



## 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.

<b>Age: 58</b>	<b>PUBLIC GUARDIAN</b> , Conservator, is Petitioner.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Note:</b> A status hearing will be set as follows:</p> <ul style="list-style-type: none"> <li><b>Tuesday, 08/16/16 @ 9:00am in Dept. 303</b> for filing of the 16<sup>th</sup> Account</li> </ul>
	Account period: <b>05/01/12 – 04/30/14</b>	
	Accounting - <b>\$160,412.69</b>	
	Beginning POH - <b>\$92,951.95</b>	
	Ending POH - <b>\$109,557.59</b>	
<b>Cont. from</b>	Conservator - <b>\$484.64</b> (5 staff hours @ \$76/hr and 1.09 deputy hours @ \$96/hr.)	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	Attorney - <b>\$1,250.00</b> (Less than allowed per Local Rule)	
<input checked="" type="checkbox"/> <b>Verified</b>	Bond Fee - <b>\$719.30</b> (ok)	
<input type="checkbox"/> <b>Inventory</b>	<b>Petitioner prays for an Order:</b>	
<input type="checkbox"/> <b>PTC</b>	1. Approving, allowing and settling the 15 <sup>th</sup> Account;	
<input type="checkbox"/> <b>Not.Cred.</b>	2. Authorizing the conservator and attorney fees and commissions; and	
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>	3. Authorizing payment of the bond fee.	
<input checked="" type="checkbox"/> <b>Aff.Mail</b> w/	<b>Court Investigator Jennifer Young filed a report on 11/26/13.</b>	
<input type="checkbox"/> <b>Aff.Pub.</b>		
<input type="checkbox"/> <b>Sp.Ntc.</b>		
<input type="checkbox"/> <b>Pers.Serv.</b>		
<input type="checkbox"/> <b>Conf. Screen</b>		
<input type="checkbox"/> <b>Letters</b>		
<input type="checkbox"/> <b>Duties/Supp</b>		
<input type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>		
<input checked="" type="checkbox"/> <b>CI Report</b>		
<input type="checkbox"/> <b>2620(c)</b> n/a		
<input checked="" type="checkbox"/> <b>Order</b>		
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>		
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		
		<b>Reviewed by:</b> JF
		<b>Reviewed on:</b> 08/15/14
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 1 – Loveless</b>

**Petition for Order Approving Modification of Trust Terms**

		<p><b>GILBERT C. BERKELEY, JR.</b>, Trustee, is petitioner.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. This trust petition is being brought in the estate case. Local Rule 7.1.2 states, in relevant part, all initial proceedings for court supervision of trusts (including but not limited to testamentary trusts funded by a probate) are new actions, and require the assignment of a new case number and payment of a current filing fee. <b>Therefore this action requires a new case number.</b></p>
		<p><b>Petitioner states Gilbert C. Berkeley</b> died on 3/29/1985 and Petitioner served as executor of his estate. Through his will the Settlor established an irrevocable testamentary trust for the benefit of his wife and his descendants ("trust").</p>	
<b>Cont. from</b>		<p>The trust designated Petitioner as the initial Trustee of trust and designated <b>John H. Slater</b> as the alternate Trustee. The trust waives bond for any trustee nominated under the terms of the trust. John H. Slater has declined to serve as successor trustee.</p>	
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/>	<b>Verified</b>	<p>The relevant provisions of the trust provide that during the lifetime of the Settlor's wife, <b>Miriam S. Berkeley</b> ("Miriam") she is entitled to all net income of the trust, the free use and occupancy of a personal residence held in the trust, and as much of the principal of the trust as the Trustee determines is necessary for Miriam's health, education and reasonable support. If Miriam outlives all of the Settlor's issue, the trust is terminated and distributed to her outright. If instead Miriam is survived by the Settlor's issue, then upon her death the trust shall be divided into separate shares for each of the Settlor's children, with the shares of a pre-deceased child being distributed to the issue of such child, or if none, to the issue of the Settlor.</p>	
<input type="checkbox"/>	<b>Inventory</b>		
<input type="checkbox"/>	<b>PTC</b>	<p>Please see additional page</p>	
<input type="checkbox"/>	<b>Not.Cred.</b>		
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>		
<input checked="" type="checkbox"/>	<b>Aff.Mail</b> W/		
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input type="checkbox"/>	<b>Letters</b>		
<input type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		
		<p><b>Reviewed by: KT</b></p>	
		<p><b>Reviewed on: 8/15/14</b></p>	
		<p><b>Updates:</b></p>	
		<p><b>Recommendation:</b></p>	
		<p><b>File 2 – Berkeley</b></p>	

The Settlor had two children, **Gilbert C. Berkeley, Jr.** (Petitioner) and **Constance Berkeley Abeloff**, ("Connie"). Both children are still living and are therefore presumed remainderman who are most likely to receive the trust assets upon Miriam's death.

Connie has no children. Petitioner has two children, **Kate Elizabeth Berkeley** and **Jane Katherine Berkeley**. Kate has a 10 month old child and Jane has no children.

Under California Probate Code § 15403, if all beneficiaries of an irrevocable trust consent, they may compel modification of an otherwise irrevocable trust. The current beneficiary, Miriam, the presumed remainderman beneficiaries, Gilbert and Connie, and the only other adult remainder beneficiaries, Kate and Jane, have all consented to the modifications described below.

In order to avoid a vacancy in the trusteeship, Petitioner requests the trust be modified to provide that if Gilbert C. Berkeley for any reason fails to qualify or ceases to act as trustee, then Constance Berkeley Abeloff shall serve as trustee. If Constance Berkeley Abeloff shall for any reason fail or cease to act as trustee, then Kate Elizabeth Berkeley shall serve as trustee.

While consent has not been obtained on behalf of Kate's 10 month old child or any unborn or unascertained beneficiaries, their interests in the trust and the subject matter of the petition are identical to those of the presumed remainder beneficiaries. Therefore appointment of a guardian ad litem is unnecessary.

The Settlor waived bond as to "any Trustee nominated" in the trust. Given the Settlor's intent that bond not be required of a named Trustee, and given the waiver of bond by each current adult beneficiary, Petitioner requests bond not be required, thereby allowing for a smooth transition of the Trusteeship.

**Wherefore, Petitioner prays for an Order:**

1. Determining that, with respect to this petition, the interests of any unborn and unascertained beneficiaries are adequately represented without the appointment of a guardian ad litem.
2. Approving the modification of Section 1 of the trust terms as set forth in the Petition governing the succession of Trustees;
3. Approving the modification of Section 5 of the trust terms waiving bond.

**5 Arturo Garcia (Estate)**

**Case No. 09CEPR00271**

**Atty Knudson, David N. (for Lori Garcia – Administrator/Petitioner)**

**(1) First and Final Account and Report of Administrator, (2) Report of Special Administrator, (3) Petition for Instructions, (4) for Statutory and Extraordinary Fees to Administrator and her Attorney, and (5) for Final Distribution**

<b>DOD: 03/26/09</b>	<b>LORI GARCIA</b> , Administrator, is Petitioner.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p style="text-align: center;"><b>OFF CALENDAR</b></p> <p><b>First Amended First and Final Account was filed 08/06/14 and is set for hearing on 09/17/14</b></p> <ol style="list-style-type: none"> <li>The accounting is incomplete. It is missing all schedules (receipts, gains on sales, distributions, losses on sales, etc.). Only the summary of account is provided. Need amended accounting.</li> <li>Examiner is unable to verify the statutory fee due to the missing schedules to the accounting. Further, there appears to be an addition error in the Supplemental Accounting calculation of the statutory fees. Examiner calculates the total estate accounted for, using the unverified figures listed, to be \$372,118.38 rather than \$372,818.38. Need revised accounting in order to determine correct statutory fee. Further, it is noted that the statutory fee references "transfers" that are deducted from the Receipts. Need clarification as to what these are if they are not readily apparent on the schedules that should be included in an amended accounting.</li> <li>The Supplemental Accounting lists the payoff of the Wells Fargo Credit Card claim as \$13,600.22 but the creditor's claim lists the amount of the claim as \$13,020.77. Need clarification.</li> <li>The administrator is requesting extraordinary compensation at \$50/hr. The court may require more information as to the appropriateness of this rate.</li> </ol>
	Account period: <b>04/06/09 – 12/31/13</b>	
	Accounting - <b>\$374,808.52</b> Beginning POH - <b>\$243,600.62</b> Ending POH - <b>\$128,843.03</b> (\$85,772.90 is cash)	
<b>Cont. from 071514</b>	Supplemental Account period: <b>01/01/14 – 06/30/14</b>	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	Accounting - <b>\$217,641.34</b> Beginning POH - <b>\$128,843.03</b> Ending POH - <b>\$217,641.34</b> (all cash)	
<input checked="" type="checkbox"/> <b>Verified</b>	Administrator - <b>\$10,456.37</b> (see note 2)	
<input checked="" type="checkbox"/> <b>Inventory</b>	Administrator x/o - <b>\$6,155.00</b> (itemized by date - \$4,120.00 related to the Jodean Coakley and Wells Fargo Litigation (82.4 hours @ \$50/hr.), \$1,000.00 for sale of real property (Per Local Rule), and \$1,035.00 related to the Hinds Hospice Litigation (20.7 hours @ \$50.00/hr.)	
<input checked="" type="checkbox"/> <b>PTC</b>	Attorney - <b>\$10,456.37</b> (see note 2)	
<input checked="" type="checkbox"/> <b>Not.Cred.</b>	Attorney x/o - <b>\$48,609.00</b> (itemized by date - \$1,266.00 re Appt. of Special Administrator, \$38,618.00 re Coakley/Wells Fargo litigation, \$2,983.75 re Hinds Hospice Litigation, \$1,003.75 severance of cases, \$6,737.50 sale of residence)	
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>	Costs - <b>\$5,151.94</b> (\$6,151.94 less \$1,000.00 advanced by the beneficiaries for filing fees, certified copies, publication, court reporter fees, document production, subpoena fees)	
<input checked="" type="checkbox"/> <b>Aff.Mail</b> w/	Closing - <b>\$3,000.00</b>	
<input type="checkbox"/> <b>Aff.Pub.</b>		
<input type="checkbox"/> <b>Sp.Ntc.</b>		
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<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input checked="" type="checkbox"/> <b>FTB Notice</b>		
Continued on Page 2		<p><b>Reviewed by:</b> JF</p> <p><b>Reviewed on:</b> 08/15/14</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 5 - Garcia</b></p>

Petitioner states that three creditor's claims were filed against the estate:

- |   |   |              |
|---|---|--------------|
| 1. Wells Fargo Card Services              | - | \$13,020.77  |
| 2. Wells Fargo Home Equity Line of Credit | - | \$157,072.34 |
| 3. Jodean Coakley                         | - | \$26,896.77  |

Petitioner states that the estate was involved in litigation between the estate and Jodean Coakley and Wells Fargo Bank. The matter was settled between the parties prior to trial. As part of the settlement agreement, Wells Fargo Home Equity Line of Credit filed a withdrawal of its claim asserting that it was a full satisfaction of all sums due Wells Fargo. However, Petitioner continued to receive notifications from Wells Fargo requesting payment of the credit card claim of \$13,020.77. In response to correspondence from counsel, Wells Fargo responded that despite its language indicating "full satisfaction" and waiver of all sums due, the position of the credit card department is that the claim was not withdrawn, and that the claims are identified by different file numbers. Petitioner requests instructions of the Court that the claim is a valid and existing claim and authorizing payment of same in the amount of \$13,600.22.

**Distribution, pursuant to intestate succession, is to:**

- |               |   |             |
|---------------|---|-------------|
| Audrey Garcia | - | \$40,070.81 |
| Jill Vanni    | - | \$40,070.81 |
| Mark Garcia   | - | \$40,070.81 |

**Objection to First and Final Account and Report of Administrator** filed 07/10/14 by beneficiaries Mark Garcia, Jill Vanni, and Audrey Garcia states: They have many concerns that they have expressed to the Administrator and Attorney David Knudson. They specifically object to the extraordinary fees and request that the court consider the following:

1. In 2010 it came to their attention that David Knudson had a conflict of interest in that he had represented Wells Fargo in the past. Objectors state that Mr. Knudson never disclosed this conflict to them. Any extraordinary compensation requested Mr. Knudson with regard to dealings with Wells Fargo should be denied for that fact alone and in addition the estate should be allowed sanctions. This is currently the subject of an investigation by the State Bar of California, case no. 1-414-409.
2. There has been an extraordinary lack of communication by both the Administrator and attorney Knudson to the Objectors as the beneficiaries of the estate. Although requested numerous times, they were never provided with written accountings of the estate or estimates of what the extraordinary compensation that would be requested. Objectors state that they understand that it is not required to provide the beneficiaries with accountings during the administration of the estate, but understands that it is common practice and believes it's the right thing to do.
3. It was their understanding that Wells Fargo filed a satisfaction of its combined claims on 08/12/13, but now Administrator is requesting approval to pay the claim. Objectors request that the matter be reviewed in light of the conflict of interest with Wells Fargo noted above.
4. Objector Audrey Garcia was living in the real property asset of the estate prior to its being sold and during that time she paid the homeowner's insurance from her own funds. Upon the property being sold, Audrey called and cancelled the insurance. She was informed by the insurance company that she would be issued a refund of the overpaid amount. But instead of receiving the refund, the insurance company mailed the check to the administrator of the estate and David Knudson endorsed the check (that was written out to Audrey Garcia and not the estate) and deposited it into the estate account. This is currently the subject of an investigation by the California State Bar case # 1-414-409.
5. Both the administrator, Lori Garcia and attorney David Knudson, failed to communicate with the beneficiaries during the estate administration, even though the beneficiaries requested information numerous times. Lori was even sanctioned by the court for lack of communication with the court early on in the case and the same behavior continued throughout the administration of the estate.

Objector's request that the Court consider these points and deny the request for extraordinary compensation by both Mr. Knudson and Lori Garcia and order sanctions as the court deems appropriate.

**Update:** On 7-14-14, , Attorney Knudson filed a declaration containing the missing and corrected schedules. However, due to the lateness of this filing, Examiner is unable to review. Also, the declaration is not verified by the Administrator (fiduciary) pursuant to Probate Code §1021, 1023. This is also an issue because the schedules are corrected.

- Atty Molsenbocker, Gary L.; sole practitioner (for Petitioners Victor Romley and Tony Romley, cousins of Decedent)
- Atty Hiyama, Dean (By association with Molsenbocker, also for Petitioners Victor Romley and Tony Romley, cousins of Decedent)
- Atty Burnside, Leigh W.; of Dowling Aaron (for Objector Laura Palos, Successor Trustee)
- Atty Smith, Jane T.; of County Counsel's Office (for Lynda Plancarte and Fresno County DSS)

Motion to Compel Attendance at Deposition and Production of Documents;  
Memorandum of Points and Authorities in Support

DOD: 1/8/2013		NEEDS/PROBLEMS/COMMENTS:
		<b>OFF CALENDAR</b>
		<i>Protective Order [on Stipulation for Entry of Protective Order] filed 8/12/2014 finds the hearing on the Motion to Compel Attendance at Deposition and Production of Documents is now moot and off calendar.</i>
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
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Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: LEG
		Reviewed on: 8/15/14
		Updates:
		Recommendation:
		File 7 – Nettle

Petition for Order for Issuance of Citation for Examination Regarding Property of the Estate [Probate Code §8870]

DOD: 11-13-13	<b>JOHN MCMURRAY</b> , Executor with Full IAEA without bond, is Petitioner.	<p><b>NEEDS/PROBLEMS/ COMMENTS:</b></p> <p><b>Minute Order 7-8-14:</b> Parties are ordered to participate in mediation today at 1:30 pm.</p> <p><b>Note:</b> Nothing further has been filed with regard to the mediation; however, on 7-11-14, Terri Holford filed an Objection to this petition, and on 7-11-14, Alva Holford filed both a Spousal Property Petition and a Petition to Remove Personal Representative. See Pages B and C.</p> <hr/> <p><b>Reviewed by:</b> skc</p> <hr/> <p><b>Reviewed on:</b> 8-15-14</p> <hr/> <p><b>Updates:</b></p> <hr/> <p><b>Recommendation:</b></p> <p><b>File 8A - Holford</b></p>
	Petitioner states that in collecting the decedent's records, papers, and property of the estate, Petitioner discovered that the decedent's spouse <b>ALVA HOLFORD</b> and his daughter <b>TERRI HOLFORD</b> were each hiding, taking and secreting from the estate much tangible personal items, records, and papers of the estate, including but not limited to clothing, antiques, jewelry, chinaware, keepsakes, pictures, oil paintings, coins, \$20 gold piece collections, guns, furniture, and many other personal items. In fact, they were attempting to sell and/or discard such items thereby preventing Petitioner from claiming such as part of the estate.	
Cont. from 070814	Petitioner states Terri Holford and Alva Holford have each failed and refused and continue to fail and refuse to render an accounting or remit to the estate the net receipts of any items sold. Petitioner has contacted them numerous times asking to remit the net receipts to the estate and/or return the taken items to Petitioner. Each time, they have refused to comply with Petitioner's requests and conversations have become hostile.	
Aff.Sub.Wit.	Attached are various photographs of Terri Holford engaged in selling and/or discarding personal items of the estate and a sample of the missing inventory of the estate, as well as Facebook pages of Terri Holford describing her efforts to conceal and sell the belongings of the estate.	
✓ Verified	<b>Petitioner prays for an order</b> directing issuance of a citation to <b>TERRI HOLFORD</b> and <b>ALVA HOLFORD</b> , requiring each to appear before the Court at the time and date specified in the order to be examined under oath concerning the allegations that he/she has wrongfully taken, concealed, or disposed of property in the estate of the decedent, and to provide reason why she should not be required to account for that property.	
Inventory	<b>Terri Holford, Daughter of the decedent's spouse, filed an objection on 7-11-14. See Page 2.</b>	
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
✓ Pers.Serv.		
Conf. Screen		
✓ Letters 4-11-14		
Duties/Supp		
✓ Objections		
Video Receipt		
CI Report		
9202		
✓ Order		
Aff. Posting		
Status Rpt		
UCCJEA		
✓ Citation		
FTB Notice		

**Page 2**

**Objection filed 7-11-14 by Terri Holford states** Mr. McMurray should not be allowed to move forward with his case. He is intentionally misrepresenting the estate of Cleista Mae Holford. He has received life insurance payouts, closed bank accounts, and did have the opportunity to claim any additional items from the home. In fact, he had the chance for two weeks as he was living in the home prior to his mother's death for "cleaning." He has never made any request, formal or otherwise, for an accounting of the estate. If he had, Ms. Holford would have gladly obliged. Ms. Holford objects because Mr. McMurray failed to notify anyone in the family of the probate. Ms. Holford asks that he properly notify her father (Alva Holford).

**Probate Status Hearing Re: Failure to File the Inventory and Appraisal and for Failure to File a First Account or Petition for Final Distribution**

	<b>TAKAKO RENGE</b> , spouse, was appointed Administrator with full IAEA without bond on 10/10/2006.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
	Letters issued on 10/10/2006.	<b>Minute Order of 06/20/2014 (Judge Black):</b> Mr. Renge requests additional time to determine if there are any other properties.
<b>Cont. from 030714, 062014</b>	Inventory and Appraisal was due on 03/2007.	<b>Minute Order of 03/07/2014(Judge Hamlin):</b> Counsel to prepare an order indicating that the administrator has the authority to transfer property. Order is to be sent to Department 73 for Judge Hamlin's review and signature.
<b>Aff.Sub.Wit.</b>	First Account or Petition for Final Distribution was due 12/2007.	<b>As of this Examiner's review there has been nothing filed.</b>
<b>Verified</b>	Notice of Status Hearing was mailed to Lawson K. Renge on 11/22/2013.	1. Need Inventory and Appraisal and First Account or Petition for Final Distribution or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.
<b>Inventory</b>	<b>Former Status Report filed 03/05/2014</b> states the majority of the Estate has been transferred without the need for probate order.	
<b>PTC</b>	There remains some miscellaneous property appearing in the name of decedent, Howard Renge aka Howard Kange Renge, which may require the need for a court order.	
<b>Not.Cred.</b>	The primary reason to keep the estate open is to provide continuing administrative authority to the Administrator to transfer property, if any, required by third party (ies) pursuant to court order.	
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
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<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		<b>Reviewed by:</b> LV
<b>Status Rpt</b>		<b>Reviewed on:</b> 08/15/2014
<b>UCCJEA</b>		<b>Updates:</b>
<b>Citation</b>		<b>Recommendation:</b>
<b>FTB Notice</b>		<b>File 9 – Renge</b>

**Probate Status Hearing Re: Failure to File a Petition for Final Distribution**

<b>DOD: 1-18-06</b>	<p><b>BETTY MARIE GLOVER</b>, daughter, was appointed as Executor with Full IAEA with bond of \$276,000.00 on 8-28-07. Bond was filed and Letters issued on 11-1-07. The Executor was originally represented by attorney Lance Armo.</p> <p>The appointment was appealed; however, pursuant to the Opinion entered 5-22-08 by the Fifth Appellate District, the order of the probate court was affirmed and costs were awarded to the Executor. Remittur was filed 7-23-08.</p> <p>Substitution of Attorney filed 11-26-08 indicates attorney David Yengoyan is currently the attorney of record for the Executor.</p> <p>Nothing further was filed by the Executor in this case. No Inventory and Appraisal was ever filed pursuant to Probate Code §8800 and no petition for final distribution was ever filed pursuant to Probate Code §12200.</p> <p>On 2-14-14, the Court set this status hearing for failure to file a petition for final distribution and mailed notice to attorney Yengoyan and to the Executor Betty Glover.</p> <p>On 4-2-14, attorney Edward L. Fanucchi filed a status report states it appears communications between his office and the Executrix have broken down, and that the Executrix would be better served by obtaining new counsel to represent her and the estate.</p> <p>On 4-18-14, attorney Catherine Amador appeared for Ms. Glover and the matter was continued.</p> <p><b>Status Report filed 8-13-14 by Attorney Amador states probate was delayed by objections of the beneficiaries to the Executor's appointment and subsequent appeal of this Court's order. She thereafter had problems obtaining access to the decedent's real and personal property, as this same beneficiary blocked access to the real property. Thereafter, the Executor suffered health problems which prevented her from completing the I&amp;A until recently. She has now engaged new counsel to assist with the ongoing work of the probate. The I&amp;A will be submitted once the Probate Referee completes his work.</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Note:</b> The status report filed by Attorney Fanucchi does not indicate any past or current circumstances regarding the case or the Executor, or any efforts to communicate since the Executor's appointment was affirmed, and also does not constitute a request to be relieved, which must be properly filed.</p> <p><b>Note:</b> Although attorney David Yengoyan was the attorney of record, Attorney Fanucchi signed the Substitution of Attorney filed 4-17-14 wherein Attorney Amador subbed in for the Executor.</p> <p><b>Note:</b> Attorney Fanucchi has now filed a "Notice of Lien for Attonrey's Fees" alleging fees totaling \$1,630.00. <i>(Examiner notes that there does not appear to be any Court order authorizing this sum.)</i></p> <p><b>Note:</b> According to the decedent's will dated 2-20-03 which was admitted to probate on 8-28-07, the heirs to this estate are the decedent's three children: Administrator Betty Glover, Donald Hunt, and Barbara Hunt.</p> <p><b>Note:</b> The original petition estimated the value of the estate at \$276,000.00 which included real and personal property, and the Executor filed a bond in that amount on 11-1-07. Notice of further proceedings or removal from office may be required to be served on the surety.</p> <ol style="list-style-type: none"> <li><b>1. Need verified written status report regarding the status of administration and the estate assets.</b></li> <li><b>2. Need Inventory and Appraisal.</b></li> <li><b>3. Need First Account and Petition for Final Distribution.</b></li> </ol>
<b>Cont. from 062014,</b>		
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
	<p><b>Reviewed by:</b> skc</p> <p><b>Reviewed on:</b> 8-15-14</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 10 – Hunt</b></p>	

**Status Hearing Re: Account/Report of Executor on Waiver of Account  
and Petition for Distribution**

<b>DOD: 01/17/11</b>	<p><b>DEBORAH KAMINE</b>, daughter, was appointed Executor with full IAEA authority and without bond on 05/12/11. Letter Testamentary were issued on 05/12/11.</p> <p>Inventory &amp; Appraisal, final, filed 10/11/13 - \$198,712.13</p> <p><b>Minute Order</b> from status hearing on 10/25/13 set this matter for status regarding filing the Account/Report of Executor on Waiver of Account and Petition for Distribution.</p> <p><b>Former Status Conference Statement filed 07/21/2014</b> states the reason for delay in closing out the estate concerns the disposition of the home, which represents the single greatest asset of the Estate. There are four beneficiaries to the Estate, including the petitioner. The home is encumbered with a loan of approximately \$80,000.00. One of the beneficiaries, not the Executor, has been residing in the home and continues to as of this time. In addition, the petitioner is owed reimbursements that are expected to exceed the net value of the remaining Estate once the home is sold and expenses for repairs, commissions and closing costs are incurred. After months of negotiating a resolution with the beneficiaries, an agreement was reached last week wherein petitioner will pay the beneficiaries an equal amount to each from her own sources in exchange for an assignment of their interests in the Estate to petitioner. Petitioner is now prepared to close the Estate by filing a Petition for Final Distribution on Waiver of Accounting once this has been concluded. This will allow the petitioner to keep the home, which will hopefully through appreciation and payoff over time, allow her to recoup her expenses rather than through reimbursement. The assignments are expected to be received over the next two weeks, and the petitioner for final distribution is expected to be filed on or before 30 days from the date of this hearing. Petitioner would appreciate a final continuance of 30 days.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Minute Order of 07/22/2014: Ms. Kircher appearing specially for Attorney Paul Franco.</b></p> <p><b>Minute Order from 04/18/2014: No appearances. Paul Franco is ordered to be personally present on 05/23/2014 if the required documents have not been filed.</b></p> <p><b>Copy of Minute Order mailed to Attorney Franco on 04/18/2014.</b></p> <p><b>Minute Order from 03/21/2014 states: No appearances. Paul Franco is ordered to be personally present on 04/18/2014 if the account and petition for distribution has not been filed.</b></p> <p><b>Copy of Minute Order mailed to Attorney Franco on 03/24/2014.</b></p> <p><b>Minute Order from 01/24/14 states: No appearances. Matter continued to 03/21/14. The Court orders Paul Franco to be personally present on 03/21/14.</b></p> <p><b>Copy of Minute Order mailed to Attorney Franco on 01/30/2014.</b></p> <p>1. Need First Account or Petition for Final Distribution or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.</p>
<b>Cont. from 012414, 041814, 052314, 072214</b>		
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
<b>Reviewed by: LV</b>		
<b>Reviewed on: 08/15/2014</b>		
<b>Updates:</b>		
<b>Recommendation:</b>		
<b>File 11 – Blankenship</b>		

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

<b>DOD: 2/26/12</b>	<b>ANH PHU TU</b> , surviving spouse, is petitioner and requests appointment as Administrator with without bond.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b><u>Continued to 9/2/14</u> at the request of the petitioner.</b></p> <ol style="list-style-type: none"> <li>1. Need Affidavit of Publication.</li> <li>2. Need Order.</li> </ol> <p><b>Note:</b> If the petition is granted, status hearings will be set as follows:</p> <ul style="list-style-type: none"> <li>• <b>Friday, August 19, 2015</b> at 9:00 a.m. in Department 303, for the filing of the first account or petition for final distribution.</li> </ul> <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.</p>
	All heirs waive bond.	
<b>Cont. from 070114</b>	Full IAEA - <b>need publication.</b>	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	Decedent died intestate.	
<input checked="" type="checkbox"/> <b>Verified</b>		
<input type="checkbox"/> <b>Inventory</b>	Residence: Fresno	
<input type="checkbox"/> <b>PTC</b>	Publication: <b>NEED</b>	
<input type="checkbox"/> <b>Not.Cred.</b>		
<input type="checkbox"/> <b>Notice of Hrg</b>		
<input checked="" type="checkbox"/> <b>Aff.Mail</b>	W/	
<input type="checkbox"/> <b>Aff.Pub.</b>	X	
<input type="checkbox"/> <b>Sp.Ntc.</b>	Estimated value of the Estate:	
<input type="checkbox"/> <b>Pers.Serv.</b>	Real property - \$8,099.00 (\$331,293.00 less encumbrances of \$323,194.00.)	
<input type="checkbox"/> <b>Conf. Screen</b>		
<input checked="" type="checkbox"/> <b>Letters</b>	Probate Referee: <b>RICK SMITH</b>	
<input checked="" type="checkbox"/> <b>Duties/Supp</b>		
<input type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>		
<input type="checkbox"/> <b>CI Report</b>		
<input type="checkbox"/> <b>9202</b>		
<input type="checkbox"/> <b>Order</b>	X	
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>		
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		
		<b>Reviewed by: KT</b>
		<b>Reviewed on: 8/15/14</b>
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 13 - Dunn</b>

**Status Hearing Re: Filing of the Inventory and Appraisal**

<b>DOD: 5/1/13</b>	<b>KAYING LO</b> was appointed as Executor with full IAEA authority and without bond on 1/7/14.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Continued from 6/24/14. Minute order indicates that there were no appearances. Kayling Lo is ordered to be personally present on 8/19/14 if the inventory and appraisal is not filed.</b> – Copy of the minute order was mailed to Kayling Lo on 6/27/14.</p> <p>1. <b>Need inventory and appraisal or current written status report</b> pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.</p>
	Letters issued on 1/7/14.	
<b>Cont. from 062414</b>	Inventory and appraisal is now due.	
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>		
<b>Inventory</b>	<b>Minute Order dated 1/7/14</b> set this status hearing for the filing of the inventory and appraisal.	
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>	<b>Minute Order dated 5/9/14 states</b> no appearances. The Court orders Kaying Lo to be personally present on 6/24/14. Copy of the minute order mailed to Kaying Lo on 5/16/14.	
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
		<b>Reviewed by: KT</b>
		<b>Reviewed on: 8/15/14</b>
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 14 - Stratton</b>

**Status Hearing Re: Filing of the Inventory and Appraisal**

<b>DOD: 05/17/2013</b>	<p><b>LOUISE BAKER</b>, was appointed Executor with full IAEA authority without bond on 01/27/2014.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p>
	<p>Letters issued on 01/28/2014.</p>	<p><b>Minute Order of 07/01/2014 (Judge Black): No appearances. The Court sets matter for an Order to Show Cause on 08/19/2014 for failure to appear and removal of Ronald Calhoun as Executor. Ronald Calhoun is ordered to be personally present on 08/19/2014.</b></p>
<b>Cont. from 060614, 070114</b>	<p>Minute Order of 01/06/2014 set this status hearing for the filing of the Inventory and Appraisal.</p>	
<b>Aff.Sub.Wit.</b>	<p><b>Status Report filed 08/11/2014</b> states Attorney Calhoun failed to transfer over the hearing of 07/01/2014 due to a change in his calendaring. He and the executrix, Louise Baker, have done an extensive search and found that the estate has no property. However, on review of the events leading up to and during the investigation, it was determined that an individual had changed the beneficiary of the decedent's life insurance three days before her death. The case number of the probate has been used in discovery attempts to determine how such action was taken. As can be seen by the decedent's death certificate, Ms. Ello was in the hospital, and had been for over a month prior to her death. Therefore, with the changing of her beneficiary, it does not appear proper.</p>	<p><b>Copy of Minute Order and Order to Show Cause mailed to Ronald Calhoun on 07/11/2014.</b></p> <p><b>Minute Order of 06/06/2014: No appearances. Ronald Calhoun is ordered to be personally present on 07/01/2014 if the Inventory and Appraisal has not been filed.</b></p> <p><b>Copy of Minute Order mailed to Ronald Calhoun on 06/13/2014.</b></p> <p>1. Need Inventory and Appraisal.</p>
<b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>	<p><b>Reviewed by: LV</b></p>	
<b>9202</b>	<p><b>Reviewed on: 08/15/2014</b></p>	
<b>Order</b>	<p><b>Updates:</b></p>	
<b>Aff. Posting</b>	<p><b>Recommendation:</b></p>	
<b>Status Rpt</b>	<p><b>File 15A - Ello</b></p>	
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		

Order to Show Cause Re: Failure to Appear; Removal of Ronald Calhoun as Executor

	<b>LOUISE BAKER</b> , was appointed Executor with full IAEA authority without bond on 01/27/2014.	<b>NEEDS/PROBLEMS/COMMENTS:</b>	
	Minute Order of 07/01/2014 set this matter for hearing.		
<b>Cont. from</b>			
<b>Aff.Sub.Wit.</b>			
<b>Verified</b>	<b>Minute Order of 07/01/2014 (Judge Black):</b>		
<b>Inventory</b>	No appearances. The Court sets matter for an Order to Show Cause on 08/19/2014 for failure to appear and removal of Ronald Calhoun as Executor. Ronald Calhoun is ordered to be personally present on 08/19/2014.		
<b>PTC</b>			
<b>Not.Cred.</b>			
<b>Notice of Hrg</b>			
<b>Aff.Mail</b>			
<b>Aff.Pub.</b>			
<b>Sp.Ntc.</b>			
<b>Pers.Serv.</b>			
<b>Conf. Screen</b>			
<b>Letters</b>			
<b>Duties/Supp</b>			
<b>Objections</b>			
<b>Video Receipt</b>			
<b>CI Report</b>			
<b>9202</b>			
<b>Order</b>			
<b>Aff. Posting</b>			
<b>Status Rpt</b>			
<b>UCCJEA</b>			
<b>Citation</b>			
<b>FTB Notice</b>			
			<b>Reviewed by:</b> LV
			<b>Reviewed on:</b> 08/15/2014
		<b>Updates:</b>	
		<b>Recommendation:</b>	
		<b>File 15B – Ello</b>	

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

<b>DOD: 4-27-14</b>	<b>BRUCE VARNEY</b> , Son and named executor without bond, is Petitioner.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Minute Order 7-1-14: Petitioner advises the court that he has one brother. The court is informed that the real property is located in Fresno and is currently vacant. Petitioner intends to sell the property.</b></p> <p><b>As of 8-15-14, the following issues remain:</b></p> <ol style="list-style-type: none"> <li>Petition is incomplete at #5a7 or #5a8 (issue of predeceased child).  <i>Note: Although the petitioner reported to the Court that he has one brother, this does not answer the question that is asked on the petition. Is the decedent survived by issue of a predeceased child?</i></li> <li>Petitioner is a resident of Fairview, North Carolina. The Court may require bond if the proposed personal representative resides outside California or for other good cause, even if the will waives bond, pursuant to Cal. Rules of Court 7.201(b) and Probate Code §8571.</li> <li>According to the minute order of 7-1-14, Petitioner intends to sell the real property. However, Petitioner has not requested authority under IAEA and has not published for such authority. Therefore, Petitioner should be aware that the property cannot be sold without Court confirmation of sale. See Probate Code §10300 et seq., for applicable procedures. Petitioner may wish to seek legal advice from a California attorney going forward.</li> </ol> <p><b>Note:</b> If granted, status hearings will be set as follows:</p> <ul style="list-style-type: none"> <li><b>Tues 10-7-14</b> 9:00 a.m. in Department 303, for the filing of the bond, if required.</li> <li><b>Tues 12-16-14</b> at 9:00 a.m. in Department 303, for the filing of the inventory and appraisal.</li> <li><b>Tues 12-15-15</b> at 9:00 a.m. in Department 303, for the filing of the first account or petition for final distribution.</li> </ul> <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.</p> <p><b>Reviewed by:</b> skc</p> <p><b>Reviewed on:</b> 8-15-14</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 16 - Varney</b></p>
	Petitioner is a resident of Fairview, North Carolina.	
<b>Cont. from 070114</b>	IAEA is not requested.	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	Will dated 4-25-12	
<input checked="" type="checkbox"/> <b>Verified</b>	Residence: Fresno	
<input type="checkbox"/> <b>Inventory</b>	Publication: Fresno Bee	
<input type="checkbox"/> <b>PTC</b>	Estimated value of estate: Real property: \$150,000.00	
<input type="checkbox"/> <b>Not.Cred.</b>	Probate Referee: Steven Diebert	
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>		
<input checked="" type="checkbox"/> <b>Aff.Mail</b> w/o		
<input checked="" type="checkbox"/> <b>Aff.Pub.</b>		
<input type="checkbox"/> <b>Sp.Ntc.</b>		
<input type="checkbox"/> <b>Pers.Serv.</b>		
<input type="checkbox"/> <b>Conf. Screen</b>		
<input checked="" type="checkbox"/> <b>Letters</b>		
<input checked="" type="checkbox"/> <b>Duties/Supp</b>		
<input type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>		
<input type="checkbox"/> <b>CI Report</b>		
<input type="checkbox"/> <b>9202</b>		
<input checked="" type="checkbox"/> <b>Order</b>		
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>		
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		