/09/11, Mr. Mounts substituted himself in as his own attorney. On 06/15/12, Mr. Markeson substituted back in as attorney of record for Mr. Mounts. Mr. Markeson states that he does not have sufficient time to prepare an account or petition for distribution and requests that the status hearing be continued for 30-45 days in order to prepare the necessary documents.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>CONTINUED FROM 06/20/12 Minute order from 06/20/12 states: Mr. Markeson appears via Courtcall. Matter set on 08/10/12 for status of filing Accounting. If Accounting filed before 08/10/12, this date may be taken off calendar.</p> <p>As of 08/03/12, no new documents have been filed.</p> <ol style="list-style-type: none"> 1. Need Final Accounting and Petition for Final Distribution.
Cont. from 062012		
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Reviewed by: JF		
Reviewed on: 08/03/12		
Updates:		
Recommendation:		
File 5 - Mounts		

Atty Burnside, Leigh W. (for Dale L. Mell – grandson/Petitioner)

Atty Krbechek, Randolph (for Dale G. Mell – son/competing Petitioner/Objector)

Status Hearing

DOD: 05/29/09	DALE L. MELL , grandson, filed a Petition for Probate seeking to be appointed as Administrator with Will Annexed on 03/08/12.	NEEDS/PROBLEMS/COMMENTS: <u>CONTINUED FROM 07/13/12</u> Minute order from 07/13/12 states: Counsel informs court that Dale L. Mell has not yet been able to get bond. 1. Need status update. Notes: As of 08/03/12, letters have not issued. The Original Will of Wilfred Mell was deposited with the Court on 05/17/12. <hr/> Reviewed by: JF <hr/> Reviewed on: 08/03/12 <hr/> Updates: <hr/> Recommendation: <hr/> File 6 - Mell
Cont. from 071312	DALE G. MELL , son/named Executor, filed a competing Petition for Probate on 04/12/12.	
Aff.Sub.Wit.	Each party objected to the other's appointment as personal representative. Minute Order from hearing on 05/15/12 states: The Court orders Dale G. Mell to Lodge the original Will with the Probate Department forthwith. Mr. Krbechek requests that the matter be set for court trial. Trial estimate is less than three hours. Minute Order from Settlement Conference Hearing on 05/29/12 , set this matter for status and states: Parties reach a resolution as follows: Parties agree that Dale L. Mell and Dale G. Mell will act as co-personal representatives and bond will be waived for Dale G. Mell with a possible waiver as to Dale L. Mell which will be worked out among counsel. Additionally, Ms. Burnside and Mr. Krbechek agree to act as co-counsel. Upon inquiry by the Court, the parties individually agree to the terms of the settlement. Counsel to prepare the order. The trial date on 06/12/12 is vacated. Order signed 06/25/12 states that bond is waived as to Dale G. Mell and Dale L. Mell shall post bond in the amount of \$158,600.00. As of 08/03/12, Letters have not issued.	
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Citation		
FTB Notice		

Status Hearing Re: Arizona Conservatorship Proceeding

Age: 82 years DOB: 10/7/1929	<p>LUPE L. AGUIAR, daughter, petitioned the court to be appointed as temporary conservator and general conservator.</p> <p>At the hearing on the temporary conservatorship the court denied the Petition and appointed the PUBLIC GUARDIAN as temporary conservator of the person.</p> <p>At the hearing on the general petition the Public Guardian requested that they also be appointed as temporary conservator of the estate. The request was granted by the court. The Court also allowed the Conservatee to be moved to Arizona immediately and instructed family to start conservatorship proceedings in Arizona.</p> <p>This status hearing was set for status on the Arizona Conservatorship.</p> <p>Status Report re: Establishment of Conservatorship in Arizona filed on 6/5/12 states Ms. Lopez [conservatee] has been moved to Arizona and the family has begun conservatorship proceedings as instructed. The hearing for their petition is June 18, 2012.</p> <p>In order to allow for the family to deal with any deficiencies the Court may find in their paperwork and any possible continuances, it is respectfully requested that the next status hearing be in this matter be continued to August 9, 2012. Furthermore the Public Guardian requests that their temporary powers be extended to the continued hearing date in this matter.</p>	NEEDS/PROBLEMS/COMMENTS:	
		Continued from 6/14/12.	
		1. Need current status report.	
Cont. from 061412			Note: First and Final Account and Report of Temporary Conservator was filed and is set for hearing on 9/11/12.
Aff.Sub.Wit.			
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Notice of Hrg			
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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 7 - Lopez	

Pro Per Ouanoulack, Khammanee (Pro Per Guardian, mother)

Probate Status Hearing Re: Filing of Receipt of Blocked Account

Age: 10 years DOB: 1/10/2002		<p>KHAMMANEE OUANOULACK, mother, was appointed Guardian of the Estate on 8/29/2005.</p> <p><u>Notes for background:</u></p> <ul style="list-style-type: none"> Notice of Status Hearing filed 11/2/2011 set a status hearing on 1/17/2012 for the failure to file an accounting in this guardianship estate. The matter was continued to 3/6/2012, and then to 6/12/2012 to allow the Guardian time to complete and file an accounting; Declaration of Khammanee Ouanoulack filed 5/25/2012 states in pertinent part that there weren't any changes to the blocked account, and only interest has been received from the cash in the blocked account; on 5/25/2012, she filed an <i>Inventory and Appraisal and First Account and Report of Guardian</i>, showing the blocked account contains \$58,572.87, and stated there have been no withdrawals from this account. Accounting filed 5/25/2012 contained the following summarized information: <ul style="list-style-type: none"> <u>Account period: [8/29/2005] – 4/30/2012</u> Accounting - [\$58,572.87] Beginning POH - \$53,022.43 Ending POH - \$58,572.87 Minute Order dated 7/10/2012 from the last hearing on the first account states Examiner notes and Receipt of Blocked Account form are provided to the Petitioner. The first account is waived and the order for the blocked account is signed by the Court. Matter set for Status Hearing on 8/10/2012. If the receipt of the blocked account is filed by 8/10/2012, no appearance will be necessary. 	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need receipt for blocked account.</p> <p>Note: Notice of Hearing has not been filed showing proof of notice to the ward pursuant to §§ 2621 and 1460. However, Court may excuse notice to the ward under Probate Code § 1460.1, if the Court determines that notice was properly given to a parent or guardian with whom the minor resides; or that the petition is brought by a parent or guardian with whom the minor resides. If Court confirms that the ward resides with the Petitioner, Court may excuse proof of service of notice to the ward.</p>
Cont. from			
Aff.Sub.Wit.			
Verified			
Inventory			
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Blocked Receipt	X		
Notice of Hrg	X		
Aff.Mail	X		
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Letters	082905		
Duties/Supp			
Objections			
Video Receipt			
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FTB Notice			
		<p>Reviewed by: LEG</p> <p>Reviewed on: 8/2/12</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 10 - Phaphone</p>	