

1 Selvie Hemison Mitchell (CONS/PE) Case No. 12CEPR00172
Attorney Johnson, Summer A. (for Petitioners Kate Singh and Hubert Mitchell, Co-Conservators of the Person)
Attorney Wilkinson, Robert D. (for Petitioner Bruce D. Bickel, Conservator of the Estate)
Probate Status Hearing re: Filing of the Third Account.

Age: 78 years	KATE A. SINGH , niece, and HUBERT MITCHELL , brother, Co-Conservators of the Person, and BRUCE BICKEL , Conservator of the Estate, were appointed on 03/29/2012.	NEEDS/PROBLEMS/COMMENTS:
Cont. from		
Aff.Sub.Wit.	Order on Petition for Approval of Second Account and Report of Conservator of the Estate filed 12/02/2014.	<p>1. Need Third Account 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>
Verified		
Inventory		
PTC		
Not.Cred.	Minute Order of 12/02/2014 set this Status Hearing for the filing of the Third Account.	
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: LV
		Reviewed on: 08/27/2015
		Updates:
		Recommendation:
		File 1 – Mitchell

Nathaniel, 13	<p>TALINA HURLEY, maternal grandmother, was appointed Guardian of the minors on 11/19/12</p> <p>On 05/27/14, Guardian's Petition to Fix Residence Outside the State of California was granted.</p> <p>On 06/24/14, Debra Swenson, paternal grandmother, filed an Ex Parte Application for Temporary Restraining Order Preventing Guardian from Fixing Residence of Minors Outside of California and an Order Shortening Time on Petition to Terminate Order Fixing Minors Residence Outside of California. The Ex Parte Application was granted on 06/24/14 and set a hearing for 07/10/14.</p> <p>At the 07/10/14 hearing, the matter was set for a court trial on 07/24/14.</p> <p>At the Court trial on 07/24/14, the Court found that there was no detriment in allowing the children to move to Oregon and set this matter for a Status Hearing regarding the Establishment of a Guardianship in Oregon.</p> <p>Cover Sheet for Oregon Petition for Appointment of Guardian and Attached Documents filed 02/17/15 attaches a copy of a Petition for Appointment of Guardian in Washington County, Oregon.</p> <p>Status Report filed 08/26/15 states: since the last hearing, the latest document filed in the Oregon proceeding is a General Judgment Transferring Guardianship Proceeding to Juvenile Court filed 08/07/15. <i>Copy of Document attached.</i></p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>CONTINUED FROM 08/03/15</u> Minute Order from 08/03/15 states: Counsel requests 30 days; he is directed to file a declaration with a copy of the Oregon order attached as soon as it is obtained. The matter may come off calendar if the declaration/order is filed timely.</p> <p>Copy of document titled Acceptance of Appointment as Fiduciary filed 08/03/15 states that Talina Hurley was appointed Guardian on 07/30/15 and that she accepts the appointment and willingly subjects herself to the jurisdiction of the Oregon Court.</p> <p>1. Need order appointing Guardian in Oregon. According to document filed 08/03/15, appointment as guardian was ordered on 07/30/15.</p>
Scarlet, 10		
Cont. from 012615, 030915, 060115, 062915, 080315		
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: 08/26/15
		Updates:
		Recommendation:
		File 2- Swenson

(1) First and Final Account and Report of Personal Representative, (2) Petition for Settlement, for (3) Allowance of Attorneys' Fees for Ordinary Services, Costs, and for (4) Final Distribution

DOD: 4/14/12	<p>SANTOS PEREZ, Administrator, is petitioner.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>OFF CALENDAR. First Amended First and Final Account filed and set for hearing on 10/7/15.</p>	
Cont. from 111014, 011215, 022315, 042015, 060115, 062915, 080315			
<input type="checkbox"/> Aff.Sub.Wit.			
<input checked="" type="checkbox"/> Verified			
<input checked="" type="checkbox"/> Inventory			
<input checked="" type="checkbox"/> PTC			
<input checked="" 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 checked="" type="checkbox"/> Letters			6/18/13
<input type="checkbox"/> Duties/Supp			
<input type="checkbox"/> Objections			
<input type="checkbox"/> Video Receipt			
<input type="checkbox"/> CI Report			
<input checked="" type="checkbox"/> 9202			
<input checked="" type="checkbox"/> Order			
<input type="checkbox"/> Aff. Posting			
<input type="checkbox"/> Status Rpt			
<input type="checkbox"/> UCCJEA			
<input type="checkbox"/> Citation			
<input checked="" type="checkbox"/> FTB Notice			
		Reviewed by: KT	
		Reviewed on: 8/27/15	
		Updates:	
		Recommendation:	
		File 3 – Gonzalez	

DOD: 01/08/15	BROOKE A. CASTLE , Conservator, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>CONTINUED FROM 08/01/15</u></p> <p>1. Need Affidavit for Collection or Transfer of Personal Property from Clayton James Stott pursuant to Probate Code § 13100.</p>	
	Account period: 09/22/14 – 06/22/15		
Cont. from 081015	Accounting: \$43,607.28		
<input type="checkbox"/> Aff.Sub.Wit.	Beginning POH: \$20,286.77		
<input checked="" type="checkbox"/> Verified	Ending POH: \$7,928.46		
<input type="checkbox"/> Inventory	Conservator: waived		
<input type="checkbox"/> PTC	Attorney: \$1,250.00 (ok per Local Rule)		
<input type="checkbox"/> Not.Cred.	<p>Petitioner prays for an Order:</p> <ol style="list-style-type: none"> 1. Settling and allowing this second and final account and confirming the acts of the petitioner as conservator; 2. Authorizing the attorney's fees; and 3. Authorizing Petitioner to turn over the remaining assets of the conservatorship estate to Clayton James Stott, successor trustee of The Patricia Stoll Gregory Stott Survivor's Trust. 		
<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	<p>Supplement to Second and Final Account and Report of Conservator filed 08/10/15 states: There is currently existing a trust known as the "Patricia Stoll Gregory Stott Survivor's Trust" to which reference is made in the report. The last will of Patricia Stoll Gregory Stott was signed 01/03/08 and references the "Don Claypool Stott and Patricia Stoll Gregory Stott 1986 Family Declaration of Trust, as Amended. The Patricia Stoll Gregory Stott Survivor's Trust is established by the deceased conservatee on 02/15/13 with her share of the assets of the original Stott Family Trust. The Will could not reference the Survivor's Trust, as it was not created until 02/15/13.</p> <p style="text-align: center;">Continued on Page 2</p>		
<input checked="" type="checkbox"/> 2620(c)			
<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			
			<p>Reviewed by: JF</p> <p>Reviewed on: 08/27/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 4 - Stott</p>

However, there have been no other or later will found by the conservator. Therefore, this is the only will that can be presented to the court and is the intention of the surviving settlor (decedent, Patricia Stott) to dispose of assets that were under her ownership and control under the terms of the original trust. Under the terms of the original 1986 trust, the surviving settlor, had the exclusive right to the assets assigned to the surviving spouse (the Survivor's Trust) and could amend or alter it at her discretion. Except for the assets currently held by conservatee, all other assets of the decedent are currently held by Clayton James Stott as the successor trustee of the Survivor's Trust. Mr. Stott, as trustee, has appeared in this matter. He is currently represented by Summer Johnson who has also appeared in this matter on Mr. Stott's behalf.

Any declaration of trustee required by Local Rule 7.12.5 would have to be filed by Mr. Stott, as trustee, and submitted to the Court. Mr. Stott has appeared in this matter multiple times and has been the trustee of the Survivor's Trust since December 2012, prior to the death of the conservatee. Any such information that is needed from Mr. Stott under Local Rule 7.12.5 cannot be filed by the conservator. However, information already in the court's file confirms that Clayton James Stott has been and currently is the acting trustee of the Survivor's Trust. (Notification by Trustee Pursuant to Probate Code § 16061.7 attached).

The Affidavit Procedure pursuant to Probate Code § 13100 would have to be prepared by the successor trustee, Mr. Stott, however, that is unnecessary in this action as the conservator need only transfer the conservatorship's remaining assets (after closing expenses) to the trustee pursuant to Probate Code § 2631(c). At that point, the trustee can sign a "Receipt" for said assets for filing with the Court (see Probate Code § 11751).

Probate Status Hearing re: Proof of Notice to DMV

	FREMONT BANK , former Trustee, petitioned the court for approval of their first and final account.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need proof that the Trust is a lienholder on the vehicle.</p>
	HERB THOMAS is the current successor trustee.	
Cont. from 080315	The first and final account showed that Fremont Bank as Trustee for the Trust purchased a handicap equipped van for the beneficiary and distributed the van directly to the beneficiary.	
Aff.Sub.Wit.	Minute Order dated 6/29/15 states the court orders that the DMV is to be noticed that the Trust shall be the lienholder for the vehicle. Counsel is to submit a declaration verified by Herb Thomas.	
Verified	Status Report filed on 8/26/15 states Vicki Bertoldi, the beneficiary's mother was contacted and verified that she did have the title to the vehicle. Per declarant's request Ms. Bertoldi released title to Charities Pooled Trust (CPT). Unfortunately, Ms. Bertoldi signed on an incorrect line and the DMV would not accept that signature. Ms. Bertoldi is obtaining a replacement copy of the title and will forward it to CPT. Once received CPT will be able to complete the process of adding CPT as a lienholder on the vehicle's title and to provide proof that the Trust is a lienholder.	
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: 8/27/15
		Updates:
		Recommendation:
		File 5 – Bertoldi

Petitioner/Conservator: Cynthia C. Thomas (pro per)

Petitioner/Conservator: Pamela J. Thomas (pro per)

First Account Current, Report of Co-Conservators and Petition for its Settlement, for Approval of Gifts to Relatives, and for Allowance of Co-Conservators' Compensation and Mileage Reimbursement

		CYNTHIA C. THOMAS and PAMELA J. THOMAS, Co-Conservators, are petitioners.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Proof of service of the Notice of Hearing on Mr. Marshall did not include a copy of the petition as required. 2. Disbursement Schedule includes credit card payments totaling 3,619.00 without stating the nature and purpose of the disbursement. – Petitioners state they were making payments on credit cards they found in the conservatee's possession. They made a complaint to the Fresno City Police Department regarding elder abuse of the conservatee by their sister, Julia Coyle. They believe the debt was fraudulently incurred by their sister. They have written to the credit card companies and it is possible that the credit card companies will waive the debt. <p>Please see additional page</p> <p>Reviewed by: KT</p> <p>Reviewed on: 8/27/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 6 – Coyle</p>
		Account period: 1/29/14 – 1/31/15	
Cont. from 072015		Accounting - \$290,328.00	
<input checked="" type="checkbox"/>	Aff.Sub.Wit.	Beginning POH - \$238,381.05	
<input checked="" type="checkbox"/>	Verified	Ending POH - \$263,996.74	
	Inventory		
	PTC	Current bond: \$65,790.60	
	Not.Cred.	Conservator (Cynthia)- \$2,342.91 (71 hours @ \$30/hr and 380.20 miles @ \$0.56/mile for medical appointments, taxes, moving the conservatee, etc.)	
<input checked="" type="checkbox"/>	Notice of Hrg	Petitioner state they advanced, from their personal funds, \$5,000.00 to Dowling Aaron Inc. for attorney fees and costs in the initiation of the conservatorship. Petitioners request reimbursement of the \$5,000.00 (\$2,500 each).	
<input checked="" type="checkbox"/>	Aff.Mail	Petitioners state prior to their appointment, conservatee's daughter, Julia Coyle, had the conservatee sign a transfer document transferring the conservatee's 2007 Toyota Corolla to her and took possession of the vehicle. After their appointment, Petitioners tried to gain possession of the vehicle but where unsuccessful. After conferring with their attorney regarding the cost of recovery, it was believed to be in the best interest of not to pursue recovery.	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
<input checked="" type="checkbox"/>	2620(c)		
	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

NEEDS/PROBLEMS/COMMENTS (cont.):

3. Petition requests reimbursement of \$5,000.00 that was paid to the attorney from the personal funds of the Petitioners. Billing statement provide includes items that are not reimbursable (Local Rule 7.17) photocopy charges (\$58.50), and online research (\$11.35).
 4. Bond should be increased to \$133,035.00 pursuant to Probate Code 2320(c)4 and California Rules of Court 7.207.
 5. Need proposed order.
-

Petitioners request approval of gifts made from the conservatorship estate as follows:
\$100.00 to Conservatee's granddaughter, Kimberly Franco and her husband for their 25th wedding anniversary.

\$50.00 to Conservatee's granddaughter, Kerri Peterson and her family for Christmas gifts.

Petitioners request bond be increased \$119,287.67. As an addendum petitioners would like to request that bond not be increased – Please see needs/problems/comments # 4 above.

Petitioners pray for an Order:

1. Approving, allowing, and settling the first account and report of co-conservators;
2. Gifts to family members be approved and ratified;
3. Authorization to pay Conservator, Cynthia Thomas, \$2,342.91 for services to the conservatorship estate;
4. Petitioners be directed to file an additional bond in the amount of \$53,578.67 for a total bond of \$119,287.67;
5. Petitioners be authorized to pay Cynthia Thomas and Pamela Thomas \$2,500 each (for a total of \$5,000.00) as reimbursement of attorney's fees and costs paid out-of-pocket in this conservatorship proceeding.

Court Investigator Report filed on 2/2/15.

Note: If the petition is granted, status hearings will be set as follows:

- **Wednesday, September 30, 2015** at 9:00 a.m. in Department 303, for the filing of the increased bond.
- **Wednesday, March 29, 2017** at 9:00 a.m. in Department 303, for the filing of the second account.

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.

Petition for Final Settlement and Final Distribution, Waiver of Account, and for Allowance of Statutory Fees for the Executor and the Attorney

DOD: 1/17/13		<p>DRAKE K. COTTON, Executor, is petitioner.</p> <p>Accounting is waived.</p> <p>I & A - \$235,000.00 POH - \$235,000.00</p> <p>Executor - \$8,050.00 (greater than statutory, see note #2)</p> <p>Attorney - \$8,050.00 (greater than statutory, see note #2)</p> <p>Distribution, pursuant to Decedent's Will, is to:</p> <p>Drake K. Cotton - real property located at 6555 N. Raisina in Fresno and 1425 E. Calwa in Fresno.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>OFF CALENDAR. Order signed on 8/19/15</p>	
Cont. from 081015				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input checked="" type="checkbox"/>	Inventory			
<input checked="" type="checkbox"/>	PTC			
<input checked="" type="checkbox"/>	Not.Cred.			
<input checked="" type="checkbox"/>	Notice of Hrg			W/O
<input type="checkbox"/>	Aff.Mail			
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input checked="" type="checkbox"/>	Letters			3/14/14
<input type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input checked="" type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input checked="" type="checkbox"/>	FTB Notice			
		Reviewed by: KT		
		Reviewed on: 8/21/15		
		Updates:		
		Recommendation:		
		File 7 - Cotton		

8 Joseph A. Meme (Estate)

Case No. 14CEPR00050

Attorney Wade, David D. (of Roseville, Ca. for Kenneth Meme – Petitioner – Executor)

Petition for Final Distribution Upon Waivers of Accounting, for Attorney's Fees for Ordinary Services and for Reimbursement of Costs Advanced

DOD: 08/11/2013	KENNETH MEME , Executor, is petitioner	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Minute Order of 07/20/2015: The Court orders David Wade to be personally present or present via Court Call on 08/31/2015 to explain why he should not be sanctioned for his failure to appear today.</p> <p>Clerk's Certificate of Mailing shows the minute order was mailed to Attorney David Wade and Kenneth Meme on 07/20/2015</p>
	Accounting is waived	
	I&A - \$176,848.38	
	POH - \$165,544.21	
Cont. from 072015	(Cash is \$15,544.21)	
<input type="checkbox"/> Aff.Sub.Wit.	Executor – Waives	
<input checked="" type="checkbox"/> Verified	Attorney - \$6,305.45	
<input checked="" type="checkbox"/> Inventory	(Statutory)	
<input type="checkbox"/> PTC	Costs (Attorney) - \$615.00	
<input checked="" type="checkbox"/> Not.Cred.	Proposed Distribution, pursuant to Decedent's Will, is to:	
<input checked="" type="checkbox"/> Notice of Hrg	Kenneth Allen Meme – cash in the amount of \$2,155.94; ¼ interest in decedent's residence located at 527 W. Fresno St. Fowler, Ca.	
<input checked="" type="checkbox"/> Aff.Mail w/	Carol Ann Wilkinson – cash in the amount of \$2,155.94; ¼ interest in decedent's residence located at 527 W. Fresno St. Fowler, Ca.	
<input type="checkbox"/> Aff.Pub.	Diane Louise Meme - cash in the amount of \$2,155.94; ¼ interest in decedent's residence located at 527 W. Fresno St. Fowler, Ca.	
<input type="checkbox"/> Sp.Ntc.	Sandra Marie Meme - cash in the amount of \$2,155.94; ¼ interest in decedent's residence located at 527 W. Fresno St. Fowler, Ca.; 2007 Toyota Camry.	
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters 03/25/14		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input checked="" type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input checked="" type="checkbox"/> FTB Notice		
	Reviewed by: LV	
	Reviewed on: 08/26/2015	
	Updates:	
	Recommendation:	
	File 8 - Meme	

Attorney Martinez, Philip A.; Smith, Sydney A. (for Petitioner Kirsten Amy Elves, Executor)

Petition for Settlement of First and Final Account, for Final Distribution, and for Allowance of Compensation for All services Rendered

DOD: 1/14/2014	KIRSTEN AMY ELVES , daughter and Executor, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. <i>Summary of Account</i> lists charges as \$252,799.78, while credits are listed as \$252,733.27, resulting in an unexplained difference of \$66.51, causing the accounting not to balance. Charges must equal credits as provided by Probate Code § 1061(c). Need clarification and/or amended account pursuant to Probate Code § 1060 et seq.</p> <p>2. Pursuant to Probate Code § 10800(b), statutory fee base calculation uses the total amount of the appraisal value of the property in the inventory, plus gains over the appraisal value on sales, which gains of \$10,000.00 have not been included in the statutory fee calculation in the <i>Petition</i>, with fees stated as \$7,848.75. Correct statutory fee calculates as \$8,048.75, resulting in an undercharge of \$200.00 in statutory fees and commissions (\$400.00 total).</p> <p>~Please see additional page~</p>
Cont. from	Account period: 4/14/2014 – 7/1/2015	
<input type="checkbox"/> Aff.Sub.Wit.	Accounting - \$252,733.27	
<input checked="" type="checkbox"/> Verified	Beginning POH - \$242,437.65	
<input checked="" type="checkbox"/> Inventory	Ending POH - \$214,439.09 (\$174,439.09 cash)	
<input checked="" type="checkbox"/> PTC	Executor - [\$7,848.75] (less than statutory)	
<input checked="" type="checkbox"/> Not.Cred.	Attorney - [\$7,848.75] (less than statutory)	
<input checked="" type="checkbox"/> Notice of Hrg	Costs - \$1,365.00 (filing fees, probate referee, publication, certified copies)	
<input checked="" type="checkbox"/> Aff.Mail	Closing - \$1,000.00 (for any liabilities including income tax deficiencies, penalties and interest; costs of arranging distribution of assets; preparation of and work with regard to income tax returns;)	
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters 041414		
Duties/Supp		
Objections		
Video Receipt	Petitioner states:	
CI Report	<ul style="list-style-type: none"> On 2/13/2015 she made preliminary distributions to Decedent's daughters [the 3 heirs] of \$10,000.00 each pursuant to Probate Code § 10520 without loss to creditors or injury to the estate or any interested person; The estate remaining after the \$30,000.00 in preliminary distributions exceeds \$150,000.00 and all distributees under Decedent's Will received equal distributions; 	
<input checked="" type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
<input checked="" type="checkbox"/> FTB Notice	~Please see additional page~	
		Reviewed by: LEG
		Reviewed on: 8/26/15
		Updates:
		Recommendation:
		File 9 – Anderson

9 Additional Page Bruce John Anderson (Estate) Case No. 14CEPR00176

Distribution pursuant to Decedent's Will and to Consent to Distribution filed 7/17/2015 is to:

- **JAMIE NICOLE CASTRO** – automobile, various personal property, **\$11,666.66** as cash value of 1/3 interest in real property, and 1/3 of remaining cash on hand consisting of **[\$43,458.87 cash?]**;
- **ALISON JORDAN ANDERSON** – various personal property, **\$1,333.33** as cash value of 1/3 interest in automobile, **\$11,666.66** as cash value of 1/3 interest in real property, and 1/3 of remaining cash on hand consisting of **[\$43,458.87 cash?]**;
- **KIRSTEN AMY ELVES** – various personal property, **\$1,333.33** as cash value of 1/3 interest in automobile, entire interest in real property, and 1/3 of remaining cash on hand consisting of **[\$43,458.87 cash?]**

NEEDS/PROBLEMS/COMMENTS, continued:

3. Need revised proposed order pursuant to Local Rule 7.6.1, containing a statement as to the balance of the estate on hand, specifically noting the amount of cash included in the balance, and the cash amounts to be distributed.

DOD: 10-3-12	<p>HOLLY FOLEY, Beneficiary, is Petitioner.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>				
	<p>Petitioner states the trust was created 3-29-05 by Virginia Howard as Settlor and Trustee and amended and restated in its entirety on 7-4-11, and amended again on 8-12-11. Petitioner is informed and believes that VICTORIA HOWARD is currently the sole trustee, VAUGHN HOWARD having resigned on or about 6-23-14.</p>	<p>Note: On 10-27-14: The Court removed Victoria Howard as the trustee and appointed the Public Administrator as the successor trustee.</p>				
<p>Cont. from 092914, 102714, 012615, 042715, 062915</p>	<p>Petitioner states Virginia Howard died 10-3-12. Petitioner alleges the value of the trust at her death was over \$600,000.00.</p>	<p><u>Continued from 9-29-14, 10-27-14, 1-26-15, 4-27-15, 6-29-15. The following issues remain noted for reference:</u></p>				
<table border="1"> <tr> <td data-bbox="53 537 115 590"></td> <td data-bbox="115 537 313 590">Aff.Sub.Wit.</td> <td data-bbox="313 537 370 590"></td> </tr> </table>		Aff.Sub.Wit.		<p>On 5-16-14, Petitioner, through counsel, made a written request for an account of the trust. On 5-28-14, following the sale of certain real property owned by the trust, Petitioner again requested a full and complete account of the remaining assets. Petitioner is entitled to receive an account per Probate Code §16062.</p>	<p>1. Petitioner states Fresno County is the proper venue pursuant to Probate Code §17005 (a)(1) (principal place of administration); however, the current trustee, Victoria Howard, resides in <i>Red Oak, Iowa</i>, and the most recent former trustee, Vaughn Haward, resides in <i>Omaha, Nebraska</i>. Need clarification as to how Fresno County, CA, is the proper venue for this petition.</p>	
	Aff.Sub.Wit.					
<table border="1"> <tr> <td data-bbox="53 590 115 632">✓</td> <td data-bbox="115 590 313 632">Verified</td> <td data-bbox="313 590 370 632"></td> </tr> </table>	✓	Verified		<p>On or about 4-15-13, Petitioner received an inventory of trust assets from the trustee's former legal counsel, but has not received anything since that date. More than 60 days have elapsed since Petitioner's written request for a full account; therefore, this petition is appropriate under Probate Code §17200(b) and Petitioner requests an order of this Court instructing the trustee to deliver an account of the transactions of the trust to Petitioner.</p>	<p>2. Petitioner provides the names and addresses of the beneficiaries, but does not state if these are all of the people <u>entitled to notice</u> pursuant to Probate Code §17201. Need clarification.</p>	
✓	Verified					
<table border="1"> <tr> <td data-bbox="53 632 115 674"></td> <td data-bbox="115 632 313 674">Inventory</td> <td data-bbox="313 632 370 674"></td> </tr> </table>		Inventory			<p>3. Petitioner mentions receipt of an inventory from the "Trustee's <u>former</u> legal counsel." Pursuant to Probate Code §1214, if the trustee is currently represented, notice is required to be served on the attorney, and Probate Code §17203 requires 30 days' notice.</p>	
	Inventory					
<table border="1"> <tr> <td data-bbox="53 674 115 716"></td> <td data-bbox="115 674 313 716">PTC</td> <td data-bbox="313 674 370 716"></td> </tr> </table>		PTC			<p>The Court may require clarification as to how Petitioner knows that the trustee is no longer represented by the attorney who provided the inventory, and may require continuance for notice to the attorney for the trustee, if any.</p>	
	PTC					
<table border="1"> <tr> <td data-bbox="53 716 115 758"></td> <td data-bbox="115 716 313 758">Not.Cred.</td> <td data-bbox="313 716 370 758"></td> </tr> </table>		Not.Cred.			<p>Note: The trust and amendments were prepared by Attorney Gilbert B. Fleming of Fresno, CA. Is this the attorney that served the inventory? If so, is this the basis for venue in Fresno?</p>	
	Not.Cred.					
<table border="1"> <tr> <td data-bbox="53 758 115 831">✓</td> <td data-bbox="115 758 313 831">Notice of Hrg</td> <td data-bbox="313 758 370 831"></td> </tr> </table>	✓	Notice of Hrg			<p>SEE ADDITIONAL PAGES</p>	
✓	Notice of Hrg					
<table border="1"> <tr> <td data-bbox="53 831 115 873">✓</td> <td data-bbox="115 831 313 873">Aff.Mail</td> <td data-bbox="313 831 370 873">W</td> </tr> </table>	✓	Aff.Mail	W		<table border="1"> <tr> <td data-bbox="873 1570 1513 1612">Reviewed by: skc</td> </tr> </table>	Reviewed by: skc
✓	Aff.Mail	W				
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<table border="1"> <tr> <td data-bbox="53 873 115 915"></td> <td data-bbox="115 873 313 915">Aff.Pub.</td> <td data-bbox="313 873 370 915"></td> </tr> </table>		Aff.Pub.			<table border="1"> <tr> <td data-bbox="873 1612 1513 1654">Reviewed on: 8/26/15</td> </tr> </table>	Reviewed on: 8/26/15
	Aff.Pub.					
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	Conf. Screen					
File 10 - Howard						
<table border="1"> <tr> <td data-bbox="53 1041 115 1083"></td> <td data-bbox="115 1041 313 1083">Letters</td> <td data-bbox="313 1041 370 1083"></td> </tr> </table>		Letters				
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<table border="1"> <tr> <td data-bbox="53 1367 115 1409"></td> <td data-bbox="115 1367 313 1409">Aff. Posting</td> <td data-bbox="313 1367 370 1409"></td> </tr> </table>		Aff. Posting				
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	FTB Notice					

Page 2

First Supplement to Petition to Compel Account filed 10-22-14 states Attorney Gilbert Fleming continued to assist the trustees until about January 2014. Thereafter, Mr. Fleming continued to principally administer the trust from Fresno County, where the decedent resided and where both trust accounts and real property were located.

Petitioner is informed and believes that the remaining assets consist of a very small amount of money in the trust account, the trustee having depleted the account while still residing in Fresno, and the trust's interest in an investment fund.

No petition to transfer administration has been filed pursuant to §17401 and Section 12.05 of the trust. Accordingly, administration continues to be Fresno County and venue is proper in Fresno County.

Though counsel for petitioner have repeatedly inquired as to whether the trustee has retained new counsel after Mr. Fleming withdrew in January 2014, Petitioner is informed and believes that the trustee has not, and remains unrepresented.

The following additional Examiner's Notes remain noted for reference:

Probate Code §17002 states:

17002. (a) The principal place of administration of the trust is the usual place where the day-to-day activity of the trust is carried on by the trustee or its representative who is primarily responsible for the administration of the trust.

(b) If the principal place of administration of the trust cannot be determined under subdivision (a), it shall be determined as follows:

(1) If the trust has a single trustee, the principal place of administration of the trust is the trustee's residence or usual place of business.

(2) If the trust has more than one trustee, the principal place of administration of the trust is the residence or usual place of business of any of the cotrustees as agreed upon by them or, if not, the residence or usual place of business of any of the cotrustees.

If Mr. Fleming withdrew as counsel for the trustees, how did administration of the trust continue in Fresno without him? Pursuant to Probate Code §17002, the principal place of administration follows the trustee.

§17400 applies to trusts that are already before the Court. That is not the case here, and the trust section referenced does not appear to require petition to the Court for transfer. The trust has never been before this Court.

If Mr. Fleming's former representation of the trustee is the basis for Fresno as venue, Mr. Fleming is entitled to Notice of Hearing on Mr. Fleming at least 30 days prior to the hearing pursuant to §17203 and §1214.

Probate Status Hearing RE: Filing of the Inventory and Appraisal

DOD: 03/26/2014	<p>RAMON GUIBA, spouse, petitioned the Court to be appointed as Administrator. An Objection was filed by Angela Burke, daughter.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>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.</p>
	<p>PUBLIC ADMINISTRATOR, was appointed pursuant to the minute order of 04/06/2015. Minute Order states: The Court has serious concerns about the abilities of Ramon Guiba to properly execute the demands of a Personal Representative and appoints the Public Administrator forthwith. The Court orders Ramon Guiba and Angela Burke to cooperate with the Public Administrator and turn over any and all estate documents.</p>	
Cont. from		
Aff.Sub.Wit.		
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Inventory		
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Duties/Supp		
Objections		
Video Receipt		
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Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: LV
		Reviewed on: 08/27/2015
		Updates:
		Recommendation:
		File 11 - Guiba

DOD: 11/21/2014	<p>JACOB C. LILES, grandson, was appointed Administrator with full IAEA authority without bond on 04/06/2015.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>
	<p>Letters issued on 04/06/2015.</p>	<p><u>OFF CALENDAR.</u> <u>Final Inventory and Appraisal filed 08/28/2015.</u></p>
Cont. from	<p>Partial No. 1 Inventory & Appraisal filed 07/10/2015 shows an estate valued at \$126,000.00.</p>	
Aff.Sub.Wit.	<p>Minute order of 04/06/2015 set this status hearing for the filing of the Inventory and Appraisal.</p>	
Verified		
Inventory		
PTC		
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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		Reviewed by: LV
Status Rpt		Reviewed on: 08/27/2015
UCCJEA		Updates:
Citation		Recommendation:
FTB Notice		File 12 – Reily

Lisa Love Rodriguez, Marcelo Eric Rodriguez, and Lorenzo Garcia Rodriguez (GUARD/P) Case No. 15CEPR00258

Petitioner Rebecca Rodriguez (Pro Per – Paternal Grandmother – Petitioner)
 Petitioner Pablo Rodriguez, Jr. (Pro Per – Paternal Step-Grandfather – Petitioner)

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

	See petition for details.	NEEDS/PROBLEMS/COMMENTS:
		Minute Order 7/27/15: The Court grants one last continuance for service as to the maternal grandfather.
		The following remains noted:
		1. If diligence is not found, need notice to Maternal Grandfather Ricardo Garcia per Probate Code §1511.
Cont from 051815, 062215, 072715		
<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 checked="" type="checkbox"/> Pers.Serv.	W	
<input checked="" type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters		
<input checked="" type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input checked="" type="checkbox"/> CI Report		
<input checked="" type="checkbox"/> Clearances		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input checked="" type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: skc
		Reviewed on: 8/26/15
		Updates:
		Recommendation:
		File 13 - Rodriguez

DOD: 12/7/14	HENRY MICHAEL PADILLA, JR.,	NEEDS/PROBLEMS/COMMENTS:
	Son, is Petitioner and requests appointment as Administrator with Full IAEA without bond.	<u>Continued from 5/4/15, 7/20/15</u>
	All heirs waive bond.	<u>The following is a NEW issue:</u>
Cont. from 050415, 072015	Full IAEA – ok	1. Petitioner listed himself and Michelle Nino at #8 of the petition, but did not provide Ms. Nino's relationship to the decedent.
<input type="checkbox"/> Aff.Sub.Wit.	Decedent died intestate	Declaration of Michelle Nino filed 8/17/15 states she is one of two children of the decedent and waives NOTICE and also waives ANY INTEREST in the estate.
<input checked="" type="checkbox"/> Verified	Residence: Fresno	Ms. Nino's declaration appears to be an irrevocable disclaimer of interest as discussed in Probate Code §§ 265, 275 et seq.
<input type="checkbox"/> Inventory	Publication: Business Journal	Pursuant to Probate Code §282, a disclaimer, when effective, is irrevocable and binding, and the disclaimed interest shall descend to the issue of the disclaimant as if the disclaimant had predeceased the decedent.
<input type="checkbox"/> PTC	Estimated value of estate:	<u>Therefore, need clarification:</u> Does Ms. Nino have issue that will now be heir(s) to her share of the estate? If so, need their information pursuant to #8 of the petition, and need waivers of bond from them. Note that bond cannot be waived if there are minor heirs.
<input type="checkbox"/> Not.Cred.	Personal property: \$1,000.00	Note: If granted, the Court will set status hearings as follows:
<input type="checkbox"/> Notice of Hrg	Real property: \$155,000.00	<ul style="list-style-type: none"> Monday, February 1, 2016 for filing the Inventory and Appraisal Monday, January 9, 2017 for filing the first account or petition for final distribution.
<input type="checkbox"/> Aff.Mail	Total: \$156,000.00	If the proper items are filed prior to the status hearing dates pursuant to Local Rule 7.5, the status hearings may come off calendar.
<input checked="" type="checkbox"/> Aff.Pub.	Probate Referee: Rick Smith	Reviewed by: skc
<input type="checkbox"/> Sp.Ntc.		Reviewed on: 8/25/15
<input type="checkbox"/> Pers.Serv.		Updates:
<input type="checkbox"/> Conf. Screen		Recommendation:
<input checked="" type="checkbox"/> Letters		File 14- Padilla
<input checked="" 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		

Petition for Appointment of Guardian of the Person (Prob. Code §1510)

		See petition for details.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 6/15/15, 7/20/15</p> <p>1. Petitioner did not provide the names of the paternal grandparents or the maternal grandfather.</p> <p>Notice of Hearing filed 8/21/15 shows service on the minor, the father, and the maternal grandmother, and also shows service on a Roberto Reyes, but it is unclear who this person is. Is Roberto Reyes the paternal grandfather?</p> <p>Need proof of service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence on:</p> <ul style="list-style-type: none"> - Paternal Grandfather - Paternal Grandmother - Maternal Grandfather 	
Cont. from 061515, 072015				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
	Aff.Mail			X
	Aff.Pub.			
	Sp.Ntc.			
✓	Pers.Serv.			W
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
✓	CI Report			
✓	Clearances			
✓	Order			
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			
		Reviewed by: skc		
		Reviewed on: 8/26/15		
		Updates:		
		Recommendation:		
		File 15 - Reyes		

Petition for Appointment of Guardian of the Person (Prob. Code §1510)

		See petition for details.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 6/15/15, 7/20/15.</p> <p><u>Minute Order 7/20/15:</u> Maria Vargas and Ruby Martinez are to file written objections by 8/3/15 or the Court will not consider them.</p> <p>As of 8/26/15, nothing further has been filed.</p> <p>The following issue remains noted:</p> <ol style="list-style-type: none"> 1. The Notice of Hearing served on paternal grandmother Felipa Arredondo and maternal grandmother Ruby Martinez is blank and the attached proof of personal service does not indicate that a copy of the petition was included in the service. The Court may require further service pursuant to Probate Code §1511. 	
Cont. from 061515, 072015				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail			W
	Aff.Pub.			
	Sp.Ntc.			
✓	Pers.Serv.			W
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
✓	CI Report			
✓	Clearances			
✓	Order			
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			
		Reviewed by: skc		
		Reviewed on: 8/26/15		
		Updates:		
		Recommendation:		
		File 16 - Saavedra		

Petition for Appointment of Guardian of the Person (Prob. Code §1510)

		See petition for details.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Minute Order 7/27/15:</u> The Court admonishes that the same defects remain in this matter and grants one last continuance for Ms. Palms to get them cured.</p> <p>As of 8/26/15, nothing further has bene filed. The following issues remain:</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of personal service of Notice of Hearing with a copy of the petition per Probate Code §1511 at least 15 days prior to the hearing or consent and waiver of notice on: <ul style="list-style-type: none"> - Thurman Ligons (Father) - Laquandra Kinchen Ligons (Mother) 3. Need proof of service of Notice of Hearing with a copy of the petition per Probate Code §1511 at least 15 days prior to the hearing or consent and waiver of notice or declaration of due diligence on: <ul style="list-style-type: none"> - Paternal Grandmother - Maternal Grandfather Nick Kinchen - Maternal Grandmother Cassandra Miles - Siblings age 12 or older 	
Cont. from 061515, 072715				
	Aff.Sub.Wit.			
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	Inventory			
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	Not.Cred.			
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	Aff.Mail			X
	Aff.Pub.			
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	Pers.Serv.			X
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✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
	DSS Report			X
	Clearances			X
✓	Order			
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			
		Reviewed by: SKC		
		Reviewed on: 8/26/15		
		Updates:		
		Recommendation:		
		File 17 - Ligons		

		<p>ROBERT P. AVOLIO, ESQ., is Petitioner.</p> <p>Petitioner states he is a member in good standing of the Bar of the State of New Jersey and is a partner with the law firm of Avolio & Hanlon, P.C.</p> <p>Petitioner states he has been admitted to practice before 16 Courts. See petition for list.</p> <p>Petitioner hereby respectfully applies for admission practice <i>pro hac vice</i> in the Superior Court of California, County of Fresno representing Walter Leach III and Alfred W. Leach, Petitioners in the above-entitled action. His local co-counsel in this case is Woodford G. Rowland, Esq., an attorney who is a member of the bar of this Court in good standing and who maintains an office in California.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: On 6/8/15, Walter Leach, III, and Alfred Leach filed an Amended Petition to Invalidate Trust Restatement for Lack of Capacity; Undue Influence, Elder Abuse.</p> <p>On 7/23/15, the matter was set for trial with a 5-7 day time estimate. Mandatory Settlement Conference Statements are due by 2/23/16. Settlement Conference is set for 3/8/16. Trial is set for 4/5/16.</p> <p>1. Notice of Hearing filed 7/24/15 indicates mailing to Respondent Susan Leach Hansen c/o her attorney, Donald R. Forbes, and to Attorney Woodford G. Rowland, Esq., attorney for Petitioners Walter Leach, III, and Alfred W. Leach only.</p> <p>The Court may require direct notice to all persons entitled to notice as listed in the Amended Petition filed 6/8/15 pursuant to Probate Code §1214 and Cal. Rule of Court 7.51.</p> <p>Also, an additional attorney was served in connection with the original petition: Daryl Weinroth of Novato, CA. The Court may require clarification as to who Mr. Weinroth represents.</p>
	Aff.Sub.Wit.		
✓	Verified		
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	PTC		
	Not.Cred.		
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	Letters		
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	Objections		
	Video Receipt		
	CI Report		
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✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
		Reviewed by: skc	
		Reviewed on: 8/26/15	
		Updates:	
		Recommendation:	
		File 18 – Leach	

19 Skarlett Lopez, Natalia Lopez (GUARD/P) Case No. 15CEPR00526

Petitioner: Ana Torres (paternal grandmother - pro per)

Petitioner: Emily Alvarez (maternal great-grandmother - pro per)

Petition to Appoint Guardian of the Person

	THERE IS NO TEMPORARY. No temporary was requested.		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 7/20/15. Minute order states the examiner notes were handed in open court. As of 8/27/15 the following issues remain:</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of personal service of the Notice of Hearing along with a copy of the Petition or Consent and Waiver of Notice or Declaration of Due Diligence on: <ol style="list-style-type: none"> a. Ramon Torres (father) b. Victoria Morales (mother) 3. Need proof of service of the Notice of Hearing along with a copy of the Petition or Consent and Waiver of Notice or Declaration of Due Diligence on: <ol style="list-style-type: none"> a. Sabino Lopez (paternal grandfather) b. Unknown maternal grandfather c. Natalie Alvarez (maternal grandmother)
	EMILY ALVAREZ , maternal great grandmother, and ANA TORRES , paternal grandmother, are petitioners.		
	Please see petition for details.		
	Court Investigator Report filed on 7/13/15.		
Cont. from 072015			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg	X	
	Aff.Mail	X	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.	X	
✓	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: 8/27/15
			Updates:
			Recommendation:
			File 19 – Lopez

20A In Re: The Moore Family Trust dated 01/02/1990 Case No. 15CEPR00601

Attorney: Marcella Downing, Marcella (for Petitioner John R. Moore, Jr.)

Petition for Appointment of Guardian Ad Litem

		<p>JOHN R. MOORE, JR, Trustee of the Moore Family Trust, is petitioner.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>OFF CALENDAR.</u> Dismissal entered on 8/26/15.</p> <p>1.</p>	
Cont. from 080315				
	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			
			Reviewed by: KT	
			Reviewed on: 8/27/15	
			Updates:	
			Recommendation:	
			File 20A - Moore	

20A

20B In Re: The Moore Family Trust dated 01/02/1990 Case No. 15CEPR00601

Attorney: Marcella Downing (for Petitioners John R. Moore, Jr. and Melinda Marilyn Wheeler)

**Petition for Order Approving Modification of Trust Terms and Appointment of
Guardian Ad Litem**

	JOHN R. MOORE, JR. and MELINDA MARILYN WHEELER , successor Trustees, are petitioners.	NEEDS/PROBLEMS/COMMENTS:
		<u>OFF CALENDAR.</u> Dismissal entered on 8/26/15.
Cont. from 080315		
<input type="checkbox"/>	Aff.Sub.Wit.	
<input checked="" type="checkbox"/>	Verified	
<input type="checkbox"/>	Inventory	
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<input checked="" type="checkbox"/>	Notice of Hrg	
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<input type="checkbox"/>	Letters	
<input type="checkbox"/>	Duties/Supp	
<input type="checkbox"/>	Objections	
<input type="checkbox"/>	Video Receipt	
<input type="checkbox"/>	CI Report	
<input checked="" type="checkbox"/>	9202	
<input 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: 8/27/15
		Updates:
		Recommendation:
		File 20B – Moore

Petitioner Charleena T. Mack (Pro Per Petitioner)

Petition for Appointment of Guardian of the Person

		NO TEMPORARY REQUESTED	NEEDS/PROBLEMS/COMMENTS:
		<p>CHARLEENA T. MACK, maternal aunt, is Petitioner.</p> <p style="text-align: center;">~Please see Petition for details~</p> <p>Court Investigator's Report was filed on 8/18/2015.</p>	
Cont. from			<ol style="list-style-type: none"> 1. Need proof of personal service of the <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Guardian, or Consent to Appointment of Guardian and Waiver of Notice</i>, for: <ul style="list-style-type: none"> • Mark Hadley, father, if Court does not find due diligence per Declaration filed 7/29/2015. 2. Need proof of service by mail of the <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Guardian, or Consent to Appointment of Guardian and Waiver of Notice</i>, for: <ul style="list-style-type: none"> • Paternal grandparents, if Court does not find due diligence per Declaration filed 7/29/2015. 3. <i>Notice of Hearing</i> filed 7/29/2015 which shows service of notice to Charles Mack, maternal grandfather, on 7/27/2015 does not include the hearing date, time, and Department in Item 4(a) of the <i>Notice</i>.
<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.	X	
<input checked="" type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input checked="" type="checkbox"/>	CI Report		
<input checked="" type="checkbox"/>	Clearances		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input checked="" type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: LEG
			Reviewed on: 8/27/15
			Updates:
			Recommendation:
			File 21 – Hadley

22 Brandon Casner, Matthew Casner (GUARD/P) Case No. 15CEPR00641

Petitioner **McGinnis, Angela (Pro Per – Cousin – Petitioner)**

Petition for Appointment of Guardian of the Person (Prob. Code §1510)

		See petition for details.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. According to the Court Investigator's report, the minors are currently under a guardianship in Tulare County.</p> <p>Therefore, need proof of service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing per Probate Code §1511 <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence on:</p> <p>- Cindy Marqheim (Guardian)</p>	
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg			x
	Aff.Mail			x
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			x
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
✓	CI Report			
✓	Clearances			
✓	Order			
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: skc	
			Reviewed on: 8/26/15	
			Updates:	
			Recommendation:	
			File 22 – Casner	

		See petition for details.	<p>NEEDS/PROBLEMS/ COMMENTS:</p> <p>1. Need proof of personal service of Notice of Hearing with a copy of this general petition at least 15 days prior to the hearing per Probate Code §1511 <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence on:</p> <ul style="list-style-type: none"> - Brian Ruffner (Father) - Karen Todd-Lopez (Mother) <p>2. Need proof of service of Notice of Hearing with a copy of this general petition at least 15 days prior to the hearing per Probate Code §1511 <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence on:</p> <ul style="list-style-type: none"> - Mike Ruffner (Paternal Grandfather) - Jean Ruffner (Paternal Grandmother) 	
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail			x
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			x
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
✓	CI Report			
✓	Clearances			
✓	Order			
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: skc	
			Reviewed on: 8/27/15	
			Updates:	
			Recommendation:	
			File 23 – Ruffner	

DOD: 10/26/14	DORIS M. GILE , Successor Trustee and sister of the Decedent, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
	Petitioner states the Decedent created his trust on 8/3/12. He died 10/26/14. Although no Exhibit A was found, the Trust at Article Three, Section 1 identifies the assets set forth on Exhibit A “and any other property that is permitted by law to be held in trust...” In addition, the Decedent also executed a separate Assignment to Trust and a pour-over will. The Assignment assigns and transfers to Wesley J. Hammond, or his successors in trust, any property that would otherwise be subject to probate on his death, including without limitation all real property, securities, financial investments, etc.	
<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		
	<p>The Decedent was also the Successor Trustee of his parents' trust, the Hammond Living Trust, at his death, but did not complete administration. Petitioner has assumed the duties of successor trustee for that trust as well, and has made distribution of a one-third interest in the following assets to the Decedent:</p> <ul style="list-style-type: none"> • A one-third interest in the real property located at 13150 South Henderson Road • A one-third beneficial interest under a Deed of Trust With Assignment of Rents re APN 042-100-11; • A one-third beneficial interest under a Deed of Trust With Assignment of Rents re: Parcel 1 (APN 042-020-065S), Parcel 2 (042-020-64 (Portion)), Parcel 3 (042-020-64 (Portion)), and Parcel 4 (APN 042-020-64) <p>The evidence shows the Decedent intended that the assets be transferred to and a part of the trust. Under California law, that is sufficient to find that the assets are subject to the trust and under the management and control of the trustee. See petition for authority.</p> <p>Petitioner prays for an order that the properties set forth above (legal descriptions provided) are subject to the trust, held by the trustee on behalf of the trust and are under the management and control of Petitioner as trustee; and such other orders as the Court deems just and proper.</p>	
		Reviewed by: skc
		Reviewed on: 8/27/15
		Updates:
		Recommendation:
		File 24 – Hammond

Suzanne R. Ortiz 2010 Trust Case No. 15CEPR00708

Attorney

Poochigian, Mark S. (for Michelle McClelland – Successor Trustee – Petitioner)

First and Final Account and Report of Successor Trustee and Petition for Its Settlement; for Order Instructing Trustee; and for Order Ascertaining Trust Beneficiaries, or, in the Alternative, for Modification of the Trust

DOD: 7/16/14	<p>MICHELLE MCCLELLAND, Successor Trustee, is Petitioner.</p> <p>Account period: 7/16/14 – 5/15/15 Accounting: \$523,548.68 Beginning POH: \$516,978.73 Ending POH: \$459,850.21 (cash)</p> <p>Trustee: \$4,500.00 (for performing all duties including the care and custody of assets, making investments and reinvestments in the best interest of the trust estate, preparation of this petition, and other services pertaining to the management and administration of the trust)</p> <p>Trustee: \$19,027.05 (already reimbursed to Petitioner for expenses incurred during administration in connection with the real property and other trust estate expenses, itemized on Exhibit D)</p> <p>Reserve: \$20,000.00 (for closing expenses and contingent liabilities including accountant's fees for the fiduciary tax returns)</p> <p>Petitioner states the trust provisions relative to distribution are in conflict with instructions given to Petitioner by the Settlor. The trust provides that the balance of the trust estate shall be distributed in nine equal shares to those that the Settlor considered to be her nieces and nephews. This list includes the child of Jerrad Bradley, the Settlor's Step-Brother, and others. Petitioner had a conversation with the Settlor in which they discussed the possibility that Jerrad Bradley would have another child, and in that conversation, the Settlor expressed that if Jerrad Bradley had another child, that child should receive a share equal to that of the other beneficiaries. Austin Jerrad Harrison was born on 9/15/14.</p> <p style="text-align: center;"><u>SEE PAGE 2</u></p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> Petitioner requests to distribute all beneficiaries' shares to a custodian under CUTMA pursuant to the trust, but does not provide the ages of the beneficiaries. The Court may require clarification. Need order. Local Rule 7.1.1.F.
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail		W
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input type="checkbox"/> Order		X
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: skc
		Reviewed on: 8/27/15
		Updates:
		Recommendation:
		File 25 – Ortiz

Petitioner states: Through counsel, Petitioner notified the other beneficiaries by letter on 10/24/14 of this conversation and indicated to the beneficiaries that Petitioner was inclined to follow the Settlor's wish by distributing an equal share to Austin Jerrad Harrison if all beneficiaries were in agreement. No objections have been received.

Petitioner therefore requests instructions from the Court regarding distribution of the trust estate pursuant to Paragraph 4.2(b) of Section 4 of the Declaration of Trust, and requests an order from the Court ascertaining beneficiaries and determining to whom property shall pass upon termination of the trust.

Alternatively, Petitioner suggests that this court consider modifying the trust pursuant to §15409 to provide for an equal distribution share to Austin Jerrad Harrison under the grounds that his birth was a circumstance not known to Settlor and not anticipated by Settlor at the time the Declaration of Trust was executed.

Petitioner proposes distribution to the ten beneficiaries, including Austin Jerrad Harrison, pursuant to Paragraph 4.3 of Section 4 of the Declaration of Trust, which provides that if any beneficiary is under age 25, his or her share shall be distributed to Michelle McClelland (Petitioner) as Custodian for that beneficiary under CUTMA. Petitioner proposes distribution to all ten (10) of the beneficiaries in the amount of \$44,973.72 each in this manner. See Schedule E.

Petitioner requests an order that:

1. The first and final account of petitioner as trustee be settled, allowed, and approved as filed;
2. All acts and proceedings of the petitioner as trustee be confirmed and approved;
3. Petitioner be authorized to retain \$20,000.00 in cash for closing expenses and to pay liabilities, and to distribute the balance of the unexpended reserve as set forth in Schedule E of the accounting, without further Court order after the closing expenses and liabilities have been paid;
4. Petitioner be authorized and directed to pay herself \$4,500.00 as compensation for her service as successor trustee;
5. Distribution of the trust in Petitioner's hands be made to the persons entitled to it, as set forth in the petition; and
6. Such further order be made as the Court considers proper.

Ian Rangel

Attorney Hopper, Cindy J (for Armando Escobar – Petitioner – Cousin)

Petition for Appointment of Temporary Guardianship of the Person

Ian Age: 3	<u>GENERAL HEARING 10/29/2015</u>		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: Petition pertains to Ian Rangel only. Estela Ruiz Mendoza was appointed guardian of Juan Ruiz, Josiah Ruiz, and Jose Ruiz on 03/04/2014. Josiah Ruiz and Juan Ruiz have reached the age of majority.</p> <p>1. Need proof of personal service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for:</p> <ul style="list-style-type: none"> • Father (Unknown)
	ARMANDO ESCOBAR, cousin, is petitioner.		
	<u>Please see petition for details</u>		
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 type="checkbox"/> Aff.Mail			
<input type="checkbox"/> Aff.Pub.			
<input type="checkbox"/> Sp.Ntc.			
<input checked="" type="checkbox"/> Pers.Serv.	w/		
<input checked="" type="checkbox"/> Conf. Screen			
<input checked="" type="checkbox"/> Letters			
<input checked="" type="checkbox"/> Duties/Supp			
<input type="checkbox"/> Objections			
<input type="checkbox"/> Video Receipt			
<input type="checkbox"/> CI Report			
<input type="checkbox"/> 9202			
<input checked="" type="checkbox"/> Order			
<input type="checkbox"/> Aff. Posting			
<input type="checkbox"/> Status Rpt			
<input checked="" type="checkbox"/> UCCJEA			
<input type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice			
Reviewed by: LV			
Reviewed on: 08/27/2015			
Updates:			
Recommendation:			
File 26 – Ruiz/Rangel			

		See petition for details.	NEEDS/PROBLEMS/ COMMENTS:
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
N/A	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: 8/27/15	
		Updates:	
		Recommendation:	
		File 27 – Thompson	

	See petition for details.	NEEDS/PROBLEMS/COMMENTS:
		1. Need Notice of Hearing for this temp hearing.
		2. Need proof of personal service of Notice of Hearing with a copy of the temp petition at least five court days prior to the hearing per Probate Code §2250(e) <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence on: - Luciano Garcia (Father)
		3. Petitioner filed a faxed copy of the mother's nomination and consent. The Court may require the original, or personal service per Probate Code §2250(e).
		4. Petitioner states the paternal grandparents' names are unknown; however, notice of the general petition has been mailed to Benjamin Garcia Torres and Mari De Luz Gonzalez in Jalisco Mexico. Are these the paternal grandparents? Need clarification for the general hearing on 10/19/15.
		Reviewed by: skc
		Reviewed on: 8/27/15
		Updates:
		Recommendation:
		File 28 – Huaracha

	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	x
	Aff.Mail	
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	x
✓	Conf. Screen	
✓	Letters	
✓	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
✓	Order	
	Aff. Posting	
	Status Rpt	
✓	UCCJEA	
	Citation	
	FTB Notice	

Petition for Appointment of Guardian of the Person

		TEMPORARY EXPIRES 8/31/15	NEEDS/PROBLEMS/COMMENTS:
		DIOCELINA PEREZ VELAZQUEZ, maternal aunt, is petitioner.	
Cont. from		Please see petition for details.	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified	Court Investigator Report filed on 8/4/15.	
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg	N/A	
<input type="checkbox"/>	Aff.Mail	N/A	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input checked="" type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input checked="" type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input checked="" type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: KT
			Reviewed on: 8/26/15
			Updates:
			Recommendation:
			File 21 - Hernandez

Attorney

Tomassian, Gerald M. (for Karen Lynn Blue – Successor Administrator – Petitioner)

Attorney

Marshall, Ryan D. (for Margaret Valenzuela – Objector)

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

DOD: 5/8/14	KAREN LYNN BLUE , Successor Administrator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: Continued from 8/12/15, 8/27/15. See Reply to Objection, Page 2.
	Accounting is waived.	
	I&A: \$1,706,074.10	
	POH: \$60,674.10 plus real property in Fresno, limited partnership shares, two vehicles.	
Cont. from 081215, 082715	Administrator (Statutory): Both Former Administrator and Successor Administrator waived compensation	
<input type="checkbox"/> Aff.Sub.Wit.	Attorney (Statutory): \$30,060.74	
<input checked="" type="checkbox"/> Verified	Distribution pursuant to intestate succession and disclaimers:	
<input checked="" type="checkbox"/> Inventory	Karen Lynn Blue – Entire estate	
<input checked="" type="checkbox"/> PTC	Objection filed 8/10/15 by Margaret Valenzuela states 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 checked="" type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input checked="" type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
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<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input checked="" type="checkbox"/> FTB Notice	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: 8/27/15
		Updates:
		Recommendation:
		File 30 – 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.