



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 Successor Administrator and Petition for Allowance of Ordinary and Extraordinary Commissions and Fees for Distribution.

DOD: 11/15/02		PUBLIC ADMINISTRATOR , Successor Administrator, is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Need Amended Accounting. Please see addition page for explanation.</p> <p>1. The pleadings indicate that Robin O'Neal is developmentally disabled. Therefore distribution directly to her may not be appropriate. A conservatorship of her estate may be necessary.</p>
		Account period: 3/3/08 – 6/29/16	
Cont. from		Account - \$211,750.50	
<input type="checkbox"/>	Aff.Sub.Wit.	Beginning POH - \$161,750.00	
<input checked="" type="checkbox"/>	Verified	Ending POH - \$ 64,880.39	
<input checked="" type="checkbox"/>	Inventory	Administrator - \$7,235.00 (greater than statutory)	
<input checked="" type="checkbox"/>	PTC	Administrator X/O - \$248.00 (for preparation of taxes)	
<input type="checkbox"/>	Not.Cred.	Attorney - \$7,235.00 (greater than statutory)	
<input checked="" type="checkbox"/>	Notice of Hrg	Attorney X/O - \$1,125.00 (7½ hours @ \$150/hr for surcharge petition, with objections)	
<input checked="" type="checkbox"/>	Aff.Mail	Bond fee - \$4,234.04 (incorrectly calculated)	
<input type="checkbox"/>	Aff.Pub.	Closing - \$2,000.00	
<input checked="" type="checkbox"/>	Sp.Ntc.	Proposed distribution is as follows:	
<input type="checkbox"/>	Pers.Serv.	Robin O'Neal - \$35,737.32	
<input type="checkbox"/>	Conf. Screen	Western Surety - \$6,630.03	
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<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 checked="" type="checkbox"/>	FTB Notice		
			Reviewed by: KT
			Reviewed on: 8/12/16
			Updates:
			Recommendation:
			File 1- O'Neal

The former administrator Christopher O'Neal was removed as Administrator and was surcharged \$128,600.00 for misappropriation of estate assets. There are three intestate heirs to this estate; former Administrator Christopher O'Neal, Carl O'Neal and Robin O'Neal. Each heir would be entitled to a 1/3 share of the estate. At the time of appointment Administrator Christopher and beneficiary Carl both waived bond. Beneficiary Robin did not waive bond and bond was set at \$50,000.00. The bond was for the estate but was primarily to ensure that Robin would receive her full share of the estate. Petition proposes to distribute to Robin her full share of the estate and to refund any remaining funds to the bonding company. As the bond was for the estate, any assets above the amount Robin is to receive should be distributed to the other heirs. Since Christopher still owes money to the estate for his surcharge any remaining funds, after Robin receives her full share, should be distributed to Carl O'Neal.

In addition, the accounting is incorrect. The account treats the surcharge of \$50,000.00 and the recovered asset valued at \$16,400.00 as receipts or additional inventoried items. These are funds that replaced misappropriated assets not additional assets. Therefore the total value of this estate is \$145,350.50 (real property \$145,000 and misc. furniture \$350.50).

The fee base incorrectly includes the recovered assets. Since these items are replacing misappropriated funds they should not be included in the fee base. The correct fee base is \$145,350.50.

Based on the above the statutory attorney fees and administrator's commissions would be \$5,360.50 each.

Bond fee calculation also incorrectly includes the recovered assets. The correct bond fee is \$2,907.04.

Based on the above, the summary of account should be as follows:

Charges

Inventory and Appraisals	\$145,350.50
Receipts	\$ 0.00
Gains on sales	\$ 0.00
<u>Other charges</u>	<u>\$ 0.00</u>
Total	\$145,350.50

Credits

Disbursements	\$ 45.00
Loss on sale	\$ 0.00
Other credits	\$ 80,425.11 (\$145,000 less property recovered [\$16,400.00 truck and \$50,000 bond], commissions totaling \$1,717.11 and smog check \$108.00)
<u>Property on hand</u>	<u>\$ 64,880.39</u>
Total	\$145,350.50

Total costs of administration and closing reserve would be: \$17,436.04 (including \$435.00 to file this account).

Please see additional page

Proposed distribution is based solely on the \$128,600 surcharge. The distribution should include the full value of the estate \$145,350.00 (the \$128,600 surcharge, plus the recovered assets valued at \$16,400 and the misc. furniture valued at \$350.50).

Distribution should be as follows:

Administrator	\$5,360.50
Administrator x/o	\$248.00
Attorney	\$5,360.50
Attorney x/o	\$1,125.00
Bond fee	\$2,907.04
Filing fee	\$435.00
Closing	\$2,000.00
Robin O'Neal	\$42,637.99 (her full distributive share)
Carl O'Neal	\$4,806.36 (a portion of his distributive share)

Attorney Kara Schacher, of Paso Robles (for Esperanza S. Boone, Administrator)

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

DOD: 6/15/2012	<p>ESPERANZA S. BOOKE, sister, was appointed Administrator with Full IAEA authority without bond on 1/9/2013.</p> <p>Letters issued on 1/16/2013.</p> <p>Pursuant to Probate Code § 8800(b), <i>Final Inventory and Appraisal</i> was due 5/16/2013.</p> <p>Inventory and Appraisal filed on 8/22/2013 shows an estate value of \$0.00, indicating this is a no-asset estate opened in order to allow the personal representative to proceed with a wrongful death claim on behalf of Decedent's heirs.</p> <p>Pursuant to Probate Code § 12200, first account and/or petition for final distribution was due 1/16/2014.</p> <p>Status Conference Statement filed 3/22/2016 for a previous hearing states:</p> <ul style="list-style-type: none"> The only asset of this estate is a "pre-judgment interest" in the wrongful death action in the Eastern District Court of California, Case [number omitted]; Recently the jury issued a verdict of not guilty/negligent in the death of Charles Salinas (<i>copy of Verdict Form – First Phase dated 2/25/2016 attached as Exhibit A</i>); ROBERT MAY, Attorney for Esperanza Brook in the Eastern District Court Case, has advised he will be filing a motion for a new trial; Petitioner is unable to file a final inventory and appraisal for the estate until a judgment is obtained in that action; She requests the Court continue this matter for 12 months to allow for full disposition of the matter. 	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Page 3B is the <i>Order to Show Cause</i>.</p> <p>Continued from 7/13/2016. Please refer to <i>Minute Order</i> summarized on the examiner notes for the <i>Order to Show Cause</i>.</p> <p>The following issue from the last hearing remains:</p> <ol style="list-style-type: none"> <i>Request for Dismissal</i> filed 6/15/2016 indicates dismissal was not entered as requested as estate administration must be properly terminated via noticed hearing. If dismissal of this matter is sought, need verified petition requesting closure of the estate without administration, containing facts supporting such request, and proof of service of notice to the following persons pursuant to Probate Code §§1220(a)(1) and (a)(2)(A) and 11000: <ul style="list-style-type: none"> Esperanza S. Boone, sister and Administrator; George Salinas, brother; Jennie Ruiz, sister; Lewis Salinas, brother; Ignacio Salinas, brother.
Cont. from: 030714, 040414, 061215, 072315, 082615, 030216, 040616		
Aff.Sub.Wit.		
Verified		
Inventory		
Account	X	
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	X	
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: LEG
		Reviewed on: 8/12/16
		Updates:
		Recommendation:
		File 3A – Salinas

Attorney Kara Schacher, of Paso Robles (for Esperanza S. Boone, Administrator)

Order to Show Cause

DOD: 6/15/2012	<p>ESPERANZA S. BOOKE, sister, was appointed Administrator with Full IAEA authority without bond on 1/9/2013.</p> <p>Minute Order dated 7/13/2016 from the last Status Hearing Re Filing of the First Account and/or Petition for Final Distribution states: No appearances. The Court issues an Order to Show Cause to Kara Schacher as to why she should not be sanctioned for her failure to appear and address the issues on the examiner notes. Ms. Schacher is ordered to be personally present in court or present via CourtCall on 8/17/2016.</p> <p>Declaration of Attorney Re Sanctions for Failure to Appear on 6/12/2015 [sic] filed 7/22/2016 states:</p> <ul style="list-style-type: none"> • She was the attorney for ESPERANZA S. BOOKE in relation to this matter; • ROBERT MAY, attorney of record for the wrongful death lawsuit brought by Ms. Salinas' family in San Luis Obispo County, signed the <i>Substitution of Attorney</i> becoming the attorney of record in this matter on 7/8/[2016], and provided a copy of the <i>Substitution of Attorney</i> to her office for filing on the afternoon of 7/12/2016 (<i>Exhibit A</i>); • She was not in her office 7/12/2016 and did not get the <i>Substitution of Attorney</i> e-filed until 6:55 p.m. that evening; the <i>Substitution of Attorney</i> was file-stamped on 7/13/2016, and provided to the Court after the hearing on that morning had taken place; • She had emailed Robert May on 7/8/2016 and 7/11/2016, regarding this matter and advised him of the hearing on 7/13/2016, and that he could set up CourtCall to make an appearance (<i>Exhibit B</i>); 	<p>NEEDS/PROBLEMS/COMMENTS:</p>
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
<i>~Please see additional page~</i>		
		Reviewed by: LEG
		Reviewed on: 8/12/15
		Updates:
		Recommendation:
		File 3B – Salinas

Declaration of Attorney Re Sanctions for Failure to Appear on 6/12/2015 [sic] filed 7/22/2016, continued:

- She also spoke with Robert May on 7/8/2016 and 7/12/2016, regarding his appearing at the hearing on 7/13/2016 via CourtCall, and Robert May assured her he would be appearing via CourtCall during both of those conversations;
- She did not appear at the hearing on 7/13/2016 due to fact that Robert May had advised her that he was going to be making a telephonic appearance at the hearing;
- She apologizes for any inconvenience to the Court, and Court personnel, for the confusion;
- She respectfully asks that the Court not issue sanctions for her failure to appear at the hearing;
- She asks that the Court excuse her appearance at the hearing on August 17, 2016 based on this declaration, or in the alternative, allow her to appear via CourtCall at the hearing on 8/17/2016.

HISTORY:

- **Minute Order [Judge Hamlin] dated 3/7/2014** states: No appearances. The Court will expect the first account and/or petition for final distribution to be filed before the next hearing. Failure to file said document(s) will result in the issuance of an order to show cause regarding contempt. Matter continued to 4/4/2014. Kara Schacher is ordered to be personally present on 4/4/2014.
- **Minute Order dated 4/4/2014** from the continued hearing states the Court is informed that the estate is being kept open for the purpose of pursuing the litigation.
- **Minute Order dated 6/12/2015 states:** No appearances. The Court issues an Order to Show Cause for both attorney Kara Schacher and Esperanza S. Boone to appear either in person or by CourtCall as to why they should not be sanctioned for failure to appear and failure to file an accounting or status report, and as to why Esperanza S. Boone should not be removed as the personal representative. (*Clerk's Certificate of Mailing filed 6/12/2015 indicates a copy of the Minute Order of 6/12/2015 was mailed to Attorney Schacher and Esperanza S. Boone on 6/12/2015.*)
- **Declaration of Attorney Re Sanctions for Failure to Appear on 6/12/2015 filed 7/20/2015 for the Order to Show Cause set on 7/23/2015 states:** She did not appear at the hearing on 6/12/2015 due to a mistake in her calendar; She had the matter set for 7/12/2015, which is actually a Sunday, and thus she can only state that she must have entered the month incorrectly when calendaring the court date; She apologizes for any inconvenience to the Court for her mistake; she respectfully asks that the Court not dismiss the action, that the Court not remove Petitioner as the personal representative, and that the Court not issue sanctions for her failure to appear at the hearing; on 6/24/2015 she spoke to Attorney **ROBERT MAY**, attorney of record for the wrongful death lawsuit brought by Ms. Salinas' family in San Luis Obispo County, who informed her that the trial in that matter has been continued to **February of 2016**; she asks the Court to set this matter out for a status hearing in spring or summer of 2016.

Attorney Nancy J. LeVan (for Petitioner Gary Morris, Jr., Beneficiary)
 Attorney Jennifer Walters (for Walter A. Morris, Successor Trustee)

Petition to Compel Accounting by Trustee of the Gary F. Morris, Sr. 2013 Trust and Petition for Distribution of Trust Assets to Doug Standing, Trustee of the Gary Morris, Jr. Trust and Petition for Fees and Costs

DOD: 10/19/2013	GARY MORRIS, JR., Beneficiary, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: Page 4B is a Fee Waiver Review. Continued from 7/26/2016. Minute Order states bond is set for \$50,000.00 . Funds are to stay in a blocked account. Ms. Walters informs the Court she will be filing accounting next week. If accounting is filed at least 2 days before 8/17/2016, then this matter can come off calendar and be set along with the accounting [Court records do not show an accounting has been filed as of 8/12/2016.]
	~Please see Petition for details~	
Cont. from 100615, 111715, 010516, 020916, 031516, 050316, 053116, 071216, 072616		1. Filing fee of \$435.00 for the <i>Petition to Compel Accounting</i> is currently due from Petitioner, who filed the <i>Petition</i> using a fee waiver, which is pending. The \$435.00 filing fee is appropriately payable from Trust assets. <i>Declaration of Clerical Error and Omissions</i> filed 10/2/2015 states "Petitioner agrees that a filing fee should be paid by Walter Morris, Trustee of the GARY F. MORRIS, SR., 2013 TRUST ; however, Walter Morris is not communicating with the beneficiary, Gary Morris, Jr., his attorney, nor the Successor Trustee of the GARY F. MORRIS, JR., TRUST ; the beneficiary has no access to funds of the Trust." Court removed the former Trustee such that Trust funds appear accessible to pay Court fees pending the fee waiver review.
Aff.Sub.Wit.		
✓ Verified		
Inventory		
PTC		
Not.Cred.		
✓ Notice of Hrg		
✓ Aff.Mail	W /	
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/S		
Objections		
Video Receipt		
CI Report		
9202		
✓ Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: LEG
		Reviewed on: 8/12/16
		Updates:
		Recommendation:
		File 4A – Morris

Attorney Nancy J. LeVan (for Petitioner Gary Morris, Jr.)

Fee Waiver Review

DOD: 10/19/2013		NEEDS/PROBLEMS/COMMENTS: <u>Continued from 7/26/2016.</u>	
Cont. from 100615, 111715, 010516, 020916, 031516, 050316, 053116, 071216, 072616			
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: LEG
			Reviewed on: 8/12/16
			Updates:
			Recommendation:
			File 4B – Morris

DOD: 12/11/2014	EDDIE DURAN , was appointed Administrator with full IAEA without bond on 04/22/2015.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Page 6B is the Order Show Cause</p> <p>Minute Order of 07/20/2016: No Appearance – The Court issues an Order to Show Cause to Gary Bagdasarian as to why he should not be sanctioned for his failure to appear and as to Eddie Duran as to why he should not be removed as Administrator for failure to file the First or Final Account. Mr. Bagdasarian is ordered to be personally p[resent and Mr. Duran is ordered to be personally present in court or present via CourCall on 08/17/2016.</p> <p>1. Need First Account or Petition for Final Distribution.</p>	
	Letters issued on 04/22/2015		
Cont. from 072016	Final Inventory and Appraisal filed 09/22/2015, shows an estate valued at \$110,300.00		
Aff.Sub.Wit.			
Verified			
Inventory	Supplemental No. 1 Final Inventory and Appraisal filed 06/13/2016 shows an estate valued at \$40,330.30.		
PTC			
Not.Cred.			
Notice of Hrg	Minute Order of 04/22/2016 set this Status Hearing for the filing of the First and/or Final Account.		
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.	Status Hearing filed 08/11/2016 states although Mr. Duran's attorney failed to remind him of the Status Hearing on 07/20/2016 concerning the filing of the First and Final Account, he understands that, notwithstanding the fact that his attorney did not notify him of said hearing and that he did not appear, it is Mr. Duran's obligation to appear at all scheduled hearings and to provide documentation required by the Court, whether or not he is notified.		
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order	Other than cash and a small amount of household furniture, furnishings and personal effects, the only asset of the Estate is the real property located at 1132 W. Spruce Ave, Pinedale, California. The real property has been occupied by GARY DURAN, who is one-third beneficiary. The Administrator has full authority under IAEA. The Administrator has requested of GARY DURAN to leave the premises so the property can be placed into a position to be sold and then marketed. The Administrator has discussed listing the property with a realtor and is ready to do so. However, GARY DURAN, agreed to move initially and then refused thereafter.		
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
			Reviewed by: LV
			Reviewed on: 08/12/2016
		Updates:	
		Recommendation:	
		File 6A- Duran	

Pursuant to the full authority under IAEA the Administrator suggested a preliminary distribution pursuant to Probate Code 10520(c) to all three beneficiaries, which would provide GARY DURAN sufficient funds to move out of the real property and acquire accommodations. GARY DURAN again refused to sign a Receipt of Distribution for any said sums and remains on the property.

Therefore, the Administrator has taken the steps to hire Attorney STEVEN R. HRDLICKA in connection with the eviction of GARY DURAN from the real property in order to allow the property to be cleaned, cleared of personal property and then marketed for sale.

The Administrator therefore requests a continuance for the filing of the First Account and Report for a period of 90 days to allow the completion of the eviction and, thereafter, the marketing of the property.

DOD: 12/11/2014	EDDIE DURAN , was appointed Administrator with full IAEA without bond on 04/22/2015.	NEEDS/PROBLEMS/COMMENTS:
	Letters issued on 04/22/2015	
Cont. from	Minute Order of 07/20/2016 set this Order to Show Cause.	
<input type="checkbox"/> Aff.Sub.Wit.	Minute Order states: No Appearance – The Court issues an Order to Show Cause to Gary Bagdasarian as to why he should not be sanctioned for his failure to appear and as to Eddie Duran as to why he should not be removed as Administrator for failure to file the First or Final Account. Mr. Bagdasarian is ordered to be personally p[resent and Mr. Duran is ordered to be personally present in court or present via CourCall on 08/17/2016.	
<input type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<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	Status Hearing filed 08/11/2016 states although Mr. Duran's attorney failed to remind him of the Status Hearing on 07/20/2016 concerning the filing of the First and Final Account, he understands that, notwithstanding the fact that his attorney did not notify him of said hearing and that he did not appear, it is Mr. Duran's obligation to appear at all scheduled hearings and to provide documentation required by the Court, whether or not he is notified.	
<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	Other than cash and a small amount of household furniture, furnishings and personal effects, the only asset of the Estate is the real property located at 1132 W. Spruce Ave, Pinedale, California. The real property has been occupied by GARY DURAN, who is one-third beneficiary. The Administrator has full authority under IAEA. The Administrator has requested of GARY DURAN to leave the premises so the property can be placed into a position to be sold and then marketed. The Administrator has discussed listing the property with a realtor and is ready to do so. However, GARY DURAN, agreed to move initially and then refused thereafter.	
<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		
		Reviewed by: LV
		Reviewed on: 08/12/2016
		Updates:
		Recommendation:
		File 6B- Duran

DOD: 01/05/2015	<p>SARAH OGNIBENE, daughter, was appointed Administrator, with full IAEA authority, without bond on 05/13/2016.</p> <p>Letters issued on 05/29/2016</p> <p>Final Inventory and Appraisal filed 06/02/2015 shows an estate valued at \$215,000.00.</p> <p>Minute Order of 05/13/2016 set this Status Hearing for the filing of the first and/or final account.</p> <p>Declaration of Lance E. Armo Regarding Status of Matter filed 08/11/2016 states the last hearing in this case was held on 07/20/2016. Said hearing was the time ordered for the First and Final Account to be filed. Mr. Armo states he was in the midst of moving his office location and as of the day of the hearing his computers were not operating. He states he failed to appear at the hearing as his reminders on his computer did not notify him accordingly.</p> <p>Mr. Armo states he has not yet completed the Final Petition for Distribution on Account as there is still an outstanding issue with Gary Kiehl, a person who filed a competing Petition to Administer Estate in this matter. Counsel for Mr. Kiehl and Mr. Armo have spoken several times however no agreement has been reached on the authenticity or validity of the document Mr. Kiehl purports to be the decedent's last will and testament.</p> <p>Mr. Armo states he believes the document Mr. Kiehl has presented could constitute a life estate or a trust in favor of the decedent's children. No agreement has been reached at this time. Unless counsel and his client are able to come to an agreement Mr. Armo intends to file an 11700 Petition for Instructions to determine the relevance of the purported document.</p>	NEEDS/PROBLEMS/COMMENTS:
		Page 8B is the Order to Show Cause
		1. Need First Account or Petition for Final Distribution.
Cont. from 072016		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: LV
		Reviewed on: 08/12/2016
		Updates:
		Recommendation:
		File 8A- Ropolo

DOD: 01/05/2015	SARAH OGNIBENE , daughter, was appointed Administrator, with full IAEA authority, without bond on 05/13/2016.	NEEDS/PROBLEMS/COMMENTS:
	Letters issued on 05/29/2016	
Cont. from	Minute Order of 07/20/2016 set this Order to Show Cause.	
<input type="checkbox"/> Aff.Sub.Wit.	Minute Order of 07/20/2016: NO APPEARANCES – The Court issues an Order to Show Cause to Lance Armo as to why he should not be sanctioned for his failure to appear and as to Sarah Ognibene as to why she should not be removed as Administrator for failure to file the First and Final Account. Mr. Armo is ordered to be personally present and Ms. Ognibene is ordered to be personally present in court or present via CourtCall on 08/17/2016.	
<input type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<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 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 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	Mr. Armo states he has not yet completed the Final Petition for Distribution on Account as there is still an outstanding issue with Gary Kiehl, a person who filed a competing Petition to Administer Estate in this matter. Counsel for Mr. Kiehl and Mr. Armo have spoken several times however no agreement has been reached on the authenticity or validity of the document Mr. Kiehl purports to be the decedent's last will and testament.	
	Mr. Armo states he believes the document Mr. Kiehl has presented could constitute a life estate or a trust in favor of the decedent's children. No agreement has been reached at this time. Unless counsel and his client are able to come to an agreement Mr. Armo intends to file an 11700 Petition for Instructions to determine the relevance of the purported document.	
		Reviewed by: LV
		Reviewed on: 08/12/2016
		Updates:
		Recommendation:
		File 8B- Ropolo

Probate Status Hearing RE: Filing of the First or Final Account

DOD: 12/13/2013	ERIN E. MESSER was appointed executor with full IAEA without bond on 6/25/2015.	NEEDS/PROBLEMS/COMMENTS: <p style="text-align: center;">OFF CALENDAR</p> Order for final distribution was granted 3/2/2016.
	Letters issued 6/26/2015.	
	Petition for final distribution was filed and order granted 3/2/2016.	
Cont. from		
<input type="checkbox"/> Aff.Sub.Wit.		
<input type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<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 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 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: SEF
		Reviewed on: 8/12/2016
		Updates:
		Recommendation:
		File 9- Ryan

Attorney Rozzo, Heather (for Petitioner, Maternal Grandmother Judith Jackson)
 Attorney Rich Mount, Sheri (for Objector, Maternal Grandfather Bobby Gene Jackson)

Petition for Appointment of Guardian of the Person

	See petition for details.	NEEDS/PROBLEMS/COMMENTS:
		Note: Declaration in Opposition was filed 8/11/16 by Maternal Grandfather Bobby Gene Jackson.
		Examiner's Note: If Mr. Jackson wishes to be considered as a co-guardian, a petition with all applicable information, service thereof on all interested parties, and further investigation is necessary.
		1. 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: - Kelsey's paternal grandparents - Maternal Grandfather Bobby Gene Jackson
		Note: Notice of Hearing filed 8/11/16 indicates service on "Bobby Gene Jackson c/o Sheri Rich Mount, Esq.;" however, direct notice is required pursuant to Probate Code §1214 and Cal. Rule of Court 7.51.
		Note: Kelsey's father Samuel Beauchamp signed the consent and waiver of notice. Petitioner may be able to inquire with him as to his parents' information for service.
		Reviewed by: skc
		Reviewed on: 8/12/16
		Updates:
		Recommendation:
		File 11A- Jackson
Cont. from 071316		
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail	W	
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input checked="" type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters		
<input checked="" type="checkbox"/> Duties/Supp		
<input checked="" type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input checked="" type="checkbox"/> CI Report		
<input checked="" type="checkbox"/> Clearances		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input checked="" type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		

Petitioner Corina Torres (Pro Per, maternal aunt)

Petition for Appointment of Guardian of the Person

		NO TEMPORARY REQUESTED	NEEDS/PROBLEMS/COMMENTS:
		CORINA TORRES, maternal aunt, is Petitioner.	Continued from 6/1/2016. Minute Order states examiner notes given.
		~Please see Petition for details~	The following defects from the last hearing remain:
Cont. from 060116, 070616		Court Investigator's Report was filed on 5/23/2016.	1. Need proof of personal service of the Notice of Hearing with a copy of the Petition for Appointment of Guardian, or a Consent to Appointment of Guardian and Waiver of Notice, or a Declaration of Due Diligence, for:
<input type="checkbox"/>	Aff.Sub.Wit.		<ul style="list-style-type: none"> Urbano Magana, father, as reported to Court Investigator;
<input checked="" type="checkbox"/>	Verified		and/or
<input type="checkbox"/>	Inventory		<ul style="list-style-type: none"> Oscar Lopez Gonzalez, father, as listed on birth certificate.
<input type="checkbox"/>	PTC		2. Proof of Service by Mail of the Notice of Hearing filed 6/6/2016 does not show that a copy of the Petition for Appointment of Guardian was served with the notice as required to:
<input type="checkbox"/>	Not.Cred.		<ul style="list-style-type: none"> Sara Gonzalez, paternal grandmother listed in Child Information Attachment. Rafael Torres, maternal grandfather; Roberto Lopez (Note: His relationship to the minor is unspecified; need clarification from Petitioner as to his identity.)
<input checked="" type="checkbox"/>	Notice of Hrg		3. Need proof of service by mail of the Notice of Hearing with a copy of the Petition for Appointment of Guardian, or a Consent to Appointment of Guardian and Waiver of Notice, or a Declaration of Due Diligence:
<input type="checkbox"/>	Aff.Mail	X	<ul style="list-style-type: none"> paternal grandfather; (father of Urbano Magana); paternal grandmother (mother of Urbano Magana); Maternal grandmother.
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.	X	
<input checked="" type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input checked="" type="checkbox"/>	CI Report		
<input checked="" type="checkbox"/>	Clearances		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input checked="" type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: LEG
			Reviewed on: 8/12/16
			Updates:
			Recommendation:
			File 14- Lopez

DOD: 01/20/2016	ALMA D. LOUSBERG, ex-spouse, is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>OFF CALENDAR.</u> <u>Amended Petition to Determine Succession filed 07/25/2016.</u> <u>Hearing is set for 09/06/2016.</u></p> <p>Note: Petitioner originally filed in Pro Per however has now retained Catherine Amador.</p> <p>Minute Order of 05/12/2016: Examiner notes provided in open court.</p> <p>Minute Order of 06/01/2016: Counsel requests time to address the notice issues.</p> <p>As of this Examiner's review on 06/30/2016, there has been nothing new filed.</p> <p>The deficiencies with the pleadings include, but are not limited to, the following:</p> <ol style="list-style-type: none"> 1. It does not appear that the petitioner has the standing to petition the Court as she is not the successor in interest. The minor child, Emma Lang's is the successor in interest therefore the duly appointed guardian of her estate can petition on her behalf. 2. This petition can only pass the decedent's property to the successor in interest any other requests regarding the real property should be made in the Guardianship of the Estate case. <p style="text-align: center;"><u>Please see additional page</u></p> <p>Reviewed by: LV Reviewed on: 08/12/2016 Updates: Recommendation: File 15- Lang</p>
	40 days since DOD	
Cont. from 051216, 060116, 070616	No other proceedings	
Aff.Sub.Wit.	I&A – NEED	
✓ Verified	Will dated: 03/20/2015	
Inventory	X	
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		

3. Petition was opened using a Fee Waiver. Filing fees are considered cost of administration and must be paid prior to distribution of property. Filing fee of \$435 will be due prior to distribution of the real property should the Court grant this petition.
4. Need original will to be deposited with the Court pursuant to Probate Code §8200(a)(1).
5. Need Inventory and Appraisal.
6. Attachment 11 does not include the decedent's interest in real property.
7. Need Notice of Hearing.
8. Need proof of service of the Notice of Hearing on Emma Lang.
9. Need Order. Local Rule 7.1 states a proposed Order shall be submitted with all pleadings that request relief. If the proposed order is not received in the Probate Filing Clerk's Office ten (10) days before the scheduled hearing, a continuance may be required.

Petition for Appointment of Guardian of the Person

		See petition for details.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Minute Order 6/29/16</u>: Examiner Notes given.</p> <p><u>Note</u>: As of 8/12/16, nothing further has been filed.</p> <p>If this petition goes forward, the following issues exist.</p> <ol style="list-style-type: none"> 1. Gary Sapien, Father, signed the Nomination section of the form GC-211, but not the Consent and Waiver of Notice section. Therefore, the Court may require personal service of Notice of Hearing with a copy of the petition on Gary Sapien per Probate Code §1511. 2. Petitioner listed a step-grandfather instead of the biological maternal grandfather. Need proof of service of Notice of Hearing with a copy fo the petition at least 15 days prior to the hearing on the maternal grandfather per Probate Code §1511, or consent and waiver of notice, or declaration of due diligence. 	
Cont. from 062916				
	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: skc		
		Reviewed on: 8/12/16		
		Updates:		
		Recommendation:		
		File 17- Sapien		

Petition to Determine Succession to Real Property

DOD: 11/15/2009	ROY CARDENAS , son, is petitioner	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Background:</u> Petitioner Roy Cardenas (son) filed a petition requesting decedent's 100% interest in real property pass to him pursuant to disclaimers of interest and intestate succession. Four of decedent's children had disclaimed their interest in the estate.</p> <p>Prob C §275 et seq states if a beneficiary disclaims their interest in an estate, the disclaimer acts as if the disclaiming party predeceased the decedent. Therefore, the issue of Juan G. Cardenas, Aurelia M. Langford, Juan Manuel Cardoza and Jose Luis Cardoza (if any) are successors in interest to the property and are entitled to an intestate share of this estate. The examiner notes stated the Court required the names, relationships, ages and addresses of any issue of the disclaimants.</p> <p>The matter was continued, directing counsel to notice the heirs regarding the disclaimer issue or obtain assignments, and set the matter for status of disclaimers or filing of an amended petition.</p> <p>On 7/22/2016, petitioner filed a <i>Petition to Rescind or in the Alternative Disallow Qualified Disclaimers and Approve Assignments of Interest to Petitioner.</i></p>
	40 days since DOD	
	No other proceedings	
	I&A - \$85,000.00	
Cont. from 060816, 062916, 071316	Decedent died intestate	
Aff.Sub.Wit.	Petitioner requests Court determination that decedent's 100% interest in real property located at 276 E. Hawthorne Avenue, Coalinga CA pass to him pursuant to disclaimers of interest and intestate succession.	
<input checked="" type="checkbox"/> Verified	Petitioner states that there is a foreclosure sale of the real property set for 8/22/2016.	
<input checked="" type="checkbox"/> Inventory	Petitioner is asking the property be transferred solely to Ron Cardenas so he may begin efforts to refinance the property, resulting in the State [of California] agreeing to forebear on the foreclosure for an extended period of time.	
<input checked="" type="checkbox"/> PTC		
Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail	w/	
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
<input checked="" type="checkbox"/> Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: SEF
		Reviewed on: 8/12/2016
		Updates:
		Recommendation:
		File 18A- Cardenas

Petition to Rescind or in the Alternative Disallow Qualified Disclaimers and Approve Assignments of Interest to Petitioner

DOD: 11/15/2009	ROY CARDENAS, JUAN CARDENAS, AURELIA LANGFORD, JUAN CARDOZA and JOSE LUIS CARDOZA are petitioners and seek a court order rescinding disclaimers of interest filed with the Court on 5/2/2016 by four of the five intestate heirs of decedent's estate and approving their assignments of interest to Roy Cardenas.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. There is no provision for assignments in summary proceedings. 2. Need order.
Cont. from		
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail	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 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	<p>Petition states that Juan Cardenas, Aurelia Langford, Juan Cardoza and Jose Luis Cardoza's intent in filing their disclaimers in this proceeding was not to disclaim their interest in the property of the estate, but to assign all of their interest in the property to their brother, Roy Cardenas.</p> <p>The property of the estate is presently in foreclosure and the sale has been postponed to 8/22/2016. The intent of filing the disclaimers was to request the court distribute all interest in the property to petitioner to enable him to obtain a loan to stop the foreclosure and repay any outstanding loans owed by decedent. Petitioner has been preapproved for a loan pending an order by this court to distribute all of the property to petitioner and that the property would be his sole and separate property.</p> <p>Each of them understand they have an equal interest in the property, but desire to waive, assign and transfer all of their right, title, interest and benefit in and to the property to Roy Cardenas.</p> <p>Petitioners request the Court rescind their disclaimers filed with the court on 5/2/2016, stating they were filed in error, as their intent was to transfer and assign all interest to petitioner, and that the disclaimers were invalid due to untimely filing pursuant to Prob C§ 279(b)(1)(2).</p> <p>They further request the Court approve their assignments of interest to Roy Cardenas.</p>	
		Reviewed by: SEF
		Reviewed on: 8/12/2016
		Updates:
		Recommendation:
		File 18B- Cardenas

Probate Status Hearing RE: Filing of the Bond

		NEEDS/PROBLEMS/COMMENTS: <u>OFF CALENDAR.</u> Bond filed. 7/26/16.
Cont. from		
<input type="checkbox"/>	Aff.Sub.Wit.	
<input type="checkbox"/>	Verified	
<input type="checkbox"/>	Inventory	
<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 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 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: 8/12/16
		Updates:
		Recommendation:
		File 19- Cooper-McCann

Petition for Appointment of Guardian of the Person

		LINDA OMAN , maternal great-aunt, is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need proof of personal service of the Notice of Hearing along with a copy of the Petition or Consent and Waiver of Notice for: <ol style="list-style-type: none"> a. Troy Smith (father) b. Kristi Uyesaka (mother) c. Peyton Smith (minor) <p>Note: Both parents were mailed notice without a copy of the petition. Both parents nominate the petitioner but have not waived notice.</p> 2. Paternal grandparents, maternal grandfather and siblings were mailed notice without a copy of the petition as required. 3. Confidential Guardian Screening form is incomplete at #14. Petitioner answered in the affirmative without explaining as required. 4. Order and Letters were submitted on outdated forms. Need current versions of the Order and Letters revised on 7/1/16.
		Please see petition for details.	
Cont. from		Court Investigator Report filed on 8/2/16	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail	W/O	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.	X	
<input checked="" type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input checked="" type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input checked="" type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: KT
			Reviewed on: 8/12/16
			Updates:
			Recommendation:
			File 20- Smith

Petition to Determine Succession to Real Property

DOD: 8/15/13		<p>ALBERT FRANCO and PATRICIA LEONARD, Son and Daughter, are Petitioners.</p> <p>40 days since DOD</p> <p>No other proceedings</p> <p>I&A: \$125,442.93 (real property, household furniture and furnishings, and \$4,442.93 cash)</p> <p>Decedent died intestate</p> <p>Petitioners request Court determination that the decedent's real and personal property passes to them 50% each.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>
	Aff.Sub.Wit.		
✓	Verified		
✓	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			<p>Reviewed by: skc</p> <p>Reviewed on: 8/12/16</p> <p>Updates:</p> <p>Recommendation: SUBMITTED</p> <p>File 26- Kozera</p>

Petition for Final Distribution Upon Waivers of Account and for Allowance of Compensation for Ordinary Services

DOD: 7/26/84		<p>LARRY OFFIELD, Son and Executor with Full IAEA without bond, is Petitioner. (Letters issued 9/14/84.)</p> <p>Accounting is waived.</p> <p>I&A: \$69,464.00 POH: \$50,714.00 (consisting of a 25% interest in certain real property, a 50% interest in a business, and misc. personal property)</p> <p>Executor waives statutory compensation.</p> <p>Attorney (Statutory): \$2,778.56</p> <p>The decedent's will devises certain real property to his former wife and Petitioner's mother, Estelle Mae McAlister, who died 4/12/93. Petitioner states under the terms of the deceased distributee's will and Probate Code §§ 21110(a), 21111(a)(2), Larry L. Offield is entitled to her interest in this estate.</p> <p>Therefore, Petitioner requests distribution pursuant to Decedent's will and Probate Code §§ 21110(a), 21111(a)(2) as follows:</p> <p>Larry Offield: Entire estate</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><i>Minute Order 8/3/16: If the Court is able to approve this matter before the 8/17/16 hearing, the matter may come off calendar.</i></p> <p><i>Note: The attorney was notified via email on 8/9/16 that this matter would be heard on the continued date of 8/17/16.</i></p> <p style="text-align: center;"><u>SEE ADDITIONAL PAGES</u></p>	
Cont. from 080316				
	Aff.Sub.Wit.			
✓	Verified			
✓	Inventory			
✓	PTC			
✓	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail			w
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
✓	Letters			9/14/84
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202	x		
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
N/A	FTB Notice			
		Reviewed by: skc		
		Reviewed on: 8/12/16		
		Updates:		
		Recommendation:		
		File 27- Offield		

Page 2 – NEEDS/PROBLEMS/COMMENTS:

1. Petitioner does not address whether notice was required or served under §9202.

Supplement to Petition filed 8/2/16 states: Probate Code §9202 was adopted effective 7/1/91 and is therefore not applicable to this proceeding as notice was not required when this proceeding was commenced in 1984. Specific notice to the Franchise Tax Board only applies when letters are first issued on or after 7/1/08. Therefore, there would be no statutory authority or obligation that would apply to the estate or any of the beneficiaries.

Examiner's Note: This estate has remained open and §9202(a) and (b) (notice to DHCS and Victim Comp) were enacted during administration. To be properly closed, must comply with the notice required under these sections. (§9202(c), notice to FTB, specifically states notice is not required in estates where letters issued prior to 7/1/08. Sections (a) and (b) contain no such specific language, and therefore are applicable to this estate.

2. Petitioner requests distribution of the 25% interest in certain real property devised to Estelle McAlister, who failed to survive administration (DOD: 4/12/93), to himself as her sole heir under her will pursuant to §§ 21110(a) and 21111(a)(2), which describe failed transfers. However, these sections do not appear appropriate to this situation. Rather, it appears distribution of the decedent's 25% interest in this parcel should be made to the Estate of Estelle McAlister pursuant to Probate Code §11801, and Petitioner as her heir can then use a summary proceeding to distribute such parcel under her will.

Supplement to Petition filed 8/2/16 states: This section, if applied, would require that the sole beneficiary would have to file a separate petition under §13150 to transfer the real property to himself, resulting in a second and unnecessary probate "proceeding." There might also be a separate proceeding under "real property of small value" under §13200. These proceedings would each also require an additional Inventory and Appraisal. These are unnecessary as the court may confirm the direct transfer from the Estate of Lee Offield to the deceased's sole beneficiary, being Larry Offield. The will of Lee James Offield intended that it was his intention to dispose of all property, real or personal, which he has the power to pass by testamentary disposition. The decedent gave all remaining property over which he had disposition to his son, Larry Offield, except for the 25% interest in one parcel that was given to Estelle Mae McAlister. The will does provide that all property, both "real and personal" be devised to decedent's son, which can be read as the "residuary devise or "alternative transfer" under §§21111(a)(1) and (2) and/or (e). In any event, the will of Estelle Mae McAlister also provides that Larry Offield is her sole beneficiary. Read together, both wills provide that all remaining property would pass to Larry Offield, which is the distribution set forth in this petition.

Petitioner states it is the intent of §11801 to render void the distribution to a deceased person when the proposed gift fails because of death. See authority cited. This court's final decree would stand as final and conclusive interpretation of both testators' intents and be binding on all interested parties, which would be Larry Offield. See authority cited.

Examiner's Note: Petitioner cites a matter where a testamentary trust being administered for 30 years after conclusion of the estate, and a judgment that the post-deceased beneficiary's heirs would take in the post-deceased heir's stead, *via the trust*. However, this estate has not been closed. The post-deceased heir's estate and will are not before the court. Real property must pass pursuant to §11801 to a post-deceased heir's estate and then by separate proceeding to her heir. The only provision for collection of assets by successor in interest to a post-deceased heir's share is for personal property only under §13100, which is not applicable to real property.

SEE ADDITIONAL PAGES

Page 3 – NEEDS/PROBLEMS/COMMENTS (Cont'd):

3. This estate was opened over 30 years ago in 1984. Litigation occurred within the estate through 1987; however, thereafter, nothing further was filed until the Court discovered the open estate in 2015. Executor has continuously been represented by Attorney Shabazian. The attorney requests the full amount of statutory compensation. Probate Code §12205 allows the court to reduce compensation when an estate is not timely closed, such failure was within the control of executor/attorney, and such failure was not in the best interest of interested persons. Here, the devisee to certain real property passed away without having received her interest. Had the estate been timely administered, this detriment would not have occurred. As such, The Court may reduce the attorney's statutory compensation.

Supplement to Petition filed 8/2/16 states: §12205 requires that the court make all determinations as provided therein to reduce compensation. There has been no loss or damage of any interest of the estate or any interested persons, being solely Larry Offield, who has had the use and control of the property. Any harm or loss of the estate of Estelle Mae McAlister in not receiving a 25% share of the real property prior to her death is not apparent. In fact, her will leaves all of her assets to her son. It is of course up to the court's review to make the mandatory "determinations" required under §12205(a)(1)-(3) to reduce what is a modest statutory fee.

DOD: 02/09/2016	<p>DANIEL I.S.J. REY-BEAR, was appointed Administrator with limited IAEA authority, with \$1,377,528.40 (approx.) ordered to be placed into blocked accounts at Chase Bank and Wells Fargo Bank, and with bond set at \$20,000.00 on 06/22/2016.</p> <p>Order to Deposit Money into Blocked Account filed 05/18/2016 indicates total amount to be deposited is in Chase Bank is \$1,106,502.08.</p> <p>Order to Deposit Money into Blocked Account filed 05/18/2016 indicates total amount to be deposited is in Wells Fargo Bank \$291,026.12.</p> <p>Receipt of Bond filed 07/06/2016 in the amount of \$20,000.00.</p> <p>Letters issued on 07/06/2016</p> <p>Minute Order of 06/22/2016 set this Status Hearing for the filing of the Proof of Funds in Blocked Account.</p> <p>Status Report for Proof of Deposit of Funds filed 08/02/2016 (for hearing on 08/03/2016) states on 08/01/2016 Wells Fargo Bank transferred funds from the last account, a certificate of deposit, to the new Estate account so as to avoid penalty; funds have been transferred to the Estate account and today the Judicial Council Form Receipt was delivered to the local downtown branch and the Bank representative stated that he would send the form to their legal department for completion or advise as required. As of today, the Chase Bank Representative advised that their legal department was filing the Judicial Council Receipt Form directly with the Court today and that they would send a copy. As of this afternoon, 2pm, nothing has been received by Mr. Ramirez's office. Mr. Ramirez states he has been advised that the Estate accounts have been opened, accounts are blocked and he is just waiting for Judicial Council Receipt forms to be completed and filed with the Court. Mr. Ramirez requests the Court continue this matter at least two weeks out or at the convenience of the court.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Minute Order of 08/03/2016: Counsel requests two weeks. No appearance is necessary at the hearing if the required documents are filed at least two court days prior.</p> <p>1. Need Receipts for Blocked Accounts 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>
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Status Rpt		
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Citation		
FTB Notice		
<p>Reviewed by: LV</p> <p>Reviewed on: 08/12/2016</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 28- Lawson</p>		

Petitioner Evelyn Louise Traylor (Pro Per, maternal grandmother)

Petition for Appointment of Temporary Guardian of the Person

		<u>General Hearing set for 9/21/2016</u>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Continued from 8/3/2016.</u> <i>Minute Order</i> states the Court orders that the minor remain with Karen, Howardton, paternal grandmother, at this time. The Court further orders that the minor is not to be removed from the state of California or the county of Fresno for any reason. Any written objections are to be filed and properly served by 8/10/2016. The Court orders visitation for Evelyn Traylor every weekend from Friday at 5pm through Sunday at 5pm, beginning 8/5/2016. Each receiving party shall pick the minor up.</p> <p>The following defect from the last hearing remains:</p> <p>1. Need proof of five (5) court days' notice by personal service of the <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Temporary Guardian, or Consent to Appointment of Guardian and Waiver of Notice, or a Declaration of Due Diligence</i> for:</p> <ul style="list-style-type: none"> • Felicia Georgeson, mother; • Teddy Borboa, father.
		EVELYN LOUISE TRAYLOR, maternal grandmother, is Petitioner.	
		~Please see Petition for details~	
		~Please see additional page~	
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	Video Receipt		
	CI Report		
	9202		
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	Aff. Posting		
	Status Rpt		
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		Reviewed by: LEG	
		Reviewed on: 8/12/16	
		Updates:	
		Recommendation:	
		File 29- Borboa	

Objection to Guardianship filed by FELICIA GEORGESON, mother, on 8/10/2016.

NEEDS/PROBLEMS/COMMENTS for Objector:

1. Need proof of service by mail of a copy of the *Objection to Guardianship* filed on 8/10/2016 for the following persons:
 - Teddy Borboa, father;
 - Evelyn Traylor, maternal grandmother (Petitioner);
 - Dennis Georgeson, maternal grandfather;
 - Barry Borboa, paternal grandfather;
 - Karen Howardton, paternal grandmother.

Petition for Visitation

		See petition for details.	NEEDS/PROBLEMS/COMMENTS: <u>Note: This matter will be heard at 8:30 am in Dept. 54.</u> <u>Minute Order 7/20/16:</u> Court continues hearing for minor Angel Rios and father Nathan Rios to be served with the Notice of Hearing and the petition. <u>Note:</u> All notice issues have now been cured.	
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		Reviewed on: 8/12/16		
		Updates:		
		Recommendation:		
		File 1 – Rios		