



## 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.

**Waiver of Accounting and Petition for Allowance of Compensation to Attorney, for Final Distribution**

<b>DOD: 5/8/14</b>	<b>KAREN LYNN BLUE</b> , Successor Administrator, is Petitioner.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Continued from 8/12/15. See Reply to Objection, Page 2.</b></p>
	Accounting is waived.	
	I&A: \$1,706,074.10	
	POH: \$60,674.10 plus real property in Fresno, limited partnership shares, two vehicles.	
<b>Cont. from 081215</b>		
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	Administrator (Statutory): Both Former Administrator and Successor Administrator waived compensation	
<input checked="" type="checkbox"/> <b>Verified</b>		
<input checked="" type="checkbox"/> <b>Inventory</b>		
<input checked="" type="checkbox"/> <b>PTC</b>	Attorney (Statutory): \$30,060.74	
<input checked="" type="checkbox"/> <b>Not.Cred.</b>	Distribution pursuant to intestate succession and disclaimers:	
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>	Karen Lynn Blue – Entire estate	
<input checked="" type="checkbox"/> <b>Aff.Mail</b>		
<input type="checkbox"/> <b>Aff.Pub.</b>	<b>Objection filed 8/10/15 by Margaret Valenzuela states</b>	
<input type="checkbox"/> <b>Sp.Ntc.</b>	attached is a copy of a Probate Purchase Agreement and Joint Escrow Instructions dated 3/4/15 wherein Karen, as seller, in an unspecified capacity, and Margaret, as buyer, agreed to the purchase and sale of the real property on the terms set forth in the agreement. Based upon the attached Extension of Time Addendum, the seller was to obtain "probate court approval" on or before 6/9/15 and escrow was to close on or before 6/30/15. Despite Margaret advising Karen that she is prepared to close escrow and that her loan approval is in place, Karen has refused to move forward with closing escrow by providing a clear pest report and roof certification. Instead, Karen filed this petition, and no petition is on file in the proceeding to approve the sale. Furthermore, Margaret is informed and believes that Karen has re-listed the property at a price \$20,000 more than the sale price specified in their agreement. Based on the foregoing, Objector objects to the final distribution of the real property to which Karen is in contravention to and bypasses the existing Probate Purchase Agreement wherein Karen agreed to sell the real property to Margaret during estate administration.	
<input type="checkbox"/> <b>Pers.Serv.</b>		
<input type="checkbox"/> <b>Conf. Screen</b>		
<input checked="" type="checkbox"/> <b>Letters</b>		
<input type="checkbox"/> <b>Duties/Supp</b>		
<input checked="" type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>		
<input type="checkbox"/> <b>CI Report</b>		
<input checked="" 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 checked="" type="checkbox"/> <b>FTB Notice</b>	Objector requests the Court deny the petition and direct Petitioner to conclude the sale to Objector or to make any distribution to Karen subject to the specific performance and completion by Karen under the Probate Purchase Agreement.	

**Reviewed by:** skc

**Reviewed on:**  
8/25/15

**Updates:**

**Recommendation:**

**File 9 – Blue**

## Page 2

**Response to Objection filed 8/11/15 states** Objector has no standing, should be denied. Authority cited indicates that a claimant of property or contract rights adverse to the estate cannot have that claim resolved in the probate court. Karen Blue signed real estate forms individually, not as personal representative of the estate, and has not signed any forms since becoming successor administrator.

**Reply to Response filed 8/19/15 states** Petitioner argues in her Response to Objection that she did not sign the Probate Purchase Agreement in her capacity as Administrator and therefore Objector has no claim against the estate and no standing to object to the petition. These arguments lack merit and Objector offers this reply.

Objector seeks to clarify precisely what action she is seeking from the Court:

First, Objector requests that the Court either deny the petition or refrain from ruling on the Petition pending the filing of a Complaint by Objector in the probate action for specific performance related to the real property.

Second, the Probate Purchase Agreement stands on its own without regard to the Seller's capacity. Objector reasonably believed that Petitioner was acting in a fiduciary capacity on behalf of the estate with apparent authority since she was the sole beneficiary and used a Probate Purchase agreement for. Additionally, Objector had been made aware by Petitioner that the property was yet undistributed from the estate because the Probate Purchase Agreement required Court approval prior to closure of escrow. Therefore, whether she was or was not administrator at the time of execution is trivial with respect to determination of whether Objector is an interested party, as Petitioner clearly held herself out as having authority and acted with apparent authority to enter into the Probate Purchase Agreement.

Petitioner also contends that Objector lacks standing and is a "stranger" to the estate. Objector is clearly not a stranger to the estate. As discussed above, Objector has acquired an enforceable interest in the estate consisting of the right to acquire the real property held in the estate.

See Reply for authority. In light of the above, as well as the facts and arguments raised in Objector's underlying objection, Objector respectfully asks that the Court either deny the Petition or refrain from ruling pending the filing of a complaint in the probate action for specific performance related to the real property.

***Examiner's Note: If a complaint is filed, it may not be appropriate to file in this Probate action, since the remedy(ies) sought may not be solely pursuant to Probate Code. Rather it appears it would be more appropriately filed as a separate civil action.***

Status Hearing re: Filing of the Inventory and Appraisal

<b>DOD: 4/14/15</b>	<p><b>DENNIS RODRIGUEZ</b> and <b>MAXINE RODRIGUEZ</b>, were appointed co-conservators of the estate without bond on 3/17/15.</p> <p>Minute Order dated 3/17/15 set this status hearing for the filing of the inventory and appraisal.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Continued from 7/22/15.</b> Minute order states Mr. Krbechek represents that the Conservatee died before any action was taken on the conservatorship estate. Mr. Bagdasarian filed a Probate petition this morning which has been set for hearing on 8/27/15; this matter is trailed to meet up with the estate matter. (Please see page 22 for the Probate Estate matter.)</p> <ol style="list-style-type: none"> <li>1. Need inventory and appraisal 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.</li> <li>2. <b>There is an outstanding balance owing in this case of \$480.00</b> for the court investigation on the request for appointment of a temporary conservator.</li> </ol>
<b>Cont. from 072215</b>		
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
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<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
		<p><b>Reviewed by:</b> KT</p> <p><b>Reviewed on:</b> 8/25/15</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 10 – Rodriguez</b></p>