



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: 1-12-89	<p>MARY ELLEN RODRIGUEZ and DOLORES TRUJILLO, Daughters, were appointed as Co-Administrators without IAEA and with bond of \$8,000.00 on 1-16-1990.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Minute Order 7/1/15: Ms. LeVan represents that the buyer has not communicated with her for the last 2 days, and that the sale was not going through an escrow company. Based on this representation, the Court invalidates the sale of the real property and orders that it be relisted for sale immediately, with the sale going through an escrow company. Ms. LeVan is to file a status report verified by Ms. Trujillo.</p> <p>Note: On 2-23-15, the Court confirmed the sale of real property and set status hearing for receipt of the proceeds into a blocked account (Page B).</p> <p>1. Need Petition for Final Distribution or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.</p>
	Bond was filed and Letters issued on 1-17-1990.	
	Nothing further was filed.	
	The open estate was discovered and the Court set this status hearing.	
Cont. from 081414, 100214, 110614, 121814, 020215, 022315, 032515, 040115, 042915, 052015, 062415, 070115	The I & A was filed 10-1-14, showing the estate value at \$30,000.00.	
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
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Notice of Hrg		
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Sp.Ntc.		
Pers.Serv.		
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Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: skc
		Reviewed on: 8/4/15
		Updates:
		Recommendation:
		File 1A – Rodriguez

DOD: 1-12-89	DOLORES TRUJILLO , Daughter, is the sole remaining Administrators without IAEA and with bond of \$8,000.00.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Minute Order 7/1/15: Ms. LeVan represents that the buyer has not communicated with her for the last 2 days, and that the sale was not going through an escrow company. Based on this representation, the Court invalidates the sale of the real property and orders that it be relisted for sale immediately, with the sale going through an escrow company. Ms. LeVan is to file a status report verified by Ms. Trujillo. Continued to 8/11/15.</p> <hr/> <p>Reviewed by: skc</p> <p>Reviewed on: 8/4/15</p> <p>Updates:</p> <p>Recommendation: File 1B - Rodriguez</p>
	On 2-23-15, the Court confirmed the sale of real property and ordered the net proceeds of \$12,000.00 to be deposited into a blocked account.	
Cont. from 032515, 042915, 052015, 070115	The Court set this status hearing for the filing of the receipt for blocked account.	
<input type="checkbox"/> Aff.Sub.Wit.	<p>Status Report filed 3-24-15 states the petitioner has attempted to open the blocked account. The first time, she was incorrectly informed by a teller that she could not open one under these circumstances. After the attorney personally contacted the branch manager, he determined there was a miscommunication and assured the attorney that he would personally assist the petitioner when she returned. When she returned, she was informed that they would not open the account without a certified copy of the death certificate. Petitioner then proceeding to obtain a certified copy of the death certificate and returned to the bank the following week. However, without consulting Counsel, Petitioner intended to have the buyer wire funds into the account and did not have a check in hand at the bank. The bank informed Petitioner that the money had to be deposited when the account was opened. Petitioner has no vehicle and the buyer has been taking time from work to transport to the bank for this transaction. As such, Petitioner has not yet returned to the bank.</p> <p>As the procedure at Chase Bank is to allow the legal department a minimum of 7-10 business days to review a Receipt and Acknowledgment form, an additional 30 days is respectfully requested to allow Petitioner to schedule another trip to the bank with the buyer and to allow the bank to review and file the receipt.</p> <p>The First and Final Account and Petition for Final Distribution is ready for filing as soon as the funds are deposited. Counsel respectfully requests an additional 30 days for the filing of this petition as well.</p>	
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<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		

Attorney Poochigian, Mark S. (for Petitioner Ann L. Kromberg, Administrator)
 Attorney Krause, Stefanie J. (for Ruth P. Lind, former Attorney for Administrator Ann Kromberg)

First and Final Report of Personal Representative, Petition for Termination of Decedent's Estate and Allowance of Attorneys' Fees on Waiver of Accounting

DOD: 6/10/1991		<p>ANN L. KROMBERG, daughter and Administrator, is Petitioner.</p> <p>Accounting is waived.</p> <p>I & A — \$375,000.00 POH — \$0.00</p> <p>Administrator — waives</p> <p>Attorney (BMJ) — \$8,400.00 (80% of total \$10,500.00 statutory fee requested to be paid to Baker Manock & Jenson;) Note: Declaration of Ruth Lind filed 6/22/2015 states she represented the Administrator during a substantial part of the probate matter, up to and including the preparation in its entirety of the Inventory and Appraisal, and she requests 80% of the statutory fee in the sum of \$8,400.00.</p> <p>Costs — \$435.00 (filing fee)</p> <p>~Please see additional page~</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Page 2B is the <i>Petition for Allowance of Ordinary and Extraordinary Fees to Attorney Ruth P. Lind</i>.</p> <p>Continued from 7/14/2015, per stipulation and order signed 7/13/2015. The following issues from the last hearing remain:</p> <ol style="list-style-type: none"> Petitioner distributed the estate real property without Court order in violation of Probate Code § 10501(a)(4). Court may require Petitioner to procure a deed of rescission for the real property from Decedent's spouse, MARLENE KROMBERG, as suggested by Petitioner. Petition states there are no assets remaining in the estate for distribution, as Petitioner distributed the sole estate asset to the Decedent's spouse. <i>Petition</i> does not but should address the source of payment for the requested attorney fees and reimbursement of costs. Need proposed order.
Cont. from 071415			
Aff.Sub.Wit.			
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✓ Inventory			
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Citation			
FTB Notice	N/A		
		<p>Reviewed by: LEG</p> <p>Reviewed on: 8/7/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 2A - Kromberg</p>	

Petitioner states:

Character of Estate and Advance Distribution:

- The estate consists solely of real property, which the Decedent received as a gift from his parents on approximately 2/14/1949;
- Pursuant to that certain Declaration of Land Patent recorded on 9/13/1985, Decedent and **MARLENE KROMBERG**, spouse, severally certified and declared [*in sum, that the real property is patented and thereby a perfect fee simple title is held in their names*]; (copy of Land Patent attached as Exhibit A);
- Pursuant to the Land Patent, the real property that has been inventoried as an asset of this Decedent's estate was declared as of 9/13/1985 to be owned jointly by Decedent James M. Kromberg and Marlene Kromberg;
- Even in the absence of the Land Patent, the Decedent was married to Marlene Kromberg in 1953, and at all times during the marriage, including for many years prior to 1985 (the time which California first required transmutations to be in writing), the Decedent treated the real property as the community property of himself and Marlene Kromberg; the property was improved and farmed using community property, the Decedent and his wife Marlene Kromberg personally farmed the property, the proceeds from such property were treated as community property; thus, it appears to the Petitioner that such real property was the community property of the Decedent and Marlene Kromberg;
- The estate is in a condition to be closed; the estate administration was prolonged due to multiple factors, including that the Decedent's conservatorship case prior to his death (0420590) was not closed until 1998 [*Decedent's DOD 6/10/1991*];
- Petitioner, in attempting to complete the administration of the estate without incurring unnecessary attorney's fees, consulted with a paralegal service regarding completion of administration; based on that consultation, Petitioner incorrectly understood that as personal representative she was authorized to make distributions from the Decedent's estate after giving notice of the proposed action to interested persons;
- Petitioner distributed the Decedent's real property to Decedent's surviving spouse, Marlene Kromberg on 2/13/2015 after obtaining consents from the other heirs of the Decedent (*copy of recorded Deed to real property attached as Exhibit B*);
- If required by the Court, Petitioner will request that her mother [Marlene Kromberg] execute a deed of rescission, conveying the subject real property back to the estate of the Decedent, as Petitioner does not anticipate any problem obtaining such deed from her mother is required;
- There are no assets remaining in the estate for distribution, as Petitioner distributed the sole estate asset to the Decedent's spouse.

~Please see additional page~

Petitioner states, continued:**Representation and Attorney's Fees:**

- Attorney Ruth P. Lind was counsel of record for Petitioner in this matter from its inception in 1991 until 2/10/2015; (Petitioner consulted with but did not retain Baker Manock & Jensen in 2012, and Attorney Poochigian advised Ms. Lind in February 2012 that he had not been retained);
- Petitioner was [self-represented] from 2/10/2015 until 4/9/2015, when Attorney Poochigian began representing her until the present;
- Ruth Lind has, through counsel, corresponded with Petitioner regarding the amount of fees claimed to be owed to Ms. Lin (*copy of billing statement sent to Petitioner's counsel on 5/12/2015 attached as Exhibit C*);
- Ms. Lind requests **80%** of the statutory fee (**\$8,400.00**), in addition to costs (**\$334.50**) and extraordinary fees for a total fee request of **\$28,467.50**;
- Petitioner objects to the fees requested by Ms. Lind, and is hopeful that good-faith attempts to resolve her dispute with Ms. Lind will result in their agreeing on a mutually acceptable amount of attorney's fees that should be paid to Ms. Lind and that such agreement may be reached prior to the hearing on the instant petition;
- As of the filing of this Petition, Baker Manock & Jensen has rendered ordinary and extraordinary services to the Petitioner, and requests that **80%** of the statutory fee be apportioned to it, and that additional fees for extraordinary services to the personal representative be awarded to Baker Manock & Jensen in an amount not to exceed **\$10,000.00**, based on appropriate substantiation.

Petitioner requests this Court order that:

1. Administration of the estate be closed without an accounting;
2. All acts and proceedings of Petitioner as personal representative be confirmed and approved;
3. Petitioner be authorized and directed to pay Petitioner's attorney Baker Manock & Jensen the sum of **\$8,400.00** as fees for ordinary services to Petitioner, **\$435.00** for costs advanced to the estate, and fees for extraordinary services to the personal representative in an amount not to exceed **\$10,000.00**, based on appropriate substantiation; and
4. Distribution of the estate in Petitioner's hands [*there are no assets remaining in the estate for distribution*], and any other property of Decedent or estate not now known or discovered be made to the persons entitled to it.

Attorney Poochigian, Mark S. (for Petitioner Ann L. Kromberg, Administrator)

Attorney Krause, Stefanie J. (for Ruth P. Lind, former Attorney for Administrator Ann Kromberg)

Petition for Allowance of Ordinary and Extraordinary Fees to Attorney Ruth P. Lind

DOD: 6/10/1991	RUTH P. LIND , former Attorney for Administrator Ann Kromberg, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
	Petitioner states:	
	<ul style="list-style-type: none"> Ann Kromberg retained Attorney Ruth Lind for assistance in administering the Estate of James Kromberg; Ms. Lind rendered legal services necessary in the administration of the estate from the start of the probate until 2/10/2015; Ann Kromberg has filed an inventory and appraisal showing the value of the estate to be \$375,000.00; Although Ms. Lind was unable to complete the probate of this action due to a Substitution of Attorney, Ms. Lind did the majority of the work on the probate; The only remaining item to be complete when Ms. Lind substituted out was preparation of the Petition for Final Distribution and Accounting, which the Administrator indicates will be waived; Therefore, Ms. Lind requests 80% of the \$10,500.00 statutory fee; Ms. Lind requests \$8,400.00 of that fee; Additionally, Ms. Lind has performed extraordinary legal services in the administration of the estate; the activities, amount of time devoted to each, and the costs are detailed in the <i>Declaration of Ruth P. Lind [filed 6/22/2015]</i>; Ms. Lind should be allowed reasonable compensation for these services, which is \$19,833.00, and which has not been paid; Ms. Lind also incurred costs in the administration of the estate, itemized in the <i>Declaration of Ruth P. Lind [filed 6/22/2015]</i>; Ms. Lind should be allowed reimbursement of those costs in the amount of \$334.50; ~Please see additional page~ 	
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		Reviewed by: LEG
		Reviewed on: 8/7/15
		Updates:
		Recommendation:
		File 2B - Kromberg

Petitioner states, continued:

- There is good cause to grant this Petition prior to the final distribution of the estate; there have been continued delays by Ann L. Kromberg to finalize the estate, which may continue considering the Petition relies on pending waivers of the accounting;
- Furthermore, waiting until the conclusion of the probate will result in hardship on Ms. Lind, as further set forth in her Declaration in support of this Petition.

Petitioner prays the Court make its Order as follows: Ann L. Kromberg, the Administrator of the Estate, be authorized and directed to pay Ruth P. Lind **\$8,400.00** from estate funds as the unpaid balance of compensation for ordinary services to the estate, **\$19,733.00** as the unpaid balance of extraordinary services to the estate as specified, and **\$334.50** as reimbursement for costs incurred by Ruth P. Lind as specified for a total of **\$28,467.50**.

Declaration of Ruth P. Lind in Support of Petition filed 6/22/2015 describes the extraordinary legal services rendered and includes dated itemizations from 6/10/1991 to 8/18/2006, for **139.95 hours** resulting in a fee of **\$19,733.00**, calculated at rates of **\$125.00/hour in 1991, \$135.00/hour in 1992, \$150.00/hour in 1993, \$175.00/hour in 1995, and \$200.00/hour in 2002** and for the remainder of the work on this probate. **Declarant states:**

- She represented the Administrator Ann L. Kromberg from the start of the probate proceeding until 2/10/2015;
- She also represented the Administrator in other matters that were filed in Fresno County Superior Court [please refer to Page 1 for list of 4 separate cases, which have all been completed]; payment was authorized by Court order for all of those matters, and the fees and costs sought in this *Petition* were not billed for or paid in those matters;
- The probate is still continuing in this matter, although she is no longer the attorney of record in this proceeding;
- Because she represented the Administrator during a substantial part of the probate, completed all work except for the filing of the Inventory and Appraisal which she prepared in its entirety, and the Petition for Final Distribution, she requests **80%** of the statutory fee of **\$10,500.00**, amounting to **\$8,400.00**;
- There were bankruptcy cases involving some estate properties and interest, and she provided extraordinary services in corresponding and conferencing with Administrator and various attorneys involved with the bankruptcy cases, and title company officer, including arranging for appointment of special administrator; as a result, the Public Administrator was appointed and the properties in question were protected;
- She provided extraordinary services in obtaining records and assets from William Kromberg, needed to enable the Administrator to marshal the Decedent's assets; as a result of her actions, the Administrator was able to stop attempts of William Kromberg and his son to move assets;
- The **\$8,400.00** in statutory fees and **\$19,733.00** in extraordinary fees is reasonable compensation for the legal services itemized and attached as *Exhibit A* to the Declaration;
- She has not received payment for any of her services on this case; she received payment for services provided in other matters in which she represented the Administrator [Ann L. Kromberg]; however, the items listed in *Exhibit A* are not duplicates of previously paid fees or costs;
- She advanced costs itemized on *Exhibit A* [for certified copies, filing fees, publication, archive retrieval fee], and requests reimbursement of the **\$334.50** costs;
- There is good cause for allowance of compensation at this time; she was required to devote substantial time to providing legal services on this case;
- She is a sole practitioner and her normal income diminished accordingly, causing hardship to her.

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

	ROQUE RODRIGUEZ , son, appointed administrator with full IAEA authority with bond set at \$22,500.00 on 03/07/2006.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>OFF CALENDAR.</u> Hearing vacated pursuant to Minute Order of 08/06/2015</p> <p>Note: Notice of Proposed Action filed 11/24/2014.</p> <p>Minute Order: A counter-offer to an offer of \$35,000.00 is pending on the real property; the Court admonishes that it can force the sale if need be, and that the estate needs to be closed.</p> <p>Minute Order of 03/23/2014: Mr. Rodriguez is admonished regarding possible removal for lack of progress in this matter. If the petition is filed at least two court days prior, then no appearance is necessary on 06/15/2015.</p> <p>1. Need First Account or Petition for Final Distribution or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.</p>
	Letters issued on 03/16/2006.	
	Inventory and Appraisal filed 03/16/2006 shows an estate valued at \$22,500.00 consisting of real property.	
Cont. from 022814, 053014, 092214, 120814, 032315, 061515, 063015	First Account or Petition for Final Distribution was due 05/2007.	
Aff.Sub.Wit.	Notice of Status Hearing was mailed to Attorney Mortimer and Roque Rodriguez on 11/22/2013.	
Verified	Former Status Report filed on 6/10/15 states since the last hearing the proposed buyer of the real property, which is the only asset of the estate, has rescinded their offer. There is no current offer pending, and the real property located in Firebaugh continues to be listed for sale.	
Inventory	Until the real property is sold there is nothing to account for.	
PTC	Request is therefore made that any continued status hearing be set out a number of months so that hopefully a new buyer can be found.	
Not.Cred.		
Notice of Hrg		
Aff.Mail		
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Letters		
Duties/Supp		
Objections		
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	Reviewed by: LV	
	Reviewed on: 08/06/2015	
	Updates:	
	Recommendation:	
	File 3 – Rodriguez	

Petitioner Sabino J.L. Ferri (Pro Per Petitioner, Co-Executor)
 Petitioner Pasqua Carmela Ferri (Pro Per Petitioner, Co-Executor)

Second and Final Report of Executors and Petition for Final Distribution on Waiver of Accounting

DOD: 5/23/2012		<p>SABINO J.L. FERRI and PASQUA CARMELA FERRI, Co-Executors with Full IAEA without bond, are Petitioners.</p> <p>Accounting is waived.</p> <p>I & A — \$460,924.85 POH — \$469,594.55 <i>(all cash)</i></p> <p>Co-Executors — waive <i>(statutory)</i></p> <p>Costs — \$435.00 <i>(filing fee)</i></p> <p>Distribution pursuant to Decedent's Will is to:</p> <ul style="list-style-type: none"> • SABINO J. L. FERRI – \$117,289.88 cash; • PASQUA CARMELLA FERRI – \$117,289.89 cash; • SABINA DINUZZO – \$117,289.89 cash; • NICHOLAS THOMAS FERRI – \$117,289.89 cash. 	<p>NEEDS/PROBLEMS/COMMENTS:</p>
Cont. from			
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		<p>Reviewed by: LEG</p> <p>Reviewed on: 8/7/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 4 – Ferri</p>	

Petitioner states:

- Creditor's Claims were filed by the Department of Health (DOH); **\$47,781.76** for benefits to **ABRAHAM TUBBS**, predeceased spouse of Decedent; and **\$132,174.44** for Decedent); both of the heirs of the estate filed hardship waivers with DOH; the hardship waiver filed by Petitioner Abraham Isaak Tubbs, Jr., was denied by DOH as to both Creditor's Claims;
- Based on information and belief, DOH approved the hardship waiver for **JESSE ROGER TUBBS**, son, as to the Creditor's Claim filed regarding the Decedent, but denied the hardship waiver as to the claim for Abraham Tubbs (Decedent's spouse);
- The estate does not have cash available to pay the creditors' claims and they remain unpaid;
- The DOH has requested that Petitioner include the following language in both the *Petition* and order for final distribution:
 1. "Distribution is subject to a LIEN [*in the amount of \$33,750.00*] in favor of the STATE OF CALIFORNIA, DEPARTMENT OF HEALTH CARE SERVICES, on the real property located in the County of Fresno, State of California, described as [*real property legal description omitted; terms of repayment omitted*];
- Initially, it was believed that 3 unclaimed properties may belong to the estate; **\$204.74** from ADT Security is an estate asset [*included on a Supplemental I & A filed 10/27/2014*]; upon further research, it was discovered that in fact **\$4,616.73** was monies deposited by Petitioner's parents while Petitioner was incarcerated and belongs to Petitioner as his sole and separate property; a safe deposit box was established by Decedent's parents at Guarantee Savings (acquired by Citibank) and Petitioner's father included Petitioner's name as a signer for accessing the contents; Petitioner found the following in the safe deposit box:
 1. One man's gold wedding band, belonging to Petitioner's father (Decedent's husband); Petitioner still has this gold band in his possession;
 2. One woman's gold wedding ring with seven small diamonds, belonging to Decedent; Petitioner still has this gold ring in his possession;
 3. One small baby ring with two small diamonds on gold band; Petitioner alleges this ring belonged to him and he has sold the ring;
 4. Two small children's gold bracelets; Petitioner alleges these bracelets belonged to him and he has sold the bracelets;
- Petitioner has been unable to proceed with the sale of the real property and house to pay the costs of administration and debts of the estate due to the fact that the remaining heir, **JESSE ROGER TUBBS**, son, resides in the house and refuses to vacate the premises or pay rent;
- Based on information and belief, all real property taxes due and payable by the estate have been paid by **JESSE ROGER TUBBS**;
- Unpaid costs of administration include filing fees of **\$870.00**; DOH claims of **\$47,781.76** and **\$132,174.44**; Petitioner's compensation of **\$1,808.19**; statutory and **\$1,693.50** extraordinary compensation of **\$1,808.19** to Petitioner's attorney; **\$667.61** costs advanced by attorney; closing expenses [*listed fully on Page 7 paragraph 25 (A) through (G)*].

~Please see additional page~

Proposed Distribution pursuant to intestate succession is to:

1. **ABRAHAM ISAAK TUBBS, JR.** – One man's gold wedding band; and ½ **interest in real property, subject to the following liens** payable in the following order of priority pursuant to Probate Code § 11420, due upon the death of the distributees, or the sale or transfer of the real property, or escrow funding, or default in payments:
 - Court filing fees of **\$870.00** less **\$204.74** cash in estate for a total of **\$665.26**;
 - Statutory attorney fees of **\$1,808.19** and extraordinary fees of **\$1,693.50** and costs advanced of **\$667.61** for a total of **\$4,169.30**;
 - Statutory administrator commissions to Petitioner of **\$1,808.19**;
 - Lien in favor of the State of California, Department of Health Care Services, on the real property (including the terms as stated in the proposed order).

2. **JESSE ROGER TUBBS** – One woman's gold wedding ring with 7 small diamonds; and ½ **interest in real property, subject to the following liens** payable in the following order of priority pursuant to Probate Code § 11420, due upon the death of the distributees, or the sale or transfer of the real property, or escrow funding, or default in payments:
 - Court filing fees of **\$870.00** less **\$204.74** cash in estate for a total of **\$665.26**;
 - Statutory attorney fees of **\$1,808.19** and extraordinary fees of **\$1,693.50** and costs advanced of **\$667.61** for a total of **\$4,169.30**;
 - Statutory administrator commissions to Petitioner of **\$1,808.19**;
 - Lien in favor of the State of California, Department of Health Care Services, on the real property (including the terms as stated in the proposed order).

Request by JESSE R. TUBBS to Take Judicial Notice of State of California Department of Health Care Services Action and California Code of Regulations; and Declaration of Leonard E. Deal to Support Request was filed 6/19/2015, and states:

- Respondent requests the Court take judicial notice of the attached copies of documents:
 1. Grant of Hardship Waiver: Under Evidence Code §§ 451(b) and 452(c) as an official act of an executive department:
 - State of California Department of Health Care Services 8/27/2014 grant to Jesse Tubbs of 22 CCR § 50963(a)(4) hardship waiver of lien claim against the Estate of Julia Tubbs;
 2. California Code of Regulations: Under Evidence Code § 452(b):
 - Section 50960.36, definition of Voluntary Post-Death Lien, agreed to and placed on real property to secure payment of lien;
 - Section 50961(e), Estate Claims, subject to waiver of proportionate share when granted;
 - Section 50963(a)(4), Substantial Hardship Criteria;
 - Section 50965(d)(e), Voluntary Post-Death Lien, monthly amount based on ability to pay and full payment due on sale of property;
 3. Respondent **JESSE R. TUBBS** submits that the exhibits attached hereto are sufficient information for the Court to take judicial notice of the documents and contents to the extent allowed by law.

~Please see additional page~

Declaration of Leonard Deal states all of the items attached to the request to take judicial notice are true and accurate copies of the documents represented; he obtained the 8/27/2014 grant of hardship from Respondent Jesse R. Tubbs; he obtained all items represented as California Code of Regulations from the Westlaw Next California Code of Regulations website.

Response of JESSE R. TUBBS to ABRAHAM ISAAK TUBBS, JR., to First Amended Petition for Settlement of First and Final Account, etc., filed on 6/19/2015 states:

- Jesse Tubbs, a widower, responds and objects to the Petitioner's First Amended Petition, and repeats the relevant portions of Respondents 4/17/2015 Response to the original petition to avoid the need for referral back to the 4/17/2015 response;
- Summary of Response, Objections, and Proposed Lien: Petitioner and Jesse are the only two children and therefore the only two heirs of the intestate Decedent Julia Tubbs and her late husband, Abraham Tubbs; the objections and contentions involve the Department of Health Care Services liens on the residence on West San Joaquin Street in Fresno; the contentions also relate to the form of the proposed lien, not the need for a lien for securing payment of the Court filing fee, compensation, and costs;
- Respondent Jesse Tubbs denies that the **\$4,616.73** was deposited for Petitioner's benefit; and also denies that the small baby ring or the children's bracelets belonged to Petitioner; in the interest of resolving this case, Respondent does not object to the accounting; Respondent does not object to the requested attorney fee for ordinary services, administrator commission, advanced costs, or statement of unpaid court filing fees; Respondent takes no position on the request for extraordinary attorney fee;
- Respondent Jesse Tubbs consents to the proposed distribution of the man's gold wedding band and the woman's wedding ring;
- Respondent Jesse Tubbs will consent to the distribution of the residence to Petitioner Abraham Isaaq Tubbs, Jr., and Jesse R. Tubbs, as tenants in common, each as to an undivided 50% interest, with Respondent's consent conditioned upon allocation and statement of the liens proposed in the form set forth by Respondent herein;
- Respondent Jesse Tubbs consents to a voluntary post death lien in favor of the State of California Department of Health Care Services in the amount of **\$11,500.00** against his undivided **50%** interest in the form set forth herein;
- Respondent Jesse Tubbs objects to the form of distribution as proposed by Petitioner as failing to adequately state the interests of the distributees in substance and form;
- History of Residence and Occupancy: Jesse Tubbs resided in the residence from the purchase in 1973 at his age 10 until leaving for college; Jesse returned to the residence in June 1997 after a disability discharge from the U.S. Army as the result of an injury; Jesse has resided in the property since 1997 continuously to the present time;
- Jesse Tubbs has paid all of the property taxes, insurance, and maintenance on the residence since the death of Julia M. Tubbs in December 2011; before and after the death of Abraham Tubbs on 5/6/2001, Jesse Tubbs has paid a portion of and sometimes all of taxes, insurance, and maintenance; No residence would still exist if Jesse Tubbs had not paid the taxes, insurance, maintenance and other expenses; Abraham Tubbs Jr. has not ever paid any of the taxes, insurance, maintenance and other expenses of the residence;
- Out of failure to understand the need for a creditor's claim, Respondent Jesse Tubbs missed the deadline to file a creditor's claim for reimbursement of expenses paid for the residence;
- Jesse Tubbs did not agree to the demand by the administrator's attorneys to vacate the premises for the practical reason that living in the property and paying expenses preserved the property; no legal basis existed for a demand to pay rent;

~Please see additional page~

Response of JESSE R. TUBBS filed 6/19/2015, continued:

- The result of complying with the demands would have been the loss of the benefit of the waiver by the Department of Health Care Services, generation of additional attorney fee and administrator commission, and would have missed the opportunity to use the hardship waiver granted by the Department of Health Care Services;
- Department of Health Care Services Waiver of Proportionate Share of Claim as to Jesse R. Tubbs: Respondent Jesse Tubbs applied for waivers of his proportionate share of the Department of Health Care Services claims against the estates of his father Abraham Tubbs and his mother Julia Tubbs (Decedent); the waiver was granted to Jesse Tubbs as to the estate of Julia Tubbs (*copy attached*);
- The waiver was denied to Respondent Jesse Tubbs as to the estate of Abraham Tubbs; the 4/30/2011 letter of Attorney Joy Docktor (*copy at Exhibit A*), notes that Respondent Jesse Tubbs did not pursue the appeal through Central California Legal Services; Respondent nonetheless appealed the administrative denial, and the appeal was denied after the hearing;
- Respondent Jesse Tubbs alleges that under the law and regulations, the distribution by this Court needs to reflect the grant of the waiver to Respondent Jesse Tubbs as to the Department of Health Care Services claim against Julia Tubbs;
- Respondent Jesse Tubbs further alleges that under the regulations the amount that the Department of Health Care Services will require Jesse Tubbs to pay based on his income and expenses will differ from the amounts that Abraham Tubbs will be required to pay;
- Respondent Jesse Tubbs alleges that the full amount of both Department of Health Care Services claims at the appraised value of the Decedent's estate would be **\$45,000.00**; Respondent Jesse Tubbs alleges that prior to the 4/27/2015 hearing in this Court the amount of the Department of Health Care Services asserted claim was **\$22,500.00**; since that hearing the Department of Health Care Services has raised the total claim to **\$33,750.00**, an additional **\$11,250.00**;
- Respondent Jesse Tubbs alleges that the additional **\$11,250.00** in the Department of Health Care Services claim is ½ of the **\$22,500.00** relating to the Estate of Julia Tubbs;
- The attached copy of the letter from Joy Docktor, Central California Legal Services, to Respondent Jesse Tubbs analyzing the Department of Health Care Services lien, and concluding that the waiver granted to Respondent reduced his proportional share of the total claim to **\$11,250.00**;
- Respondent alleges that that ½ interest of Abraham Tubbs Jr. in the residence would be subject to a proportionate share claim of **\$22,500.00**;
- Corrections Needed to Distribution Paragraphs: Respondent alleges the lien for reimbursement to the Department of Health Care Services does not reflect the granting of the waiver to Respondent Jesse Tubbs and deprives Respondent of the waiver, contrary to law; the proposed lien does not reflect that Abraham Tubbs Jr. and Respondent Jesse Tubbs may be required to make different monthly payments to the Department of Health Care Services;

Respondent Jesse Tubbs requests that the Court order that Petitioner Abraham Tubbs Jr. is required to submit to the Court and Respondent's review an order for distribution in *[the form stated on Pages 8 to 12 of Response; omitted here.]*

Respondent Jesse R. Tubbs Points and Authorities in Support of Response and Objections to First Amended Petition for Settlement, etc., was filed on 6/25/2015, with proof of service to Attorney Burnside and Department of Health.

Memorandum of Points and Authorities in Reply to Jesse Tubbs' Response, etc.; and **Request for Judicial Notice in Support of Reply to Jesse Tubbs' Response, etc.**, were filed 6/29/2015.

Attorney Burnside, Leigh W. (for Petitioner Abraham Isaak Tubbs, Jr., Administrator, son)
 Attorney Deal, Leonard E., (for Objector Jesse R. Tubbs, son)

Probate Status Hearing Re: Settlement

DOD: 12/30/2011	<p>ABRAHAM ISAAK TUBBS, JR., son and Administrator, filed the <i>First Amended (1) Petition for Settlement of First and Final Account; (2) for Allowance of Compensation for Ordinary Services as Administrator, (3) for Reimbursement of Advanced Costs, and (4) for Allowance of Ordinary and Extraordinary Attorneys' Fees, and (5) for Final Distribution Subject to a Real Property Lien for Costs of Administration and Debts Owed by the Estate on 5/19/2015.</i></p> <p>Response of JESSE R. TUBBS to ABRAHAM ISAAK TUBBS, JR., to First Amended Petition for Settlement of First and Final Account, etc., was filed on 6/19/2015.</p> <p>Minute Order dated 6/30/2015 from the First Amended Petition set a Status Hearing Re Settlement on 8/11/2015.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need current status report pursuant to Local Rule 7.5(B), which provides that in all matters set for Status Hearing, a verified Status Report must be filed no later than 10 days before the hearing; notice of the status hearing with a copy of the Status Report shall be served on all necessary parties.</p>	
Cont. from			
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			X
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: LEG	
		Reviewed on: 8/7/15	
		Updates:	
		Recommendation:	
		File 5B – Tubbs	

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

Temporary Expires 8/11/15

ILDA AGUILAR, maternal grandmother, is petitioner.

Please see petition for details.

Court Investigator Report filed on 12/2/14.

Objection of father, Gabriel Garza, filed on 4/7/15.

Declaration of Petitioner Ilda Aguilar filed on 5/5/15.

Declaration filed 7/2/15.

Declaration of Petitioner Ilda Aguilar filed on 7/30/15.

**NEEDS/PROBLEMS/
COMMENTS:**

Continued from 7/7/15. Minute order states Ms. Aguilar is to have the declaration she filed properly served by 7/10/15, and any responses are to be filed and served by 7/17/15. As of 8/6/15 there is no proof of service filed for the declaration of Ilda Aguilar filed on 7/2/15 or on the most recent declaration of Ilda Aguilar filed on 7/30/15.

Cont. from 120914,
020315, 031715,
042815, 060915,
070715

	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	
	9202	
✓	Order	
	Aff. Posting	
	Status Rpt	
✓	UCCJEA	
	Citation	
	FTB Notice	

Reviewed by: KT
Reviewed on: 8/6/15
Updates:
Recommendation:
File 7 - Garza

8 Trevor Vasquez (GUARD/P)

Case No. 15CEPR00058

Petitioner Gilbert R. Chavez Jr. (Pro Per – Step-Father – Petitioner)
Petitioner Amy Nicole Chavez (Pro Per – Wife of Step-Father – Petitioner)
Attorney Johns, Dallas (for Vanessa Vasquez – Mother)
Petition for Appointment of Guardian of the Person (Prob. Code §1510)

		See petition for details.	NEEDS/PROBLEMS/COMMENTS: Note: The Court requested proof of dental treatment for the minor. For the status hearing on 7/14/15, Petitioner filed a declaration stating that dental treatment was not obtained due to insurance ineligibility. Ms. Johns represented that she is working with the mother and Petitioners to get the dental treatment for the minor.
	Aff.Sub.Wit.		1. Need Notice of Hearing and proof of personal service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing per Probate Code §1511 on: - Vanessa M. Vasquez (Mother)
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg	X	
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.	X	
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
✓	CI Report		
✓	Clearances		
✓	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		
			2. Need proof of service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing per Probate Code §1511 or consent and waiver of notice or declaration of due diligence on: - Roald Berry Sr. (Paternal Grandfather) - Unknown Maternal Grandfather - Tammy Kelton (Maternal Grandmother)
			Reviewed by: skc
			Reviewed on: 8/4/15
			Updates: 8/5/15
			Recommendation:
			File 8A - Vasquez

Attorney Winter, Gary (for Velia Juarez, Velia – Daughter – Petitioner)

First Amended Petition for Probate of Will and for Letters Testamentary; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

DOD: 12/28/14	VELIA JUAREZ , Daughter and named Executor without bond, is Petitioner and requests appointment as Administrator with Will Annexed with Full IAEA without bond.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p style="text-align: center;"><u>OFF CALENDAR</u></p> <p>Second Amended petition filed 8/6/15 is set for hearing on 9/17/15.</p> <ol style="list-style-type: none"> Petitioner states she does not have the original will, but does not state why, and does not address the presumption under Probate Code §6124 that the testator destroyed the will with intent to revoke if original not found. Proof of Subscribing Witness relates to the original signing only and does not address this presumption. Need further information. Need publication pursuant to Probate Code §8120. <u>Note</u>: Publication filed 4/17/15 in connection with the prior petition is not adequate since this is an amended petition that was given a new hearing date. Petitioner requests appointment as “Administrator with Will Annexed;” however, if the lost will is admitted to probate, it appears Petitioner would more appropriately be appointed as Executor, since she is named Executor in the will. If granted, need order pursuant to Probate Code §8223, complete with terms of will.
Cont. from 070715	Full IAEA – need re-publication	
<input checked="" type="checkbox"/> Aff.Sub.Wit.	Will dated 8/20/91	
<input checked="" type="checkbox"/> Verified	Residence: Del Rey, CA	
Inventory	Publication: Need re-publication	
PTC	Estimated value of estate: Real property: \$300,000.00	
Not.Cred.	Probate Referee: Rick Smith	
<input checked="" type="checkbox"/> Notice of Hrg	Petitioner states she does not have the original will.	
<input checked="" type="checkbox"/> Aff.Mail w	A Proof of Subscribing Witness was filed 5/13/15 by Sal Blanco, who witnessed the signing of the will as well as prepared the will. A copy of the will is attached.	
Aff.Pub. x		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
<input checked="" type="checkbox"/> Letters		
<input checked="" type="checkbox"/> Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
<input checked="" type="checkbox"/> Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: skc
		Reviewed on: 8/5/15
		Updates: 8/6/15
		Recommendation:
		File 12 - Juarez

Attorney Perryman, Mark D. (of Carlsbad, CA, for Mark Duggan – Petitioner)

**Petition for Findings and Orders to Compel an Accounting or Provide Information on the Trust:
Confirm the Creation and Funding of Trust B; and Instructions on Validity of Trust Amendment**

<p>Virginia L. Duggan DOD: 4/17/12</p>	<p>MARK DUGGAN, Remainder Beneficiary of Trust B, the irrevocable trust created under the Daniel J. Duggan and Virginia L. Duggan Revocable Living Trust dated 5/31/11, is Petitioner.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>
<p>Cont. from 050515, 070715</p>	<p>Petitioner seeks findings and orders to compel an accounting and provide information on the Trust B, confirm the creation and funding of Trust B, and that a trust amendment dated 6/29/12 (after the death of Settlor Virginia L. Duggan) applies only to Trust A.</p>	<p><u>Minute Order 5/5/15:</u> Mr. Tomassian requests a continuance for discussions.</p>
<p><input type="checkbox"/> Aff.Sub.Wit.</p>	<p>Petitioner states Daniel and Virginia, husband and wife, executed the Daniel J. Duggan and Virginia L. Duggan Revocable Living Trust on 5/31/11.</p>	<p><u>Update:</u> On 7/17/15, the parties filed a Stipulation as to various facts. The Court's order thereon was entered on 8/7/15.</p>
<p><input checked="" type="checkbox"/> Verified</p>	<p>Virginia is Petitioner's mother. Daniel is Petitioner's adopted father. The trust provides that if either co-trustee should resign, become incapacitated, or die then the surviving trustee would become the sole trustee. Further, the trust provides that upon the death of one of the trustors, the trust was to be split into revocable Trust A and irrevocable Trust B, which was designated to hold the portion of the trust estate not allocated to revocable Trust A, portions from revocable trust A added upon the death of the surviving trustor, and other additions.</p>	<p><u>Note:</u> Neither the stipulation nor the order addresses this petition or continued hearing so it appears it would remain on calendar unless a request for dismissal is received.</p>
<p><input type="checkbox"/> Inventory</p>	<p>Virginia passed away 4/17/12. Over a year has passed since Virginia's death and Mark still has not received any information on his beneficial share of Trust B. Mark sent Daniel emails and letters requesting information and accounting, which went unanswered for some time. On 8/8/14, by and through his attorneys, Mark sent a letter to Daniel's attorney requesting, among other things, copies of the trust, amendments, and a full, complete, and accurate accounting that complies with Probate Code §§ 16063 and 1060 from 4/17/12 to the present date. The letter also stated that Mark agreed to Daniel's proposed allocation of real properties to Trust B.</p>	<p>The following issues remain noted:</p>
<p><input type="checkbox"/> PTC</p>	<p>SEE ADDITIONAL PAGES</p>	<ol style="list-style-type: none"> 1. The Court may require notice to Therese Tiab, the second named successor trustee, pursuant to Probate Code §17203. 2. Need proposed order pursuant to Local Rule 7.1.1.F.
<p><input type="checkbox"/> Not.Cred.</p>		<p>Reviewed by: skc</p>
<p><input checked="" type="checkbox"/> Notice of Hrg</p>		<p>Reviewed on: 8/5/15</p>
<p><input checked="" type="checkbox"/> Aff.Mail w</p>		<p>Updates: 8/7/15</p>
<p><input type="checkbox"/> Aff.Pub.</p>		<p>Recommendation:</p>
<p><input type="checkbox"/> Sp.Ntc.</p>		<p>File 13 - Duggan</p>
<p><input type="checkbox"/> Pers.Serv.</p>		
<p><input type="checkbox"/> Conf. Screen</p>		
<p><input type="checkbox"/> Letters</p>		
<p><input type="checkbox"/> Duties/Supp</p>		
<p><input type="checkbox"/> Objections</p>		
<p><input type="checkbox"/> Video Receipt</p>		
<p><input type="checkbox"/> CI Report</p>		
<p><input type="checkbox"/> 9202</p>		
<p><input type="checkbox"/> Order x</p>		
<p><input type="checkbox"/> Aff. Posting</p>		
<p><input type="checkbox"/> Status Rpt</p>		
<p><input type="checkbox"/> UCCJEA</p>		
<p><input type="checkbox"/> Citation</p>		
<p><input type="checkbox"/> FTB Notice</p>		

Petitioner states (Cont'd): Mark requested that Daniel record the deeds of the assets allocated to reflect that the assets were a part of Trust B and execute a promissory note for \$125,000.00 with Trust B as the holder and Trust A as the maker of the note. Properties include:

1. 6022 North Marty Ave., APN 106-362-06S
2. 1697 East Los Altos, APN 408-253-13
3. 6750 North Millbrook, APN 408-281-07
4. 2020 South Mary, APNs 468-341-03 and 04
5. 2003-2009 South Sarah, APNs 468-341-14 and 18

On 8/12/14, counsel for Daniel sent a letter that stated he would forward the request to Daniel and provide information as requested. On 8/15/14, Counsel for Daniel mailed the Notification by Trustee pursuant to Probate Code §16061.7 and a copy of the Trust to Mark. The Notification indicated that the trust was amended on 6/29/12, after Virginia's death. Mark did not receive the amendment or the accounting requested.

Again, on 8/26/14, Mark's counsel wrote a letter requesting the trust documents that Daniel had failed to provide and again requested accounting. Daniel's counsel sent a letter that the accounting should be completed within about two weeks. Mark received a trust accounting for the period of 10/1/13 through 6/30/14, but the accounting did not conform to Probate Code §16063.

To date, Daniel has not furnished accounting that complies with the probate code, or the trust amendments. Further, he has not provided a copy of the appraisal report for the values of the real property that were to be allocated to Trust B. Daniel has provided copies of the recorded deeds showing that the appropriate properties were allocated to Trust B except for 2020 South Mary and 2003-2009 South Sarah. Daniel has also not provided an executed promissory note for \$125,000.00 naming Trust B as the holder and Trust A as the maker of the note.

Petitioner provides authority and prays for relief as follows:

1. Finding that Trust B became irrevocable on 4/17/12;
2. Finding that the 6/29/12 amendment is not applicable to Trust B;
3. Finding that any amendment made after 4/17/12 is not applicable to Trust B;
4. Compelling the trustee to provide an accounting from 4/17/12 to present that complies with Probate Code §16063;
5. Compelling the trustee to provide all amendments to the trust;
6. Confirming the transfer of the following properties to the trust:
 - 6022 North Marty Ave., APN 106-362-06S
 - 1697 East Los Altos, APN 408-253-13
 - 6750 North Millbrook, APN 408-281-07
7. Instructing the trustee to transfer the following properties to Trust B:
 - 2020 South Mary, APNs 468-341-03 and 04
 - 2003-2009 South Sarah, APNs 468-341-14 and 18
8. Instructing the trustee to execute a promissory note for \$125,000.00 with Trust B as the holder and Trust A as the maker of the note;
9. Approving the division of the trust into Trust A and Trust B;
10. For attorneys' fees and costs as permitted by law; and
11. For such other relief the court deems just and proper.

Petition for Letters of Administration. Authorization to Administer under the Independent Administration of Estates Act

DOD: 3/1/13		<p>ANDY MUIR, son, is petitioner and requests appointment as Administrator without bond.</p> <p>Full IAEA – o.k.</p> <p>Decedent died intestate.</p> <p>Residence: Fresno Publication: Fresno Business Journal</p> <p>Estimated value of the estate: Real property- \$320,000.00</p> <p>Probate Referee: Steven Diebert</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 7/1/15. As of 8/5/15 the following issues remain:</p> <ol style="list-style-type: none"> 1. Need Waiver of Bond from beneficiary, Lori Muir-Gutierrez, <u>or</u> Limited IAEA <u>or</u> bond set at \$320,000.00 2. Proposed personal representative is a resident of Washington. Probate Code 8571 states notwithstanding a waiver of bond, the court in its discretion may require a nonresident personal representative to give a bond in an amount determined by the court. <p>Note: If the petition is granted, status hearings will be set as follows:</p> <ul style="list-style-type: none"> • Wednesday, September 16, 2015 at 9:00 a.m. in Department 303, for the filing of the bond, if required. • Wednesday, January 20, 2016 at 9:00 a.m. in Department 303, for the filing of the inventory and appraisal. • Wednesday, October 19, 2016 at 9:00 a.m. in Department 303, for the filing of the first account or petition for final distribution. <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.</p>	
Cont. from 070115				
<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 type="checkbox"/>	Notice of Hrg			
<input checked="" type="checkbox"/>	Aff.Mail			W/
<input checked="" type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input checked="" type="checkbox"/>	Letters			
<input checked="" 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			
Reviewed by: KT				
Reviewed on: 8/6/15				
Updates:				
Recommendation:				
File 14 - Muir				

		See petition for details.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Minute Order 6/30/15</u> states the Maternal Grandparents and siblings need to be served. As of 8/5/15, nothing further has been filed.</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of service of Notice of Hearing with a copy of the temp petition at least 15 days prior to the hearing pursuant to Probate Code §1511 <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence on: <ul style="list-style-type: none"> - Ernest Smith (Paternal Grandfather) - Edward Nutt (Maternal Grandfather) - Ann Nutt (Maternal Grandmother) - Siblings age 12 and older: Lelan Lee, Ryan Myles, Tayvyonne Lee 3. The UCCJEA is incomplete. Need minor's residence history for the past five years (since birth). 	
Cont from 051315, 052015, 063015				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg			X
	Aff.Mail			X
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			X
✓	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: 8/5/15		
		Updates:		
		Recommendation:		
		File 15 - Smith		

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

		See petition for details.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Minute Order 7/7/15</u> states this matter is continued for service to paternal grandfather Melvin Brown and the unnamed maternal grandparents. Ms. Brown (sic) is to inquire of Stephanie Wise as to her parents' names and whereabouts.</p> <p>As of 8/5/15, nothing further has been filed.</p> <p>1. Need proof of service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence for the paternal grandfather and maternal grandmother and grandfather.</p>	
Cont. from 070715				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
	Aff.Mail			X
	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			
			Reviewed by: skc	
			Reviewed on: 8/5/15	
			Updates:	
			Recommendation:	
			File 16 – Brown	

Petitioner Lomeli-Marashlian, Erica (Pro Per – Maternal Aunt – Petitioner)

Petitioner Salazar, Christopher Manuel (Pro Per – Brother – Petitioner)

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

		See petition for details.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Minute Order 7/8/15:</u> The Court orders that there shall be no visits to either parent unless they appear before the court.</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of personal service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing per Probate Code §1511 on: <ul style="list-style-type: none"> - Mario Herrera, II (Father) - Lisette Rosato (Mother, if diligence not found) 3. Need proof of service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing per Probate Code §1511 on: <ul style="list-style-type: none"> - Paternal Grandfather - Paternal Grandmother - Maternal Grandfather - Maternal Grandmother Beverly Marashlian 	
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg			X
	Aff.Mail			X
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			X
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
✓	CI Report			
✓	Clearances			
✓	Order			
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: skc	
			Reviewed on: 8/5/15	
			Updates:	
			Recommendation:	
			File 17 – Herrera	

DOD: 1/30/15		<p>GARY TOMISAKA, DENNIS TOMISAKA, and EILEEN TOMISAKA, adult children of decedent, are Petitioners.</p> <p>40 days since DOD</p> <p>No other proceedings</p> <p>I&A: \$75,000.00 (real property located at 941 S. Riverview in Reedley)</p> <p>Will dated 6/3/91 devises estate to Petitioners.</p> <p>Declaration filed 8/6/15 states the original will has never been revoked, but was lost. The attorney who prepared the will has retired and Petitioners have been unable to contact him to find out where his client files are stored. The decedent's spouse died in 2000; therefore, intestate succession would be to the decedent's three children in equal shares, like the will.</p> <p>Petitioners request court determination that the decedent's 100% interest in the real property in Reedley passes to them in 1/3 undivided interests each pursuant to the decedent's will.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>	
	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>Reviewed by: skc</p> <p>Reviewed on: 8/5/15</p> <p>Updates:</p> <p>Recommendation: SUBMITTED</p> <p>File 20 - Tomisaka</p>				

DOD: 4/17/15		JOSE D. HERNANDEZ , Son, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: <u>Note: Amended petition may be necessary based on the following issues:</u> <ol style="list-style-type: none"> Petition is incomplete at #9a(1). Was decedent survived by a spouse or no spouse? If no spouse, was decedent divorced or never married, or is the spouse deceased? If deceased, need spouse's date of death per Local Rule 7.1.1.D. Petition is incomplete at #9a(3). Was decedent survived by issue of a predeceased child or no predeceased child? Attachment 11 does not state the decedent's interest in the assets. Did the decedent own a 100% interest in the real property and bank account? The petition is blank at #12 as to why Petitioner is the successor of the decedent. Did the decedent have a will? If so, need original deposited per Probate Code §8200. The petition is incomplete at #13 as to what interest in the assets is being claimed by Petitioner. (Petition refers to Exhibit A, which is only a description of the real property.) Petitioner is not the only child of the decedent. If the decedent did not have a will naming Petitioner as heir, then he is not the only heir. This summary procedure can only be used if all successors in interest petition together. This petition was filed with a fee waiver. If property passes pursuant to this petition, the filing fee of \$435.00 will be due prior to such order. Need Notice of Hearing and proof of service on all relatives entitled to notice per Probate Code §13153.
		40 days since DOD	
		No other proceedings	
<input type="checkbox"/>	Aff.Sub.Wit.	<input checked="" type="checkbox"/>	
<input checked="" type="checkbox"/>	Verified		
<input checked="" type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg	<input checked="" type="checkbox"/>	
<input type="checkbox"/>	Aff.Mail	<input checked="" type="checkbox"/>	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<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		
I&A: \$50,272.00 (real property located at 160 S. Alpine in Fresno plus \$272.00 cash)			
Petitioner requests ? (Petition refers to Exhibit A, which is only a description of the real property.)			
Reviewed by: skc Reviewed on: 8/5/15 Updates: Recommendation: File 21 – Peralta			

22 **Richard Aguilar (Det. Succ)**
 Attorney Teixeira, J. Stanley (for Petitioner Theresa Finger)
 Petitioner Aguilar, Richard (Pro Per Petitioner)
 Petitioner Aguilar, Joe (Pro Per Petitioner)
 Petitioner Aguilar, Edward J. (Pro Per Petitioner)
 Petitioner Aguilar, Angelica (Pro Per Petitioner)

Case No. 15CEPR00655

Petition to Determine Succession of Real Property (Prob. Code §13150)

DOD: 5/26/07		<p>THERESA FINGER, Individually and as Special Administrator of the Estate of MARY L. G. AGUILAR, RICHARD AGUILAR, JOE AGUILAR, EDWARD J. AGUILAR, and ANGELICA AGUILAR are Petitioners.</p> <p>40 days since DOD</p> <p>No other proceedings</p> <p>I&A: \$13,330.00 (a 1/3 interest in real property located at 36944 Orange Street in Huron, CA)</p> <p>Decedent died intestate</p> <p>Petitioners request Court determination that the decedent's 1/3 interest in the real property passes to them as follows:</p> <p>Theresa Finger, as Special Administrator of the Estate of Mary L. G. Aguilar aka Mary Louisa Garcia: A 1/3 interest of Decedent's 1/3 interest.</p> <p>Theresa Finger (Individually): A 2/45 interest of Decedent/s 1/3 interest</p> <p>Richard Aguilar: A 2/45 interest of Decedent/s 1/3 interest</p> <p>Joe Aguilar: A 2/45 interest of Decedent/s 1/3 interest</p> <p>Edward J. Aguilar: A 2/45 interest of Decedent/s 1/3 interest</p> <p>Angelica Aguilar: A 2/45 interest of Decedent/s 1/3 interest</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Note:</u> Declaration of Attorney Teixeira states the original I&A was inadvertently filed in 15CEPR00578, Special Administration of Estate of Richard Aguilar. A copy of the I&A is filed herein.</p> <p style="text-align: center;"><u>SEE PAGE 2</u></p>
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input checked="" 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 <input type="checkbox"/> w/o		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<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		
		<p>Reviewed by: skc</p> <p>Reviewed on: 8/5/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 22 – Aguilar</p>	

Page 2

NEEDS/PROBLEMS/COMMENTS:

1. Petitioner Theresa Finger has not yet been appointed as Special Administrator of the Estate of Mary L. G. Aguilar in 15CEPR00656. Hearing in that matter is set for 8/12/15.
2. The petition is missing Attachment 14, which should list the names, relationships to decedent, ages, and addresses of all persons named in items 1, 9, 10, all other heirs.
Note: It appears from the proposed distribution and information provided in related cases that Mary L. G. Aguilar was the decedent's spouse, and the other 5 petitioners are the decedent's children, but that information is not provided or verified in this petition.
3. Need date of death of Mary L. G. Aguilar per Local Rule 7.1.1.D.
Note: It appears from related case 15CEPR00656 that Mary L.G. Aguilar's date of death is 6/26/13; however, that information is not provided or verified in this petition.
4. This petition states the decedent Richard Aguilar owned a 1/3 undivided interest in the real property in Huron. On 7/27/15, in related case 15CEPR00579 (Matter of Clara Aguilar), decedent Richard Aguilar was determined to succeed to a 1/3 interest of Clara Aguilar's 1/4 interest in the property, which would be equivalent to a 1/12 interest.

Therefore, need clarification: Did the decedent own additional interest in this property aside from what was passed in the related case to make up the difference between the 1/12 interest passed and 1/3 interest alleged here?
5. The interests appear to be distributed incorrectly: If five of the six heirs (Theresa individually, Richard, Joe, Edward, and Angelica) are splitting a 2/3 interest in the decedent's 1/3 interest, they would each be receiving a 2/9 interest in the decedent's 1/3 interest or, stated another way, a 2/45 interest in the property as a whole, not a 2/45 interest in the decedent's 1/3. (Note: This calculation is subject to #4 above.)

Petition for Termination of Conservatorship

DOD: 8/16/14	<p>ROBERT SORENSEN, brother and sole remaining Conservator, is Petitioner.</p> <p>Petitioner states original Robert Sorensen and Stanford Sorensen were co-conservators of Myrtle. Stanford Sorensen died 6/10/13. Myrtle died 8/16/14.</p> <p>There are no other persons that require notice.</p> <p>Conservatorship of the person and estate is no longer required. There are no assets as the estate was insolvent and the Co-Conservators were loaning their own personal funds to support the Conservatee. The Co-Conservators were released from their bond in September 2007 after the 2nd Account was approved. Further accountings were waived by the court.</p> <p>Petitioner requests that the conservatorship of the person and estate of Myrtle J. Sorensen be terminated.</p>	NEEDS/PROBLEMS/COMMENTS:
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: skc
		Reviewed on: 8/5/15
		Updates:
		Recommendation:
		File 23 – Sorensen

First and Final Account and Report of Personal Representative and Petition for Its Settlement; for Allowance of Attorneys' Fees for Ordinary Services; and for Final Distribution.

DOD: 2/27/14	JANELLE HOVSEPIAN , Administrator, is petitioner.		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Petition states the creditor's claim of \$212.60 was rejected on 4/17/15 however the Allowance or Rejection of Creditor's Claim filed on 5/7/15 shows the claim was approved.</p> <p>2. Petition states the creditor's claim of Phillips & Cohen in the amount of \$1,333.19 was compromised for \$1,065.00. California Rules of Court, Rule 7.401 states for each creditor's claim filed the personal representative must allow or reject in whole or in part the claim in writing, serve a copy of the creditor and creditor's attorney and filed a copy of the allowance or rejection with the court. An Allowance or Rejection of said claim has not been filed. Need Allowance or Rejection of Creditor's Claim.</p> <p style="text-align: center;">Please see additional page</p>
	Account period: 2/27/14 – 5/5/15		
Cont. from	Accounting	- \$306,916.82	
Aff.Sub.Wit.	Beginning POH	- \$298,518.59	
<input checked="" type="checkbox"/> Verified	Ending POH	- \$216,533.42	
<input checked="" type="checkbox"/> Inventory	Administrator	- waives	
<input checked="" type="checkbox"/> PTC	Attorney	- \$9,025.84	
<input checked="" type="checkbox"/> Not.Cred.	(statutory)		
<input checked="" type="checkbox"/> Notice of Hrg	Costs	- \$488.00	
<input checked="" type="checkbox"/> Aff.Mail	(filing fee, certified copies)		
	W/		
Aff.Pub.	Closing	- \$10,000.00	
Sp.Ntc.	Distribution, pursuant to intestate succession, is to:		
Pers.Serv.	Janelle Hovespien - Decedent's 1/4 separate property interest in real property, guns and \$64,274.79		
Conf. Screen	Greg Heard - Gun safe, various guns and \$16,780.93		
<input checked="" type="checkbox"/> Letters	4/23/14		
Duties/Supp	Pam Hart - \$21,794.93		
Objections	Paul Heard - \$7,264.97		
Video Receipt	William Ramos - \$7,264.98		
CI Report	Amanda Galvan - \$7,264.98		
<input checked="" type="checkbox"/> 9202			
<input checked="" type="checkbox"/> Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
<input checked="" type="checkbox"/> FTB Notice			
Reviewed by: KT			
Reviewed on: 8/6/15			
Updates:			
Recommendation:			
File 25 – McIntire			

Note: Pursuant to Local Rule 7.12.6 the Court will set a Status Hearing as follows:

Wednesday, February 24, 2016 at 9:00 a.m. in Dept. 303 for an Informal Accounting of the **\$10,000.00** Closing Reserve.

Pursuant Local Rule 7.5, if the document noted above is filed 10 days prior to the date listed, the hearing will be taken off calendar and no appearance will be required. **Filing of the informal accounting of closing reserve will not generate a new hearing date.**