



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.

(1) Fifth Account Current and Report of Conservator and (2) Petition for Allowance of Compensation to Conservator And Attorney

Age: 64 years DOB: 10/23/1947		PUBLIC GUARDIAN , Conservator, is petitioner. Account period: 5/27/10 – 5-29-12 Accounting - \$117,128.72 Beginning POH - \$ 47,727.79 Ending POH - \$ 21,339.09 Conservator - \$9,797.76 (75.84 Deputy hours @ \$96/hr and 33.12 Staff hours @ \$76/hr) Attorney - \$2,500.00 (per Local Rule) Bond fee - \$274.10 (o.k.) Petitioner prays for an Order: <ol style="list-style-type: none"> 1. Approving, allowing and settling the fifth account. 2. Authorizing the conservator and attorney fees and commissions 3. Payment of the bond fee Court Investigator Jennifer Daniel's Report filed on 9/13/10 recommends that the conservatorship continue as is.	NEEDS/PROBLEMS/COMMENTS: Note: A status hearing will be set as follows: <ul style="list-style-type: none"> • Friday, October 17, 2014 at 9:00 a.m. in Department 303 for the filing of the filing of the Sixth account. Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearing on the matter the status hearing will come off calendar and no appearance will be required.	
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 checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
				Reviewed by: KT
				Reviewed on: 8/17/12
				Updates:
		Recommendation:		
		File 1 - Hutton		

(1) Substituted Judgment Petition for Order Establishing Special Needs Trustee, for
 (2) Authority to Invest in Mutual Funds and U.S. Government Bonds with Maturity
 Dates Later Than 5 years, and for (3) Attorney Fees [Prob. C. 2580 CRC 7.903(c)]

Age: 46 DOB: 07/16/66	RONALD MILLER , Conservator of the Person and Estate, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: <p style="text-align: center;">CONTINUED FROM 07/26/12</p> <p>Note: The Bond and all documents relating to the Special Needs Trust must be filed in a new case that will be the case for the Special Needs Trust going forward.</p> <p>Note: If the petition is granted status hearings will be set as follows:</p> <ul style="list-style-type: none"> • Friday, 09/28/2013 at 9:00a.m. in Dept. 303 for the filing of the bond in a new case for the Special Needs Trust; and • Friday, 10/18/2013 at 9:00a.m. in Dept. 303 for the filing of the first account for the Special Needs Trust. <p>The status hearing for the First Account will be set in the new case opened for the Special Needs Trust.</p> <p>Note: A new status hearing will be set in this Conservatorship case (0439065) for 10/18/13 for filing the first account to coincide with the filing of the first account for the Special Needs Trust.</p>																																																																					
Cont. from 072612	Petitioner seeks an Order under Probate Code § 2580(b)(5) to establish a Special Needs Trust (SNT) with Lisa Miller as the Beneficiary, to be funded with proceeds from death benefits from CalPERS following the death of her mother Evelyn C. Miller based upon the following:																																																																						
<table border="1" style="width: 100%;"> <tr> <td style="width: 5%;">Aff.Sub.Wit.</td> <td style="width: 15%;"></td> <td style="width: 10%;"></td> </tr> <tr> <td>✓ Verified</td> <td></td> <td></td> </tr> <tr> <td>Inventory</td> <td></td> <td></td> </tr> <tr> <td>PTC</td> <td></td> <td></td> </tr> <tr> <td>Not.Cred.</td> <td></td> <td></td> </tr> <tr> <td>✓ Notice of Hrg</td> <td></td> <td></td> </tr> <tr> <td>✓ Aff.Mail</td> <td>w/</td> <td></td> </tr> <tr> <td>Aff.Pub.</td> <td></td> <td></td> </tr> <tr> <td>Sp.Ntc.</td> <td></td> <td></td> </tr> <tr> <td>Pers.Serv.</td> <td></td> <td></td> </tr> <tr> <td>Conf. Screen</td> <td></td> <td></td> </tr> <tr> <td>Letters</td> <td></td> <td></td> </tr> <tr> <td>Duties/Sup p</td> <td></td> <td></td> </tr> <tr> <td>Objections</td> <td></td> <td></td> </tr> <tr> <td>Video Receipt</td> <td></td> <td></td> </tr> <tr> <td>CI Report</td> <td></td> <td></td> </tr> <tr> <td>9202</td> <td></td> <td></td> </tr> <tr> <td>✓ Order</td> <td></td> <td></td> </tr> <tr> <td>Aff. Posting</td> <td></td> <td></td> </tr> <tr> <td>Status Rpt</td> <td></td> <td></td> </tr> <tr> <td>UCCJEA</td> <td></td> <td></td> </tr> <tr> <td>Citation</td> <td></td> <td></td> </tr> <tr> <td>FTB Notice</td> <td></td> <td></td> </tr> </table>	Aff.Sub.Wit.			✓ Verified			Inventory			PTC			Not.Cred.			✓ Notice of Hrg			✓ Aff.Mail	w/		Aff.Pub.			Sp.Ntc.			Pers.Serv.			Conf. Screen			Letters			Duties/Sup p			Objections			Video Receipt			CI Report			9202			✓ Order			Aff. Posting			Status Rpt			UCCJEA			Citation			FTB Notice			<ul style="list-style-type: none"> • Ronald Miller, was appointed as the Conservator of the Person and Estate of Lisa and Letters were issued on 04/06/12. • Lisa has been diagnosed with Downs Syndrome. As a result of this disability, Lisa's cognitive and physical functioning is impaired, significantly affecting her ability to live independently and maintain competitive employment. • As a result of her disability, Lisa receives Supplemental Security Income (SSI) in order to meet her needs for food and shelter; as a recipient of SSI, Lisa is "categorically eligible" for Medi-Cal benefits, which she relies on to meet her medical needs. Because these benefits are "needs based", outright distribution of the CalPERS benefits would eliminate her continuing eligibility for SSI and Medi-cal unless the assets are directed to a SNT. The establishment of the SNT is necessary to provide for Lisa's needs while preserving her eligibility for public benefits. • Lisa is entitled to death benefits from CalPERS following the death of her mother, Evelyn C. Miller, consisting of a one-time payment of \$14,497.12 and monthly payments of \$1,812.14 for life thereafter. • Petitioner seeks an Order that the assets from the CalPERS proceeds be paid to Ronald Miller as the initial Trustee of the LISA SUSAN MILLER SPECIAL NEEDS TRUST (please refer to Exhibit B for a copy of the SNT). Petitioner requests that bond be fixed at \$35,932.45 (please see additional page for calculation). Petitioner (Ronald Miller) also requests that he be authorized to sign the SNT as grantor. 	
Aff.Sub.Wit.																																																																							
✓ Verified																																																																							
Inventory																																																																							
PTC																																																																							
Not.Cred.																																																																							
✓ Notice of Hrg																																																																							
✓ Aff.Mail	w/																																																																						
Aff.Pub.																																																																							
Sp.Ntc.																																																																							
Pers.Serv.																																																																							
Conf. Screen																																																																							
Letters																																																																							
Duties/Sup p																																																																							
Objections																																																																							
Video Receipt																																																																							
CI Report																																																																							
9202																																																																							
✓ Order																																																																							
Aff. Posting																																																																							
Status Rpt																																																																							
UCCJEA																																																																							
Citation																																																																							
FTB Notice																																																																							
	Continued on Page 2																																																																						
		Reviewed by: JF Reviewed on: 08/20/12 Updates: Recommendation: File 2A - Miller																																																																					

- Petitioner is informed and believes that Lisa is not opposed to the proposed action. After the proposed action is taken, the SNT assets will be adequate to provide for the conservatee's supplemental needs, taking into account the age, physical condition, standards of living, and all other relevant circumstances of the conservatee under Probate Code § 2582. There are no persons legally entitled to support, maintenance or education from the conservatee.
- **The proposed SNT is to be established pursuant to 42 USC § 1396(d)(4)(A)**, and Lisa meets the federal eligibility requirements in that she is under age 65 years, she is "disabled" as defined in 42 USC § 1382c(a)(3), and the SNT provides that on Lisa's death or termination of the trust, Medi-Cal will receive reimbursement for all medical assistance provided to her.
- **The Court has jurisdiction and authority to create a SNT** as authorized under 42 USC § 1396(d)(4)(A) to preserve a disabled conservatee's eligibility for public benefits on a substituted judgment petition. *Conservatorship of Kane* (2006) 137 Cal.App.4th 400. Probate Code § 2580(a)(1) allows for a petition for a court order authorizing or requiring the conservator to take a proposed action benefiting the conservatee, and Probate Code § 2580(b)(5) allows the court to order the creation of a revocable or irrevocable trust. The appellate court in *Kane* held that a SNT for an inheritance of a person with a disability who is conserved may be established under Probate Code § 2580(b)(5).
- **The proposed SNT complies with CA Rule of Court 7.903(c) as follows:**
 1. The trust does not contain a "no-contest" provision;
 2. The trust prohibits modification or revocation without court approval;
 3. The trust clearly identified the trustee and any other person with authority to direct the trustee to make disbursements;
 4. The trustee's investment powers are requested by Petitioner to be expanded by the Court, for good cause, beyond Probate Code § 2574 (regarding investment powers available to guardians and conservators without court order) such that the trustee's investment powers include authority to invest trust assets in mutual funds and US Government bonds with maturity dates later than (5) years;
 5. The trust requires that the person identified in #3 to post bond in the amount required under Probate Code § 2320 – 2335;
 6. The trust requires the trustee to file accounts and reports for Court approval in the manner and frequency required by Probate Code §§ 1060 – 1064 and 2620 and 2628;
 7. The trust requires court approval of changes in trustees and a court order appointing any successor trustee;
 8. The trust requires that compensation of the trustee, the members of any advisory committee, or the attorney for the trustee to be in just and reasonable amounts that must be fixed and allowed by the court.
- **The proposed SNT meets all requirements of Local Rule 7.19 as follows:**
 1. A copy of the proposed trust instrument is attached to the petition to establish the trust;
 2. The trust complies with CA Rule of Court 7.903 (see above);
 3. The trust must require court confirmation of sales of trust real property;
 4. Petitioner requests the Court enter an order that the trust shall be subject to the Court's continuing jurisdiction and shall be subject to periodic accounts as required in guardianship and conservatorship matters;
 5. The trust prohibits payment of fees to attorneys, trustees, or others without prior court approval.

Continued on Page 3

- **Investments:** Petitioner requests that pursuant to CA Rule of Court 7.903(c)(4), for good cause shown, and pursuant to Probate Code § 2574(c), the investment standard set forth in Probate Code § 2574(a) be modified so that the Trustee has the authority to purchase mutual funds and United States government bonds with maturity dates later than 5 years; investment in mutual funds permits investment across several asset classes, subclasses and sectors, while avoiding high transactions costs; because they are highly diversified, mutual funds are inherently less risky than individual securities listed on an established stock or bond exchange, which is a permissible investment allowed by the code without court authorization; the ability to invest in mutual funds will permit the SNT to hold individual securities across several asset classes, while at the same time providing the flexibility to cost-effectively change its investment position in response to shifts in the market; a portfolio that includes US Government bonds with maturity dates later than 5 years will provide better diversification and is expected to receive higher total returns along with the minimal risk associated with such funds.
- **Bond:** Petitioner requests bond be fixed at **\$35,932.45** calculated as follows: The estimated CalPERS value after payment of plaintiff's attorney's fees and costs will be **\$10,602.12**, which will be deposited into the special needs trust account. It is anticipated that this will earn an estimated **3%** annual return or **\$318.06**. In addition, CalPERS will pay a monthly benefit of **\$1,812.04** or **\$21,745.68** yearly. Thus, the value of the Trust estate plus the probable annual gross income is **\$32,665.86** (**\$10,920.18** plus **\$21,745.68**). The estimated cost of recovery to collect on the bond is **\$3,266.59**, which is **10%** of **\$32,665.86**. The sum of **\$3,266.59** and **\$32,665.86** is **\$35,932.45**.
- **Medi-Cal Lien:** this SNT is being established under Probate Code § 2580(b)(5) and is not a §§3600-3613 litigation SNT, there is no legal requirement to satisfy a Medi-Cal lien prior to trust funding.
- **Remainder Beneficiary:** As a result of Lisa's disabilities, she lacks testamentary capacity. In the event of Lisa's passing, and after satisfaction of any government claims, any remaining trust assets would pass to Lisa's legal heirs.
- **Attorney Fees:** Petitioner requests the Court approve a flat legal fee in the amount of **\$3,500.00** for providing the services to the Petitioner for establishment of the SNT such as counseling the client, preparing the trust and this petition, and other related services; and requests reimbursement of costs advanced of **\$395.00** for filing fees; Petitioner believes such fees and costs are reasonable and customary in this community and requests the Court approve payment to the attorney for such amounts;
- **Petitioner fees for Conservatorship:** Petitioner seeks reimbursement for costs associated with amending the conservatorship to name Petitioner as conservator of the person and estate of Lisa. Petitioner had to amend the conservatorship to be appointed conservator of Lisa's estate, as it was required by CalPERS in order for them to even discuss the CalPERS benefits with Petitioner. Petitioner seeks reimbursement of the **\$395.00** filing fee he paid for the conservatorship petition, and **\$179.00** he paid for the bond required in the conservatorship to handle the CalPERS benefits. Petitioner also seeks reimbursement of the **\$377.00** he paid to Advanced Court Services, a paralegal service he hired for assistance in preparing the conservatorship paperwork. Finally, Petitioner seeks reimbursement of the **\$500.00** he paid to attorney Thomas Boyajian, Esq. for 1) assistance with obtaining bond for the conservatorship, 2) exploring options for the CalPERS benefits, and 3) advice on the use of a Special Needs Trust to protect the CalPERS benefits.

Continued on Page 4

Petitioner prays for an Order as follows:

1. That the conservatee is not opposed to the proposed action;
2. That the Court establish the **LISA SUSAN MILLER SPECIAL NEEDS TRUST**, that the Petitioner is directed to execute it, and the Court has continuing jurisdiction over the SNT;
3. That **Ronald Miller** shall serve as the initial Trustee of the **LISA SUSAN MILLER SPECIAL NEEDS TRUST** with bond fixed at **\$35,932.45**;
4. That the payment of all monies due Lisa from CalPERS shall be paid to the Trustee of the Special Needs Trust;
5. That the assets of the trust estate are unavailable to the beneficiary and shall not constitute a resource to Lisa for Lisa's financial eligibility for Medi-Cal, SSI, regional center assistance, or any other program of public benefit;
6. That the Trustee provide the Court with a biennial account and report of the Special Needs Trust, beginning with the period 1 year after the date the Court approves the establishment of the trust and every 2 years thereafter;
7. That the Trustee is authorized to invest in mutual funds and in the United States government bonds with maturity dates later than 5 years;
8. That the Court approve and direct the payment of **\$3,500.00** to the law firm of **Dowling Aaron Incorporated**, and reimbursement for out-of-pocket costs in the amount of **\$395.00** for their legal services rendered in connection with this Petition;
9. That the Court approve and direct payment of **\$1,451.00** to the **Petitioner** for reimbursement of costs associated with the conservatorship; and
10. That the notice of hearing of this Petition has been regularly given as prescribed by law.

Status Hearing Re: Filing of the Inventory and Appraisal

		<p>RONALD MILLER, Brother, was appointed Conservator of the Person and Estate on 3-28-12.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>
		<p>On 3-28-12, the Court set this status hearing for filing of the Inventory and Appraisal.</p>	<p>CONTINUED FROM 07/30/12</p>
Cont. from 073012		<p>Note: Bond of \$23,760.00 was filed and Letters issued on 4-6-12.</p>	<p>Minute Order 3-28-12: Examiner notes are provided to the Petitioner. The Court grants the Petition for Conservator of the Estate and appoints Ronald Miller as the conservator. Voting rights are ordered affected. The Court advises the Petitioner that a bond will be required once the amount is determined. Petition is granted; Order signed. Voting rights affected.</p>
Aff.Sub.Wit.			
Verified		<p>Note: A Petition for Substituted Judgment filed 6-15-12 was set for hearing on 7-26-12.</p>	<p>Additional hearing dates set: 4-26-12 – Proof of bond 7-30-12 – Inventory and Appraisal 6-12-13 – First Account</p>
Inventory			
PTC		<p>Later and off the record, the Court orders that case #0439065 be consolidated with # 12CEPR00160. Case #0439065 to be the lead case.</p>	<p>1. Need Inventory and Appraisal to be filed in LEAD Case #0439065.</p>
Not.Cred.			
Notice of Hrg		<p>Reviewed by: JF</p>	<p>Reviewed on: 08/20/12</p>
Aff.Mail			
Aff.Pub.		<p>Updates:</p>	<p>Recommendation:</p>
Sp.Ntc.			
Pers.Serv.		<p>File 2B - Miller</p>	
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt	X		
UCCJEA			
Citation			
FTB Notice			

<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>Age: 36</td></tr> <tr><td>DOB: 4-22-76</td></tr> <tr><td> </td></tr> <tr><td> </td></tr> <tr><td>Cont. from 072512</td></tr> <tr><td> </td></tr> <tr><td>Aff.Sub.Wit.</td></tr> <tr><td>✓ Verified</td></tr> <tr><td>Inventory</td></tr> <tr><td>PTC</td></tr> <tr><td>Not.Cred.</td></tr> <tr><td>✓ Notice of Hrg</td></tr> <tr><td>✓ Aff.Mail W</td></tr> <tr><td>Aff.Pub.</td></tr> <tr><td>Sp.Ntc.</td></tr> <tr><td>Pers.Serv.</td></tr> <tr><td>Conf. Screen</td></tr> <tr><td>Letters</td></tr> <tr><td>Duties/Supp</td></tr> <tr><td>Objections</td></tr> <tr><td>Video Receipt</td></tr> <tr><td>CI Report</td></tr> <tr><td>9202</td></tr> <tr><td>✓ Order</td></tr> <tr><td>Aff. Posting</td></tr> <tr><td>Status Rpt</td></tr> <tr><td>UCCJEA</td></tr> <tr><td>Citation</td></tr> <tr><td>FTB Notice</td></tr> </table>	Age: 36	DOB: 4-22-76			Cont. from 072512		Aff.Sub.Wit.	✓ Verified	Inventory	PTC	Not.Cred.	✓ Notice of Hrg	✓ Aff.Mail W	Aff.Pub.	Sp.Ntc.	Pers.Serv.	Conf. Screen	Letters	Duties/Supp	Objections	Video Receipt	CI Report	9202	✓ Order	Aff. Posting	Status Rpt	UCCJEA	Citation	FTB Notice	<p>TED and NORMA MILLER, Parents and Co-Conservators of the Person and Estate without bond, are Petitioners.</p> <p>Background: Jocelyn received a settlement as a result of a motor vehicle accident while she was still a minor. Her parents (Petitioners) were previously appointed as guardians of her estate and were appointed conservators of her person and estate in 1994. The conservatee also has a trust that owns the home where they reside, which was specially designed for the conservatee's needs. At that time, the Court waived accountings, but required budgets and reports. The 2012 Budget was filed on 1-20-12. The order approving the last report was signed on 7-27-11.</p> <p>Beginning POH: \$707,546.74 Ending POH: \$700,211.46 (\$637,179.55 in a blocked account, \$6,797.96 in an unblocked account, and a handicap equipped vehicle)</p> <p>Conservators: Waived</p> <p>Attorney: \$300.00 (budget and report)</p> <p>Costs: \$420.00 (filing fee, certified copies)</p> <p>Petitioners state:</p> <ul style="list-style-type: none"> • Pursuant to Court Order 9-5-07, \$4,800/mo is withdrawn from the conservatee's blocked Merrill Lynch cash management account and deposited to the unblocked Merrill Lynch cash management account for monthly expenses. • The annual budget filed 1-20-12 provides an itemized list that specifies the estimated expenses in 2012, which is based on 2011 expenses. Budget items include Home Health Aide (\$18,000.00), Health Insurance (\$1,900.00), Physical Therapy (\$1,900.00), house and vehicle expenses, CPA/attorney, misc., home upkeep and repair (utilities, pool, phone, taxes, etc.) 	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Minute Order dated 7/25/12 indicates there were no appearances and the matter was continued to 8/22/12. A copy of the minute order was mailed to Attorney Shehadey on 7/27/12.</p> <hr/> <p>Reviewed by: skc /KT</p> <p>Reviewed on: 8/20/12</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 3 - Miller</p>
Age: 36																															
DOB: 4-22-76																															
Cont. from 072512																															
Aff.Sub.Wit.																															
✓ Verified																															
Inventory																															
PTC																															
Not.Cred.																															
✓ Notice of Hrg																															
✓ Aff.Mail W																															
Aff.Pub.																															
Sp.Ntc.																															
Pers.Serv.																															
Conf. Screen																															
Letters																															
Duties/Supp																															
Objections																															
Video Receipt																															
CI Report																															
9202																															
✓ Order																															
Aff. Posting																															
Status Rpt																															
UCCJEA																															
Citation																															
FTB Notice																															

Guardian ad Litem Request for Fees and for Termination [Prob. C. 1003(c)]

		JEFFREY S. HOLMAN is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> Petition is not verified. Probate Code §1021. Need Notice of Hearing. Need proof of service of the Notice of Hearing on: <ol style="list-style-type: none"> David Colburn (trustee) David Ach (attorney for trustee)
		Petitioner states the court appointed him guardian ad litem for minors, Serena Claire Venables, Isabell Venables, Oliver Robert Pomeroy Johnson Smith and the unborn beneficiaries of the Trust Under the Will of Edith Pomeroy. The purpose of the appointment was to represent the minors in connection with a petition by the trustee David Colburn to terminate the trust, pursuant to Probate Code §15403.	
Cont. from		Petitioner states he did various work in investigating and evaluating this matter. In addition to that work, he spent time preparing, filing and distributing his report and this request for fees.	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory	X	
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg	X	
<input type="checkbox"/>	Aff.Mail	X	
<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	Petitioner requests fees totaling \$3,295.00 (per itemization and declaration 8.2 hours of attorney time at \$375/hr and 2.2 hours of staff time @100/hr.)	
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report	Petitioner request reimbursement of costs totaling \$70.76 for postage (\$12.86) and filing fee service (\$57.90)	
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting	Supplemental Petition filed on 8/16/12 request additional attorney fees because the probate clerk determined that his request for compensation constituted a new, separate proceeding. Accordingly, the clerk set the matter for hearing and charged an additional \$435.00 filing fee. This led to additional time and expense for which Petitioner requests compensation and reimbursement.	
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
Please see additional page			
		Reviewed by: KT	
		Reviewed on: 8/20/12	
		Updates:	
		Recommendation:	
		File 4 - Pomeroy	

Petitioner states the additional time he and his staff has spent (a) determining why a new hearing was set and clarifying for trustee that the hearing on the underlying trust petition had not been rescheduled, (b) preparing, filing and serving this supplement, (c) appearing telephonically at the hearing on August 22, and (d) preparing and submitting a revised proposed order.

Petitioner requests additional compensation in the sum of **\$1,092.50** and costs totaling **\$550.95** (filing fee, Court Call and court runner fees).

(1) First and Final Account and Report of Executor, and (2) Petition for Its Settlement, for Allowance of Commissions and Fees, and for (3) Final Distribution

DOD: 1/4/2008		BANK OF THE WEST , Executor, is petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. Petition states the Petitioner and the attorney entered into an agreement whereby the attorney would bill at his hourly rate of \$200 per hour. Attorney states he spent 22.3 hours on this estate. Probate Code §10813 states "An agreement between the personal representative and the attorney for higher compensation for the attorney that provided by this part is void." 2. Order does not comply with Local Rule 7.6.1A and 7.6.1C.
		Account period: 1/4/2008 – 4/30/2012	
		Accounting - \$101,200.81	
Cont. from		Beginning POH - \$100,057.81	
<input type="checkbox"/>	Aff.Sub.Wit.	Ending POH - \$100,252.81	
<input checked="" type="checkbox"/>	Verified		
<input checked="" type="checkbox"/>	Inventory		
<input checked="" type="checkbox"/>	PTC	Executor - \$4,036.24 (statutory)	
<input checked="" type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg	Attorney - \$4,460.00 (more than statutory)	
<input checked="" type="checkbox"/>	Aff.Mail		
	Aff.Pub.	Costs - \$635.00 (filing fee and publication)	
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
<input checked="" type="checkbox"/>	Letters	8/19/08	
	Duties/Supp	Distribution of property on hand, pursuant to decedent's will, is to:	
	Objections		
	Video Receipt		
	CI Report	Bank of the West as Trustee of the Edward Phillip Living Trust - balance of property on hand.	
<input checked="" type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
<input checked="" type="checkbox"/>	FTB Notice		
			Reviewed by: KT
			Reviewed on: 8/20/12
			Updates:
			Recommendation:
			File 5 - Phillips

Final Account and Report of Conservator of Person and Estate

DOD: 12-28-10		CAROL OWENS , Conservator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Bond of \$30,000.00 was filed 3-9-09	
Cont. from 080112		Account period: 4-15-10 through 12-28-10	CONTINUED FROM 08/01/12 As of 08/20/12, no additional documents have been filed and the following needs/problems/comments remain:
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		<ol style="list-style-type: none"> 1. Need Notice of Hearing and proof of service on the following relatives at least 15 days prior to the hearing pursuant to Probate Code §1460(b)(6): - Caroline Davies (sister) - Mario Prieto (sister) - Dorothy Bush (sister) 2. The Conservatee resided in Golden Living Center prior to hear death. Need facility statements per Probate Code §2620(c)(5). 3. This account ends at the conservatee's date of death (12-28-10); however, Probate Code §2620(b) requires a separate accounting for the period subsequent to the date of death. The Court may require further final account. 4. Petitioner states POH as of 12-28-10 was \$441.24 including \$146.24 cash plus personal effects; however, because a subsequent accounting is not provided, the Court may require clarification as to the actual POH at this time. Examiner notes that Petitioner does not request to pay compensation or expenses and does not request to distribute the POH. The Court may require clarification. Are Conservator and Attorney waiving compensation? Is there any POH at this time? If not, how and when was it distributed? Affidavit pursuant to Probate Code §13100 may be required. 5. Disbursements Schedule indicates payments of \$75 and \$100 to Attorney Bakergumprecht-Davies. The Court may require clarification. Examiner notes that the attorney was admonished on 11-3-10 regarding itemization. 6. Petitioner requests discharge; however, the Ex Parte Petition for Final Discharge and Order is a mandatory Judicial Council Form. Examiner has interlineated the order accordingly. The form can be filed after approval of the final account.
<input type="checkbox"/>	Inventory	Accounting: \$ 11,401.00	
<input type="checkbox"/>	PTC	Beginning POH: \$ 377.40	
<input type="checkbox"/>	Not.Cred.	Ending POH: \$ 441.24	
<input type="checkbox"/>	Notice of Hrg	(\$146.24 cash plus personal effects)	
<input type="checkbox"/>	Aff.Mail	Petitioner prays for an order:	
<input type="checkbox"/>	Aff.Pub.	1. That this account and report be approved and settled;	
<input type="checkbox"/>	Sp.Ntc.	2. That the acts of the conservators shown in the account and report be approved;	
<input type="checkbox"/>	Pers.Serv.	3. That upon the settlement of this account, the conservator be authorized and directed to terminate the bond;	
<input type="checkbox"/>	Conf. Screen	4. No other accountings are necessary to be filed in the future; and	
<input type="checkbox"/>	Letters	5. Such other and further relief as the Court deems just and proper.	
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	2620(c)	<input checked="" type="checkbox"/>	
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: skc/JF
			Reviewed on: 08/20/12
			Updates:
			Recommendation:
			File 6 - McElroy

Atty Wright, Janet L
 Atty LeVan, Nancy J.

Petition for Attorney Fees and Order Terminating Appointment as Counsel for Conservatee

Age:		NEEDS/PROBLEMS/COMMENTS: <p><u>Continued to 9/6/12</u> at the request of attorney.</p>
DOD:		
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		
		Reviewed by: KT
		Reviewed on: 8/17/12
		Updates:
		Recommendation:
		File 12 - Mitchell

Status Re: Filing of the Amended Petition

Age:		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p style="text-align: center;"><u>OFF CALENDAR</u> Amended Petition filed Ex Parte on 08/10/12 and set for hearing on 09/19/12</p>
DOD:		
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		
		Reviewed by: JF
		Reviewed on: 08/20/12
		Updates:
		Recommendation:
		File 13 - Crable