



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.

PAGE 2

A meeting of the directors of the corporation was noticed on 6-3-10 by Gerald, who is secretary; however, the meeting did not occur because Leslie found the principal place of business of the corporation to be an inconvenient meeting location, although it is approx. one mile from her home. No meetings have occurred since. Because the corporation is one-third owned by the trust, the deadlock between the Co-Trustees is impairing the administration of the Trust and causing trust assets to lose value.

Petitioner requests that the Court remove both Co-Trustees of the Trust and subtrusts because due to hostility and lack of cooperation among Co-Trustees, administration of the Trust and sub-trusts continue to be impaired and trust assets neglected. Probate Code §§ 15642(a)(3), 17200(b)(10). The Trust does not appoint a successor trustee in the event of removal; rather, it provides only the manner of successor appointments should one of the two become unable to perform. Petitioner requests appointment of **BRUCK BICKEL** as Successor Trustee with compensation to be approved by the Court. Mr. Bickel consents to act. Petitioner requests appointment without bond for one year to allow the corporate affairs to be brought to order, with authority to apply for an extension by Mr. Bickel should the corporate affairs remain unresolved and the Trust assets undistributed. Petitioner believes this appointment is in the best interests of the Trust and sub-trusts, and those persons interested in the Trust estate.

Petitioner requests that:

1. **The Court temporarily and partially remove Gerald Ishii and Leslie Ishii as Co-Trustees of the ISHII FAMILY TRUST DATED 3-3-92;**
2. **The Court appoint Bruce Bickel as temporary Successor Trustee to serve without bond for a period of one year, with the ability of Mr. Bickel to petition the Court for additional time should the corporate affairs remain deadlocked;**
3. **The Court award reasonable compensation to the temporary Successor Trustee;**
4. **The Co-Trustees to deliver the Trust assets to the temporary Successor Trustee within 30 days after issuance of an Order;**
5. **The Court order Leslie Ishii to file an accounting with the Court detailing their respective acts as Co-Trustees no later than four weeks after the Court makes its order;**
6. **The Court order Petitioner's attorneys' fees in the amount of \$1,000.00 and costs advanced to be paid to such attorneys directly from the Trust, to be charged 100% to income, and paid within 10 days after the Court makes its order; and**
7. **Such further orders as the Court deems proper.**

Objection of LESLIE ISHII states this probate proceeding is not the proper forum or vehicle to resolve such corporate issues. This lawsuit is premature at best and legally inapposite to the issues it proposes to resolve at worst. The corporation is deadlocked; however, the instant petition filed as a trust proceeding does not request any form of relief that will serve to end the shareholders' deadlock and restore the corporation to operational status. Specifically, the appointment of a neutral third party trustee will not resolve any issues with regard to the operation of the corporation. While a trustee may have the right to vote shares of stock held in trust, a trustee's paramount duty is to distribute trust property pursuant to the terms of the trust instrument. Here, the trust instrument requires the residue be distributed one-half each to Petitioner and Respondent. If a neutral third party trustee is appointed, he will be obligated to distribute the shares held in trust accordingly, not to vote the shares, and, in effect run the business of the corporation.

Respondent has no objection to the immediate equal distribution of the shares of the corporation currently held in trust. In the likely event that said distribution does not resolve the deadlock, however, Petitioner's only recourse will be to file a lawsuit for involuntary dissolution in the unlimited civil department of the Superior Court.

SEE PAGE 3

PAGE 2

Respondent requests that the Court issue an order requiring the Co-Trustees to immediately distribute 150 shares of Frank K. Ishii & Sons, Inc., each to Petitioner and Respondent, and for reasonable attorneys' fees and costs incurred herein.

Alternatively, Respondent requests the Court issue an order removing Petitioner and Resondent as Co-Trustees, but only as to their fiduciary ownership of the Trust's 300 shares of Frank K. Ishii & Sons, Inc.; appointing Bruce Bickel as temporary successor trustee without bond solely for the purpose of administering the Trust's 300 shares of Frank K. Ishii & Sons, Inc.; authorizing Mr. Bickel to petition to continue to serve should it be in the best interests of the beneficiaries or the affairs of the corporation that he remain in such role; awarding reasonable compensation to the temporary Successor Trustee; requiring the Co-Trustees to deliver the shares of Frank K. Ishii & Sons, Inc., to the temporary Successor Trustee by a date certain; for reasonable attorneys' fees and costs incurred herein; and for any and all other relief the Court deems just and proper.

Status Report filed 1-7-13 by Attorney Fanucchi states further continuance is needed. Gerald Ishii maintains his brother Leslie is wasting the vineyard known as Candy Ranch by inappropriately pruning, tying, tilling, chemical control, and irrigating control which has diminished the value of the realty.

Status Report filed 1-9-13 by Attorney Burnside states inquiry has been made to Les' accountant Jim Horn whether he has any documents in his possession regarding the expenses Les incurred to operate the Candy Ranch, but Mr. Horn has been unable to review his files due to his year-end workload. Counsel will follow up this week.

Status Report filed 2-19-13 by Attorney Fanucchi states Gerald Ishii is unable to accept or reject what has been presented to date and has forwarded information to his accountant. Further continuance is needed.

Status Report filed 2-19-13 by Attorney Burnside states the accountants had to reschedule their meeting and further continuance is needed.

Minute Order 5-17-13: Ms. Burnside advises the Court that they have resolved a few things and are making progress. Ms. Burnside further advises that the CPSs are still trying to get together.

Minute Order 6-28-13: Continued to 8-30-13.

Status Conference

Frank K. Ishii DOD: 11-10-93	GERALD ISHII, Beneficiary and Co-Trustee, filed the petition at Page 6A on 5-17-12.	NEEDS/PROBLEMS/COMMENTS:
Lily Y. Ishii DOD: 3-7-05		
	LESLIE ISHII, Beneficiary and Co-Trustee, filed an objection on 6-21-12.	Note: See Page 4A for details of the petition and file to date.
	Hearings have been continued since 7-2-12 (8 total, including this hearing).	
Cont. from 032913, 051713, 062813		
Aff.Sub.Wit.	At the last hearing on 2-25-13, counsel requested continuance and in addition to continuing the petition at 6A, the Court set this additional status hearing.	
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg	As of 3-22-12, both attorneys have filed status reports requesting additional time to resolve the issues.	
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.	Status Report filed 6-25-13 by Attorney Burnside (not verified by Co-Trustee Leslie Ishii) states the parties and attorneys met on 4-19-13 to view the ranch, vines, and equipment and were able to reach agreement on certain matters. Additionally, the parties resolved an issue concerning certain funds of Frank K. Ishii & Sons, Inc., being held by Allied Grape Growers. \$214,000.00 was authorized to be disbursed to Attorney Fanucchi's client trust account pending resolution of the remaining issues regarding Les' accounting of his operation of the Candy Ranch. Although final resolution is not yet reached, the parties have been able to resolve a number of the issues and anticipate being able to resolve the balance of the issues as the parties, their counsel, and accountants continue to work together. Therefore, further continuance of the status hearing is requested.	
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		Reviewed by: skc
Status Rpt		Reviewed on: 8-26-13
UCCJEA		Updates: 6-26-13
Citation		Recommendation:
FTB Notice		File 4B - Ishii

DOD: 2-7-07	LORENA GARCIA , Daughter is Administrator with limited IAEA without bond. Letters issued 7-21-08.	NEEDS/PROBLEMS/COMMENTS:
		Note: This Probate Court has held at least 13 status conferences since January 2010 regarding status of this litigation. Need current status.
Cont. from 042613	On 7-14-09 , the Court approved a settlement agreement between Administrator (daughter) and Omega Ochoa Garcia (surviving spouse) and allowed continuation of estate administration pending certain issues:	
Aff.Sub.Wit.	1) Retrial of the damages portion of Civil Case # 04CECG03607 Garcia v. Roberts; and	
Verified	2) Receipt of proceeds due from an eminent domain matter	
Inventory	On 10-4-11 (the 7 th status hearing regarding retrial of the damages issue), Attorney Emerzian advised the Court that a motion for a new trial was denied and an appeal has been filed, and that deposits need to be made. The Court set this hearing for further status.	
PTC	Status Report filed 12-1-11 by Attorney LeVan states that Attorney Ty Kharazi filed a Notice of Appeal on behalf of his clients, the Roberts'. The Fifth District Court of Appeal has set a mediation for the parties on 12-12-11. Attorney LeVan requests to set a status hearing in March 2012 to follow the progress of the appeal.	
Not.Cred.	Minute Order 12-6-12: No appearances. Matter continued to 3-13-12.	
Notice of Hrg	Minute Order 3-13-12: Counsel informs the Court that the case has been appealed. Matter continued to 9-13-12, then 3-14-13.	
Aff.Mail	Status Report filed 3-13-13 states there are no entries in the civil docket regarding appeal since 1-8-13. Until that matter is decided, we do not know what the final I&A will be. Attorney LeVan requests a six-month continuance for resolution of the appeal.	
Aff.Pub.	Minute Order 3-14-13: The Court orders all attorneys involved in case 04CECG03607 appear for status conference on 4-26-13. Order to Show Cause for attorneys regarding the status of litigation and status of mediation.	
Sp.Ntc.	Minute Order 4-26-13: Counsel informs the Court that the appeal matter has been fully briefed. The Court directs Mr. Hannah and Mr. Littlewood to submit a joint status letter to Ms. LeVan so she can update the Court at the next hearing.	
Pers.Serv.	As of 8-26-13, nothing further has been filed.	
Conf. Screen		Reviewed by: skc
Letters		Reviewed on: 4-22-13
Duties/Supp		Updates:
Objections		Recommendation:
Video Receipt		File 12 - Garcia
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		

DOD: 9-13-10	<p>EARL CUNNINGHAM, son, a resident of Carlsbad, NM, was appointed Administrator with Full IAEA without bond and Letters issued on 5-19-11.</p> <p>Inventory and Appraisals filed 12-5-12 and 1-22-13 indicate a total estate value of \$8,800.00, consisting of \$1,000.00 cash, plus a vehicle and a mobile home in Fresno.</p> <p>Creditor's Claims has been filed as follows:</p> <ul style="list-style-type: none"> \$9,845.58 filed by Phillips & Cohen Associates, LTD on behalf of RBS Citizens N.A. \$4,069.54, increases \$326 monthly, filed by Donald S. Cooley, DBA Sierra Mobile Park <p>Final account is due.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Continued from 7-12-13</u></p> <p><u>Minute Order 7-12-13:</u> The Court issues an Order to Show Cause to Earl Cunningham for failure to appear. The Court may remove the Executor and the next hearing if there is no appearance at the hearing. Greg Cooley is present court representing his interest as a creditor in this matter. The Court may impose sanctions of \$500.00 for failure to appear. Continued to: 8/30/13 at 9 am in Dept. 303. Set on: 8/30/13 at 9 am in Dept. 303 for: Order to Show Cause</p> <p><u>Note:</u> Administrator is a resident of Carlsbad, NM.</p> <p><u>Note:</u> Administrator was formerly represented by attorney Curtis Rindlisbacher; however, pursuant to Substitution filed 7-24-12, Administrator is now self-represented.</p> <p><u>Note:</u> Page 20B is Order to Show Cause re sanctions in the amount of \$500.00 for failure to appear.</p> <ol style="list-style-type: none"> Need first account or petition for final distribution, or written status report. See Probate Code §§ 11640, 12200. The original petition originally estimated the value of the estate at \$60,000.00; however, per I&A, the value of the estate totaled \$8,800.00. The Court may require clarification regarding the large discrepancy between the estimated and actual values.
Cont. from 071213		
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: skc		
Reviewed on: 8-26-13		
Updates:		
Recommendation:		
File 20A – Martin		

Order to Show Cause

DOD: 9-13-10	<p>EARL CUNNINGHAM, son, a resident of Carlsbad, NM, was appointed Administrator with Full IAEA without bond and Letters issued on 5-19-11.</p> <p>Inventory and Appraisals filed 12-5-12 and 1-22-13 indicate a total estate value of \$8,800.00, consisting of \$1,000.00 cash, plus a vehicle and a mobile home in Fresno.</p> <p>Creditor's Claims has been filed as follows:</p> <ul style="list-style-type: none"> \$9,845.58 filed by Phillips & Cohen Associates, LTD on behalf of RBS Citizens N.A. \$4,069.54, increases \$326 monthly, filed by Donald S. Cooley, DBA Sierra Mobile Park <p>Final account is due.</p> <p>On 7-12-13, at status hearing for filing the first account or petition for final distribution, the Administrator did not appear, and the Court set this Order to Show Cause.</p> <p>Minute Order 7-12-13: The Court issues an Order to Show Cause to Earl Cunningham for failure to appear. The Court may remove the Executor and the next hearing if there is no appearance at the hearing. Greg Cooley is present court representing his interest as a creditor in this matter. The Court may impose sanctions of \$500.00 for failure to appear. Continued to: 8/30/13 at 9 am in Dept. 303. Set on: 8/30/13 at 9 am in Dept. 303 for: Order to Show Cause.</p> <p>The Order to Show Cause and a copy of the minute order were mailed to the Administrator on 7-24-13.</p>	NEEDS/PROBLEMS/COMMENTS:
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: skc
		Reviewed on: 8-26-13
		Updates:
		Recommendation:
		File 20B – Martin

Status Hearing Re: Filing of Proof of Bond or waivers

DOD: 1-15-09	<p>JOE HOGG was appointed Administrator with Full IAEA without bond at hearing on 5-28-13 subject to the filing of waivers of bond by Jovanna Augman and Demetrius Augman.</p> <p>The Court set this status hearing for the filing of waivers or bond.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Minute Order 5-28-13 (Judge Smith): Jovanna Augman and Demetrius Augman advise the Court that they are willing to sign waivers of bond. The Court grants the petition subject to the filing of the waivers. The Court sets the matter for Status Hearing Re: the Filing of the Proof of Bond on 7/19/13, Status Hearing Re: the Filing of the Inventory and Appraisal on 10/25/13, and Status Hearing Re: the Filing of the Accounting and/or Petition for Distribution on 7/25/14. Petition granted. Order to be signed ex parte.</p> <p>Note: One waiver is still missing. Therefore the Order appointing Mr. Hogg has not been signed or filed, and Letters have not yet issued.</p> <p>1. Need waiver from heirs Demetrius Augmon or bond of \$130,000.00.</p> <p>Note: A waiver was filed by Jovanna M. Augmon; however, waiver is still needed from heir Demetrius Augmon.</p>
Cont. from 071913		
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: skc		
Reviewed on: 8-26-13		
Updates:		
Recommendation:		
File 21 – Crenshaw		