



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.

**First and Final Account and Report of Executor and Report of Executor and
 Petition for Its Settlement for Allowance of Statutory Commissions and for Final
 Distribution**

DOD: 7/19/07		FRANKIE FREITAS , Executor, is petitioner.	NEEDS/PROBLEMS/COMMENTS: Note: Objections have been filed by J.L. Melikian. J.L. Melikian is an alias for Janetta Sconiers. Janet (Janetta) Sconiers has been deemed by the court to be a vexatious litigant. In her objections she states the court has systematically refused to file the responsive pleadings provided by Janetta Sconiers therefore she has chosen to file the objections under her recognized alias J.L. Melikian. Examiner has not reviewed the objections as the objector does not have a pre-filing order allowing her to file said objections.
		Account period: 7/19/07 – 5/15/14	
Cont. from		Accounting - \$177,609.22	
<input type="checkbox"/>	Aff.Sub.Wit.	Beginning POH - \$177,609.22	
<input checked="" type="checkbox"/>	Verified	Ending POH - \$175,500.00	
<input checked="" type="checkbox"/>	Inventory	Executor (statutory) - \$6,328.28	
<input checked="" type="checkbox"/>	PTC	Attorney (statutory) - \$6,328.28	
<input type="checkbox"/>	Not.Cred.	Attorney x/o - \$17,500.00	
<input checked="" type="checkbox"/>	Notice of Hrg	(for will contest, trial on property claim and costs reduced from \$40,636.58).	
<input checked="" type="checkbox"/>	Aff.Mail	Proposed distribution , pursuant to Decedent's Will, assignment of interest and court order allowing the extraordinary fees charged against beneficiary Janet Sconiers share of the estate is to:	
<input type="checkbox"/>	Aff.Pub.	Rita Sconiers - 1/9 interest in real and personal property.	
<input type="checkbox"/>	Sp.Ntc.	Nathaniel Sconiers - 1/9 interest in real and personal property.	
<input type="checkbox"/>	Pers.Serv.	Frankie Freitas - 2/9 interest in real and personal property.	
<input type="checkbox"/>	Conf. Screen	Priscilla Sconiers Dorsey - 1/9 interest in real and personal property.	
<input checked="" type="checkbox"/>	Letters	Jack Sconiers, Jr. - 1/9 interest in real and personal property.	
<input type="checkbox"/>	Duties/Supp	Phyllis Sconiers - 1/9 interest in real and personal property.	
<input type="checkbox"/>	Objections	The Estate of Clarence Whitmore, Jr. - 1/9 interest in real and personal property.	
<input type="checkbox"/>	Video Receipt	Zachary Sconiers - 1/9 interest in real and personal property.	
<input type="checkbox"/>	CI Report		
<input checked="" 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	N/A	

Reviewed by: KT
Reviewed on: 8/11/14
Updates:
Recommendation:
File 1 – Sconiers

Jerry Campbell DOD: 8-4-00	KEVIN S. CAMPBELL , beneficiary, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
	Petitioner states he is an income and principal beneficiary of The Jerry W. Campbell and Billie J. Campbell Irrevocable Trust dated March 28, 1991 . The trust is irrevocable.	Continued from 4-9-14, 5-21-14, 6-25-14
Cont from 040914, 052114, 062514	Petitioner states DAVID E. ASH is the duly appointed and acting trustee.	Minute Order 5-21-14: Mr. Schorling with fill notice of hearing and declaration addressing Examiner Note issues. David Ash is ordered to be personally present at next hearing. The Court will send notice. Continued to 6-25-14.
<input type="checkbox"/> Aff.Sub.Wit.	Petitioner states the trustee has not made any report of information whatsoever concerning the trust for the period starting with commencement of the trust on 3-28-91 until 8-3-00. For the period 8-3-00 until 2-1-09, the trustee provided incomplete and handwritten information (see attached copies). All of this incomplete and handwritten information is written so sloppily that it is difficult or impossible to comprehend. Moreover, because no information has been provided concerning the trust from 3-28-91 through 8-3-00, there is no context for understanding what little incomplete information has been provided.	Minute Order 6-25-14: Matter continued to 8-13-14. Parties present are ordered to appear on 8-13-14.
<input checked="" type="checkbox"/> Verified		As of 8-11-14, nothing further has been filed.
<input type="checkbox"/> Inventory		<p style="text-align: center;"><u>SEE ADDITIONAL PAGES</u></p>
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail	W	
<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		Reviewed by: skc
<input type="checkbox"/> Status Rpt		Reviewed on: 8-11-14
<input type="checkbox"/> UCCJEA		Updates:
<input type="checkbox"/> Citation		Recommendation:
<input type="checkbox"/> FTB Notice	<p>Petitioner prays for an order:</p> <ol style="list-style-type: none"> 1) Compelling David E. Ash as trustee to prepare and file with this Court an account of the trust since its commencement on 3-28-91, including copies of any and all documents that support, substantiate, or evidence any item set forth in the accounting; 2) Instructing David E. Ash to petition this Court for the settlement of the account and give notice of the hearing on the petition; 3) For such attorney fees and costs as may be allowable by law; and 4) For all other orders the Court deems proper. 	File 4 – Campbell

Note: Petitioner Kevin Campbell is a beneficiary. The petition states the other beneficiaries are:

- Randall D. Campbell (Deceased)
- Ricky D. Campbell (Deceased)
- Keith J. Campbell – address provided
- Jennifer D. Campbell (Deceased)
- Scottie W. Campbell – address provided

Notice of Hearing filed 3-13-14 indicates mailing to David Ash, Keith J. Campbell, and Scottie W. Campbell.

Examiner Notes requested clarification on the dates of death for the deceased beneficiaries per local rule, and Petitioner provided the following information:

Declaration filed 5-21-14 provides the following information:

- Trustor Jerry W. Campbell died 8-4-00
- Trustor Billie J. Campbell is still alive
- Deceased beneficiary Randall Campbell died 1-4-07
- Deceased beneficiary Ricky Campbell died 4-20-09
- Deceased beneficiary Jennifer Campbell died 5-21-09

Examiner Notes requested a complete list of all persons entitled to notice of this petition pursuant to Probate Code §17201.

Petitioner's Declaration filed 5-21-14 states: Trustor Billie J. Campbell is still alive. Beneficiary Randall Campbell died on 1-4-07 leaving only two issue: Petitioner and Petitioner's brother Keith. Beneficiary Ricky Campbell died 4-20-09 leaving two children: Scottie W. Campbell and Jennifer D. Campbell. Jennifer D. Campbell died 5-21-09 survived by a minor child (name not included). Neither Petitioner nor Keith have issue. Petitioner states does not have mailing addresses for the children of Scottie W. Campbell or Jennifer D. Campbell. He attempted to obtain them from Trustor Billie J. Campbell; however, she did not return his calls or letter. Petitioner states Notice of Hearing was mailed to Trustee David Ash via certified mail, as evidenced by the receipt attached.

Notice of Hearing filed 6-2-14 indicates mailing to David Ash (via certified mail, receipt signed by Linda Ash, not David Ash, but also via Civil Subpoena personally served), and to Keith J. Campbell, Scottie W. Campbell, and Billie J. Campbell via regular first class mail.

Examiner's Note: *The declaration is not verified by the Petitioner, and although the declaration provides some family lineage, there is no statement providing the complete list of persons entitled to notice of this petition with addresses as requested and pursuant to §17201, and although, as previously noted, the trust appears to include spouses, no spouses are listed.*

Therefore, a complete verified list of persons entitled to notice of this petition pursuant to §§ 17201, 17203 is still needed.

SEE ADDITIONAL PAGES

NEEDS/PROBLEMS/COMMENTS:

1. **The following item remains per above discussion:** Probate Code §17201 requires the petition to list all persons entitled to notice. Petitioner lists the other living beneficiaries; however, need clarification: Does this list include all persons entitled to notice pursuant to §17203?

For example, it appears that according to the terms of the trust, spouses and issue of beneficiaries may also be entitled to notice. Some of the beneficiaries are deceased. Is anyone else entitled to notice?

2. **The attached copy of the trust is blank at various pertinent sections, such as the amount initially transferred, the appointment of a trustee, the amount initially received by the trustee, and Schedule A. Need clarification: Is a complete copy of the trust available?**
3. **According to the terms of the trust, the trust was to be split into six separate trusts for each beneficiary upon the deaths of the trustors. However, Petitioner appears to be requesting accounting for the original trust since its inception through the present.**

The Court may require clarification regarding the requested account period and for which trusts.

4. **Examiner Notes previously stated:** Probate Code §17000(b)(7)(B) allows petition under this section if the trustee has failed to provide the requested information within 60 days after the beneficiary's **reasonable written request**.

Petitioner states he faxed a request to the trustee on or about July 1, 2013, and to date the trustee has failed and refused to prepare and provide the requested account.

However, the copy of the letter at Exhibit C does not indicate any fax number or designation (i.e., "sent via facsimile") or fax confirmation data on the page, and Petitioner also does not indicate whether the communication was followed up via regular or certified mail, or telephone call, or whether he was able to confirm receipt of the fax.

Further, the copies of the ledger information provided by the trustee appear to be dated as late as November 2013, which is after the date of the request. This indicates that the copies may have been provided in response to the request.

If so, need clarification as to whether reasonable written request was made after receipt of the ledgers in response to the letters, providing time for response pursuant to Probate Code §17000(b)(7)(B).

Declaration of Attorney Schorling filed 5-21-14 (not verified by the Petitioner) states that subsequent to the July 1, 2013 written request, Petitioner has had at least a half dozen conversations with David Ash, in person and by telephone, reiterating his request for an accounting.

5. **The proposed order includes his filing costs and attorney fees in the amount of \$1,500.00. The Court may require an itemized declaration regarding the fees from the attorney.**

Petition to Appoint Successor Trustee of Bypass Trust and Grandchildren's Trust and for Instructions

Henry Boyajian DOD: 10-18-01	<p>PHYLLIS BRANCHE, daughter of Henry and Margaret Boyajian (trustors) and beneficiary, is Petitioner.</p> <p>Petitioner states Henry and Margaret Boyajian established the trust on 4-9-97 and amended and restated the trust on 9-23-99. After Henry's death on 10-18-01, Margaret became the sole trustee and pursuant to the trust created and funded the Survivor's Trust with the surviving trustor's share of the community property and a portion of the deceased trustor's share equal to the minimum necessary to eliminate estate taxes (the marital deduction amount) and the Bypass Trust with the remaining trust property. The Survivor's Trust was then amendable; however, the Bypass trust was irrevocable. After the death of the surviving trustor, the assets of the Survivor's Trust were to be added to the Bypass Trust and distributed as follows:</p> <ol style="list-style-type: none"> 1) Real property on Nebraska Avenue in Selma to Jeffrey Boyajian; 2) \$400,000 in securities or cash to Petitioner in trust for each of the three grandchildren, Andrew Boyajian Branch, Cody Branche Boyajian, and Alan Boyajian Branche, pursuant to a specified formula; and 3) The remainder to Petitioner and Margaret Courtis in equal shares. <p style="text-align: center;"><u>SEE ADDITIONAL PAGES</u></p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Minute Order 7-16-14: Counsel reports that the matter was settled last night at mediation. Matter continued to 8-13-14 as a placeholder only.</p> <p>Status Report filed by Attorney Burnside states the draft petition for settlement, appointment of a successor trustee, and modification of the trusts is expected to be filed by the end of August.</p> <ol style="list-style-type: none"> 1. Petitioner states the principal place of administration is Fresno County; however, the Successor Trustee, Jeffrey Boyajian, appears to reside in San Leandro, CA, which is Alameda County. Therefore, need clarification re Fresno as proper venue with reference to Probate Code §17005. 2. Petitioner states the names and addresses of the beneficiaries or trustees; however, Petitioner does not state that these are all of the persons <i>entitled to notice</i> pursuant to Probate Code §§ 17201, 17203, 851. The Court may require a verified declaration that this list contains all of the persons <i>entitled to notice</i>. 3. Need copies of trust and amendments. Petitioner states copies of the relevant documents are attached; however, there is nothing attached to the petition. <i>Note: Respondent Jeffrey Boyajian provided a copy of the Third Amendment only.</i> 4. Petitioner requests appointment of herself and Margaret Courtis as co-successor trustees of the Bypass Trust. Need consent of Margaret Courtis. 5. Need order.
Margaret Boyajian DOD: 10-29-13		
Cont: 041014, 071614		
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	X	
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
Reviewed by: skc		
Reviewed on: 8-11-14		
Updates:		
Recommendation:		
File 5 – Boyajian		

Page 2

Petitioner states on 12-21-07, the Surviving Trustor amended the Restatement as to the Survivor's Trust (the First Amendment). On 8-18-07, the Surviving Trustor again amended the Survivor's Trust (the Second Amendment), which Second Amendment revoked the First Amendment, and also:

- Confirmed the specific bequest of real property to Jeffrey Boyajian;
- Concedes that the \$400,000 specific bequest by the Trustors jointly to the grandchildren is irrevocable; and
- Contrary to the dictates of the trust regarding final distribution and regarding the trustee, and despite conceding the irrevocability of the specific bequests to the grandchildren, Surviving Trustor purports to modify the specific bequests by
 - 1) replacing Petitioner as trustee for the grandchildren with a committee comprised of Petitioner, Margaret Courtis, and Jeffrey Boyajian, and
 - 2) modifying the specified formula for distributions;
- Contrary to the dictates of the trust and despite conceding the irrevocability of the provisions of the restatement, Surviving Trustor purports to revoke the distribution of the remainder of the trust to Petitioner and Margaret Courtis by instead giving them a specific bequest of \$1 million each, with the remainder to Jeffrey Boyajian;
- Surviving Trustor purports to state that the provisions of the Second Amendment control over any conflicts between the language of the Restatement and the Second Amendment.

Petitioner states on 6-25-10, and contrary to the dictates of the trust regarding successor trustees of the Bypass Trust, Surviving Trustor executed a Third Amendment that purports to revoke the nomination of Petitioner and Margaret Courtis as successor co-trustees of the Bypass Trust and replace them with Jeffrey Boyajian.

The Surviving Trustor passed away on 10-29-13 and since her death, Jeffrey Boyajian has been acting as the successor trustee of the Survivor's Trust and the Bypass Trust.

Based on the many inconsistencies among the language of the Restatement and the Second and Third Amendments, Petitioner requests instructions from this Court as follows:

Petitioner states the Surviving Trustor clearly had no authority to modify the provisions of the Restatement as to the successor trustee of the Bypass Trust. As such, Petitioner requests that Jeffrey Boyajian be removed as successor trustee and that Petitioner and Margaret Courtis be appointed as successor co-trustees of the Bypass Trust.

There exists a conflict between the Restatement and the Second Amendment as to the final disposition of the trust corpus. Petitioner states the Deceased Trustor's intent was clear that Jeffrey Boyajian receive the property, the grandchildren receive \$400,000 each, and Petitioner and Margaret Courtis share the remainder. It is Petitioner's position that while the Surviving Trustor had the authority to amend the Survivor's trust, she breached the Restatement and did not have the power to modify the dispositive provisions as to the Deceased Trustor's share of the community property, which became his separate property pursuant to Probate Code § 100 by reason of his death. Petitioner states that because the Surviving Trustor concedes that the \$400,000 specific bequest is irrevocable, such irrevocability must also apply to the dispositive provision of such specific bequests.

As such, Petitioner requests that this Court order that Jeffrey Boyajian, as successor trustee of the Survivor's Trust, to return to the Bypass Trust an amount equal to the Deceased Trustor's share of the community property as of his date of death to be distributed pursuant to the Bypass Trust.

SEE ADDITIONAL PAGES

Because the \$400,000 for each of the grandchildren is to be held in trust, the Second Amendment is contrary to the Restatement in wrongfully modifying the trustee of the grandchildren's trusts. While the Surviving Trustor had the ability to modify the Survivor's Trust, she did not have the power or right to modify the dispositive provisions of the Deceased Trustor's share of the community property, including naming the trustee of the grandchildren's trusts. Petitioner again points to the concession that the \$400,000 bequests are irrevocable, and as such, the irrevocability must apply to the appointment of the trustee. Therefore, Petitioner requests that she be appointed as trustee of the grandchildren's trust and to distribute pursuant to the Restatement.

Petitioner prays for an order as follows:

- 1. Finding that all facts stated in the petition are true and all notices required by law have been duly given;**
- 2. Removing Jeffrey L. Boyajian as successor trustee of the Bypass Trust and appointing Petitioner and Margaret Courtis as successor trustees of the Bypass Trust;**
- 3. That Jeffrey L. Boyajian as successor trustee of the Survivor's Trust return to the Bypass Trust an amount equal to the Deceased Trustor's share of the community property as of his date of death to be distributed pursuant to the dictates of the Bypass Trust;**
- 4. That Petitioner be appointed as trustee of the Grandchildren's trust; and**
- 5. For such other orders as the Court considers proper.**

Maggie Courtis' Objection states the amendments are valid and Jeffrey Boyajian is the proper successor trustee of the Bypass Trust and the grandchildren's trusts. The amendments were made with the assistance of legal counsel (Attorney Jeff Wall). The purpose of the amendment was to create a "zero tolerance" threshold for recipients of the grandchildren's gifts to ensure that the recipients have not engaged in substance abuse for at least three years. The Third Amendment appointing Jeffrey Boyajian as successor trustee of both trusts was also made with the assistance of Jeff Wall as counsel, and Jeffrey Boyajian has been serving as such since 10-29-13.

Objector states the Bypass Trust was funded with the Selma Property and about \$656,000 of securities. The specific gift of the property to Jeffrey Boyajian is not at issue. Therefore, the assets of the Bypass Trust are insufficient to gift \$400,000 to each of the three other grandchildren. Plain and simple, Petitioner is attempting to obtain more money than the amendments provide. The money would come from the Survivor's Trust, which is agreed to be amendable/revocable. Margaret Boyajian only amended the Survivor's Trust. Her intent is clear and should not be frustrated. Applying Petitioner's reasoning to the interpretation of the amendments would completely dismiss Margaret Boyajian's intent with respect to the distribution, which is that the balance of the \$400,000 each is subject to the condition of being drug-free, something that Petitioner (their mother) does not deem an appropriate restriction.

No-contest clause: Objector states that if a beneficiary under the Restated Trust shall contest in court the validity or seek adjudication that the Restated Trust or any of its provisions is void or set aside any provisions, then the right of that person shall be determined as if predeceased without leaving issue. Petitioner is seeking to void or set aside the provisions of the Restated Trust as set forth in its amendments; therefore, her right is to be eliminated.

Objector prays for an order that:

- 1. The Restated Trust amendments are valid with respect to Trust A (Survivor's Trust) assets;**
- 2. Only Trust B (Bypass Trust) assets are subject to the irrevocability language of the Restated Trust;**
- 3. Trust B assets consisted only of the Selma Property and 94,406 shares of the Franklin Fund Securities at the death of Margaret Boyajian;**
- 4. Jeffrey Boyajian is the proper successor trustee of all trusts created under the Restated Trust;**
- 5. Petitioner has invoked the "No Contest" provisions of the Restated Trust with the filing of this petition and there is no longer a proper beneficiary of the trusts established pursuant to the Restated Trust.**

SEE ADDITIONAL PAGES

Jeffrey Boyajian's Response states Petitioner is seeking instructions regarding who is the proper trustee of the trust shares to be established for her three adult sons. Respondent understood that he had been appointed to serve with Margaret Boyajian as co-trustee and as sole successor trustee pursuant to the Third Amendment (attached). Respondent is uncertain whether the First and Second Amendments validly nominated him as successor trustee of the Bypass Trust; however, is informed and believes that the Bypass Trust was not subject to amendment. As noted; however, pursuant to the Third Amendment, he was nominated and served with Margaret Boyajian as co-trustee.

Respondent states that in the Second Amendment, Margaret Boyajian stated her understanding of the irrevocability of the Bypass Trust, but further stated her intent to modify the dispositive provisions of the Survivor's Trust as to her grandchildren Andrew, Cody, and Alan. It is unclear whether the \$400,000 gift to each of them applied only in the event of the combination of the Survivor's Trust with the Bypass Trust, or if the trusts were not combined, to what extent, if any, would that affect the amount of the bequests/distributions to be made to them.

Mrs. Boyajian was concerned about her grandchildren's ability to responsibly manage their inheritance and instructed her attorney to prepare amendment directing a committee to consider distributions. In doing so, she attempted to modify the formula, which changes pertain to the Survivor's Trust. It is unclear if the \$400,000 gift to each of the three grandchildren applied only in the event assets were combined, etc.

Mrs. Boyajian had the authority to amend the Survivor's Trust such that both Petitioner and Margaret Courtis could potentially receive no assets from the Survivor's Trust if they received from other sources, including, but not limited to the Bypass Trust, life insurance proceeds, or other assets) the sum of \$500,000 each.

Mrs. Boyajian had the authority to amend the Survivor's Trust to name Respondent as beneficiary of said sub-trust.

Mrs. Boyajian intended the provisions of the Second Amendment to apply to the Survivor's Trust and desired to appoint Respondent with her as co-trustee, as she was in need of assistance at that time. Respondent has been administering the assets of the trust as he understood it was his responsibility to marshal and administer the assets for all beneficiaries.

Respondent states instructions would be appropriate as to the administration and disposition of the trust. Petitioner and Margaret Courtis are nominated as successor co-trustees; however, instructions are needed as to whether Mrs. Boyajian had authority to change the nomination with the Amendments.

Respondent states he does not know whether he is required under the Second Amendment to combine the assets of the Survivor's Trust with those of the Bypass Trust prior to final distribution, particularly if the funding of the Survivor's Trust was conducted in accordance with the terms of the Restated Trust and with regard to the amendments. If not combined, to what extent is the amount of the bequests to the grandchildren (\$400,000 each) affected?

Respondent agrees that instructions are needed regarding the application of the Second and Third amendments and their scope and effect on beneficiaries.

Respondent therefore requests that this matter be set for evidentiary hearing to consider all evidence and make any and all further orders the Court may deem just and proper.

Petitioner filed a Response to Ms. Courtis' Objection of on 4-10-14 and requests that the petition be approved as prayed. See Response for details.

Petition to Determine the Validity of the Eighth Amended and Complete Restatement of the Murray 1996 Revocable Trust Agreement

Stanley Murray DOD: 3-6-09	ROBYN ESRAELIAN, Successor Trustee, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
Margaret Murray DOD: 2-7-14	Petitioner states Stanley and Margaret Murray, husband and wife as Trustors, established the Murray 1996 Revocable Trust Agreement on 7-30-96 (the Trust). Stanley and Margaret amended and restated the terms of the trust on four occasions prior to 12-3-98.	Continued from 6-18-14
		Also set for status hearing. See Page B.
Cont. from 061814		
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified	On 12-3-98, Stanley and Margaret again amended and restated the Trust in its entirety with their execution of a document entitled Fifth Amended and Complete Restatement of the Murray 1996 Revocable Trust Agreement (5 th Amended Trust).	
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail	Stanley died on 3-6-09 and Margaret executed an Affidavit – Death of Trustee on 3-29-09, recorded on 4-6-09. As a result of Stanley’s death, Margaret became the sole acting Trustee of the Trust.	
<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 checked="" type="checkbox"/> Objections	On 9-16-11, Margaret, as sole surviving Trustor, amended the trust in its entirety and restated the Trust with her execution of a document entitled Sixth Amended and Complete Restatement of the Murray 1996 Revocable Trust Agreement (6 th Amended Trust).	
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input 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	And on 9-19-13, Margaret, as sole surviving Trustor, again amended the trust in its entirety and restated the Trust with her execution of a document entitled Eighth Amended and Complete Restatement of the Murray 1996 Revocable Trust Agreement (8 th Amended Trust).	
	Margaret died on 2-7-14, and Petitioner, as Successor Trustee, sent notification pursuant to §16061.7 and a copy of the 8 th Amended Trust to all beneficiaries. The Trust is now irrevocable.	
	SEE ADDITIONAL PAGES	

Reviewed by: skc

Reviewed on: 8-11-14

Updates:

Recommendation:

File 6A - Murray

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Petitioner states DANIEL ANDREW MURRAY, a child of Stanley, was a remainder beneficiary of the Trust under the 5th Amended Trust; however, under the 6th, 7th, and 8th Amended Trusts, he is essentially disinherited. In a letter dated 3-20-14, counsel for Daniel contends that the trust can only be amended by written agreement signed by both trustors, and that since the 8th amendment was not signed by Margaret only, after Stanley's death, it is invalid.

Daniel contends that the 5th Amended Trust, as the last instrument signed by both Stanley and Margaret, is valid and that he is entitled to a distribution pursuant to the 5th Amended Trust.

Petitioner contends that the 8th Amended Trust is valid and that upon termination, the net distributable residuary estate should be distributed pursuant to the 8th Amended Trust.

Petitioner prays for an order declaring that the 8th Amended Trust is valid and directing her, as Successor Trustee of The Murray 1996 Revocable Trust to distribute the residuary trust estate pursuant to Article Five, Paragraph B3 of the 8th Amended Trust.

Daniel Murray filed an Objection on 6-12-14. Objector states:

Stanley had three (3) children before his marriage to Margaret: Daniel Andrew Murray (Objector), Morgan Steven Murray, and Phillip Stanley Murray. Margaret had two children before her marriage to Stanley: Eugenia Kay Stott, and Wayne Stott (predeceased, no issue).

At the time Stanley and Margaret married, Stanley had a large real property ranch that was his separate property. That ranch was sold prior to his death, and made up the majority of trust assets.

Objector states that he, his two siblings, and Margaret's daughter were always the equal beneficiaries of the Trust while Stanley was alive. After Stanley's death, for no reason known or disclosed to Objector, Margaret by herself and against Stanley's written wishes decided to remove Objector as a beneficiary and augment her own daughter's share through subsequent amended trusts.

Objector contends that not only are the subsequent amended trusts signed after Stanley's death invalid per the terms of the 5th Amended Trust, but also that Stanley would never have agreed to the subsequent amended trusts signed by Margaret after his death.

Pursuant to the language in Article Seven of the 5th Amended Trust: the "Trustors may at any time **during their lifetime** amend any terms of this trust by written instrument **signed by the Trustors** and delivered to the Trustee." The

Trust could only be amended during both Stanley and Margaret's lifetime with a written instrument signed by both of them. The language absolutely does not allow one Trustor to amend the Trust after the death of the other.

If the Trustors wanted to allow the surviving Trustor to amend the 5th Amended Trust, then Article Seven would have said something to the effect of "during the lifetime of either Trustor" (See *In Re Estate of Powell* (2000) 83 CA4th 1434).

Since the 6th Amended Trust is only signed by Margaret, it is invalid.

SEE ADDITIONAL PAGES

Objector states if the 8th Amended Trust is found valid it only changes the distributive provisions for Margaret's portion of the trust estate contributed by her, and pursuant to Probate Code §15401(b)(1) and *In Re Estate of Powell* (2000) 83 CA4th 1434, Stanley's trust estate contribution should be distributed pursuant to the 5th Amended Trust.

Objector prays for an order as follows:

- 1) Denying the Petition to Determine Validity of the 8th Amended Trust in its entirety;**
- 2) Declaring that the 5th Amended Trust is valid;**
- 3) Directing Petitioner as Successor Trustee of the Murray 1996 Revocable Trust to distribute the trust estate pursuant to Article Six of the Fifth Amended Trust; and**
- 4) For such other orders as the Court may deem proper.**

Status Hearing

	ROBYN ESRAELIAN , Successor Trustee, filed a petition on 5-2-14 to determine the validity of the 8 th Amended and Complete Restatement of the Murray 1996 Revocable Trust Agreement.	NEEDS/PROBLEMS/COMMENTS:
Aff.Sub.Wit.	DANIEL MURRAY filed an Objection on 6-12-14.	
Verified		
Inventory		
PTC	See Page A for details.	
Not.Cred.		
Notice of Hrg	On 6-18-14, the Court continued the matter to 8-13-14 and also set this separate status hearing.	
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: 8-11-14
		Updates:
		Recommendation:
		File 6B – Murray

Petition to Determine Succession to Real Property (Prob. C. 13151)

DOD: 5/20/08	LEONARD ROSS TRUJILLO , son, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
	40 days since DOD.	
Cont. from	No other proceedings.	
<input type="checkbox"/> Aff.Sub.Wit.	Decedent died intestate.	
<input checked="" type="checkbox"/> Verified	I & A - \$55,000.00	
<input type="checkbox"/> Inventory	Petitioner requests Court determination that decedent's 100% interest in real property pass to petitioner pursuant to intestate succession.	
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail W/		
<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	Reviewed by: KT	
<input type="checkbox"/> Aff. Posting	Reviewed on: 8/11/14	
<input type="checkbox"/> Status Rpt	Updates:	
<input type="checkbox"/> UCCJEA	Recommendation: SUBMITTED	
<input type="checkbox"/> Citation	File 8 – Trujillo	
<input type="checkbox"/> FTB Notice		

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

DOD: 06/08/14		LAWRENCE N. BOLINGER,	NEEDS/PROBLEMS/COMMENTS:
		brother/named Executor without bond, is Petitioner.	
			1. The proof of service by mail on the Notice of Petition to Administer Estate is not signed. Need signed Proof of Service by mail.
Cont. from		Full IAEA – OK	Note: If the petition is granted, status hearings will be set as follows:
<input type="checkbox"/>	Aff.Sub.Wit.	S/P	
<input checked="" type="checkbox"/>	Verified		<ul style="list-style-type: none"> • Wednesday, 08/14/15 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal and • Wednesday, 10/14/15 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution.
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		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.
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		Reviewed by: JF Reviewed on: 08/11/14 Updates: Recommendation: File 9 – Bolinger
<input type="checkbox"/>	Aff.Mail	x	
<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		

Atty Estrada, Naborina (Pro Per – Petitioner- Maternal Grandmother)

Petition for Visitation

Jennifer Age: 16	<p>NABORINA ESTRADA, maternal grandmother, is petitioner.</p> <p>RUFINA SANTAMARIA REYNOSO, paternal grandmother, was appointed guardian on 12/13/2011.</p> <p>Father: ARTEMIO MEDRANO SANTAMARIA, Court dispensed with notice pursuant to minute order dated 06/02/2014</p> <p>Mother: EDITH GARCIA, Deceased</p> <p>Paternal Grandfather: Guillermo Medrano</p> <p>Maternal Grandfather: Felipe Garcia</p> <p>Petitioner states: the mother of the children died in 2010. The father has been deported since October 2013. Petitioner alleges that the children do not reside with their paternal grandmother they reside with their paternal uncle. Petitioner is requesting the custody of the children. Petitioner states that she has observed the children to be living in a garage and they do not have any supervision. Petitioner states she is capable of taking care of her grandchildren.</p> <p>Declaration of the Jennifer Medrano, minor, filed 06/02/2014 states she is writing this because she is afraid to speak in front of the legal guardian. She states she does not want to live with the guardian anymore. She states her and her siblings are made to do everything, they are made to feel like they do not belong, and feel they are being taken advantage of. The minor states she and her little brother live with the guardian and that her three sisters live with their uncle. The minor states she want to go with her grandmother, Norbida Estrada, because she makes her feel wanted.</p> <p style="text-align: center;"><u>Please see additional page</u></p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Minute Order of 07/14/2014: Also present in Court is Joanna Cruz. Christina Medrano is sworn and interprets for Rufina Reynoso. With respect to visitation, the Court orders that Jennifer continue to stay with the maternal grandmother and the remaining children be returned to the guardian. The Court orders that there be no drugs or alcohol at any of the locations where the children are residing. The maternal grandmother is ordered to transport Jennifer to Fresno for scheduled appointments. The order includes, but is not limited to the appointment currently scheduled for 07/31/2014. The Court Investigator is ordered to conduct a further investigation.</p> <p>Minute Order of 06/02/2014: Joanna Cruz is sworn and interprets for the petitioner. Ms. Reynosa is being assisted by an interpreter. The Court dispenses with further notice to father noting that he is out of the country. The Court Investigator is ordered to conduct an investigation of the current guardianship. Additionally, the Court Investigator is ordered to contact CPS regarding and investigation into the well-being of the children. Parties agree to participate in mediation today at 12:30pm regarding the issue of the visitation.</p>
Hazel Age: 12		
Sally Age: 8		
Amy Age: 6		
Mike Age: 4		
Cont. from 060214, 071414		
Aff.Sub.Wit.		
✓ Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg	X	
Aff.Mail	X	
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order	X	
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		<p>Reviewed by: LV</p> <p>Reviewed on: 08/11/2014</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 12 – Medrano</p>

Court Investigator Charlotte Bien's report filed 06/08/2014.

Court Investigator Charlotte Bien's supplemental report filed 08/01/2014.

NEEDS/PROBLEMS/COMMENTS continued:

1. Need Notice of Hearing.
2. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Visitation on:
 - Rufina Santamaria Reynoso (Guardian)
 - Guillermo Medrano (Paternal Grandfather)
 - Felipe Garcia (Maternal Grandfather)
 - Jennifer Medrano (Minor)
 - Hazel Medrano (Minor)

Petition for Termination of Guardianship

Age: 2	JULIAN C. VALENCIA, SR., father, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. Need proof of service by mail at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Termination of Guardianship</i> or Consent & Waiver of Notice or Declaration of Due Diligence for: a. Jessica Valencia (mother) b. Catherine Davis (maternal grandmother)
	CHRISTINE MARTINEZ, paternal grandmother, was appointed as Guardian of the Person on 09/03/13. – personally served on 07/02/14	
Cont. from	Mother: JESSICA VALENCIA	
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified	Paternal grandfather: HENRI VALENCIA – deceased	
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC	Maternal grandfather: JESUS VALDIVIA – deceased	
<input type="checkbox"/> Not.Cred.	Maternal grandmother: CATHERINE DAVIS	
<input checked="" type="checkbox"/> Notice of Hrg		
<input type="checkbox"/> Aff.Mail	<input checked="" type="checkbox"/>	
<input type="checkbox"/> Aff.Pub.	Petitioner states that he can provide a good home for his daughter. He states that he has a stable place to live and steady income.	
<input type="checkbox"/> Sp.Ntc.		
<input checked="" type="checkbox"/> Pers.Serv.	Court Investigator Charlotte Bien filed a report on 07/22/14.	
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input checked="" type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: JF
		Reviewed on: 08/11/14
		Updates:
		Recommendation:
		File 13 – Valencia

Petition for Letters of Special Administration with General Powers; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

DOD: NOT STATED	DEARIL WHITE , son, is Petitioner and requests appointment as Administrator [bond not addressed].	NEEDS/PROBLEMS/COMMENTS: CONTINUED FROM 07/02/14 As of 08/11/14, nothing further has been filed by Petitioner. The Petition is incomplete, need amended petition based on, but not limited to the following:
Cont. from 070214	IAEA – not marked on petition, need publication	
<input type="checkbox"/> Aff.Sub.Wit.	Decedent died intestate or had a will [petition is incomplete]	<ol style="list-style-type: none"> 1. Need Publication. 2. Need Notice of Petition to Administer Estate and proof of service by mail at least 15 days before the hearing of Notice of Petition to Administer the Estate to all interested parties. 3. The Petition is incomplete at items: <ol style="list-style-type: none"> a. 1 – either box a or b should be selected b. 2(b) – Petitioner's name should be listed here c. 2(c) – If Petitioner is requesting IAEA authority either full or limited should be selected d. 2(d) – nothing is marked regarding bond or blocked account e. 3 – need date and place of decedent's death f. 3(b) – need decedent's address at time of death g. 3(c) – character and estimated value of the estate should be completed h. 3(d) – bond/waivers of bond is not addressed i. 3(e) – Not marked whether decedent died intestate or had a will j. 5(a)(2)(b) – The petition states that the decedent had a predeceased spouse. Need name and date of death of predeceased spouse. k. 5(a)(7) or (8) is not marked whether decedent did/did not have a predeceased child l. 8 – Names and relationship to decedent of all heirs (including Petitioner) and including any predeceased children or spouse should be listed in item 8. The name Carolyn Watson is listed, however her relationship to the decedent is not stated.
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory	Estimated Value of the Estate: NOT LISTED Probate Referee: RICK SMITH	
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input type="checkbox"/> Notice of Hrg		
<input type="checkbox"/> Aff.Mail		
<input 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: JF Reviewed on: 08/11/14 Updates: Recommendation: File 16 - White

Petition for Letters of Administration; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

DOD: 07/22/13	KATHLEEN WYNN , daughter, is Petitioner and requests appointment as Administrator without bond.		NEEDS/PROBLEMS/COMMENTS: CONTINUED FROM 07/30/14 Minute Order from 07/30/14 states: Examiner notes are provided to the petitioner. The petitioner reports that the decedent had a will. As of 08/11/14, nothing further has been filed. 1. The Petition is inconsistent regarding whether decedent had a will or died intestate (without a will). Need clarification. If decedent had a will, a copy of the will must be attached to the Petition and the original must be deposited with the Court. If the decedent died intestate, need waivers of bond from all heirs or bond in the amount of \$105,500.00. 2. The Petitioner indicates that the decedent had a predeceased spouse. Need name and date of death of predeceased spouse pursuant to Local Rule 7.1.1D. 3. Need Confidential Supplement to Duties and Liabilities (form DE-147S). 4. Need Order & Letters. Note: If the petition is granted status hearings will be set as follows: <ul style="list-style-type: none"> • Wednesday, January 7, 2015 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal and • Wednesday, September 2, 2015 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution. 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.
	Full IAEA – OK		
Cont. from 073014	Will dated or Decedent died intestate? -(See note 1)		
<input type="checkbox"/> Aff.Sub.Wit.	Residence: Kingsburg Publication: OK		
<input checked="" type="checkbox"/> Verified	Estimated value of the estate:		
<input type="checkbox"/> Inventory	Personal property - \$ 5,000.00		
<input type="checkbox"/> PTC	Real property - 100,000.00		
<input type="checkbox"/> Not.Cred.	Total - \$105,000.00		
<input checked="" type="checkbox"/> Notice of Hrg	Probate Referee: STEVEN DIEBERT		
<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 type="checkbox"/> Letters x			
<input type="checkbox"/> Duties/Supp x			
<input type="checkbox"/> Objections			
<input type="checkbox"/> Video Receipt			
<input type="checkbox"/> CI Report			
<input type="checkbox"/> 9202			
<input type="checkbox"/> Order x			
<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: JF
			Reviewed on: 08/11/14
			Updates:
			Recommendation:
			File 19 – Morse