



## 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.

Petition for Final Distribution

DOD: 1/6/2009		<p>MARY SUE LANCASTER, sister and Administrator, is Petitioner.</p> <p>Accounting is waived.</p> <p>I &amp; A — \$164,886.42                  POH — \$164,886.42                  (\$6,511.42 is cash)</p> <p>Administrator — not requested                  Attorney — not requested</p> <p><b>Distribution pursuant to intestate succession is to:</b></p> <p><b>MARY SUE LANCASTER – entire estate.</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><u>Continued from 8/12/2014</u> per Order on Ex Parte Motion for Continuance of Status Conference requested by Attorney Donaldson.</p> <p><b>The following issues remain as of 8/26/2014:</b></p> <ol style="list-style-type: none"> <li>Final Inventory and Appraisal filed on 1/29/2014 is incomplete at Item 5 re: property tax certificate, as required by Probate Code § 8800(d). <b>Need statement regarding Property Tax Certificate.</b> (Revenue and Tax Code § 480.)</li> <li>Petition does not contain a statement regarding whether notice has been sent to the Franchise Tax Board as required pursuant to Probate Code 9202(c)(1) for estates in which Letters were issued 7/1/2008 or after, and Court records contain no proof of service of such notice. <b>Need proof of service of notice to the Franchise Tax Board pursuant to Probate Code 9202(c)(1).</b></li> <li>The instant Petition does not fully comply with Probate Code § 10954 and CA Rules of Court 7.550 and 7.705 for waivers of account in estate matters, including the statements regarding whether notice of hearing is required to entities such as the Department of Health Care Services and the Victims' Compensation and Government Claims Board. <b>Court may require further information regarding whether notices pursuant to Probate Code § 9202 were required for this estate.</b>                      ~Please see additional page~</li> </ol>
Cont. from 040814, 051314, 062414, 081214			
Aff.Sub.Wit.			
Verified	?		
Inventory			
PTC	X		
Not.Cred.	070609		
Notice of Hrg	X		
Aff.Mail	X		
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters	091509		
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202	X		
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice	X		
Reviewed by: LEG			
Reviewed on: 8/26/14			
Updates:			
Recommendation:			
File 1 – Lancaster			

NEEDS/PROBLEMS/COMMENTS, continued:Notes:

- Petitioner's actions taken during administration of this estate and in distributing the estate property to herself violate the Probate Code provisions for closing an estate, specifically Probate Code § 10501(a)(4) requiring court supervision and authorization for final distribution of the estate.
- *Petition for Final Distribution* filed 2/28/2014 is signed but is not verified by the Petitioner pursuant to Probate Code § 1021 and CA Rule of Court 7.103. However, *Declaration of Petitioner Mary Sue Lancaster in Support of Petition for Order of Final Distribution* filed 2/28/2014, which contains all and substantially the same assertions as the *Petition for Final Distribution*, is verified.
- *Declaration of Mary Sue Lancaster* attached to the initial *Petition for Probate* filed 6/19/2009 states the only creditors of the Decedent of which she is aware are mortgages on the real property and a Visa credit card with a balance of **\$400.00**. Verified *Declaration of Petitioner Mary Sue Lancaster in Support of Petition for Order of Final Distribution* filed 2/28/2014 states all bill[s] and obligations of the estate have been paid or assumed by [her.]
- *Receipt on Distribution* filed 2/19/2014 states **MARY SUE LANCASTER** received from the Administrator Mary Sue Lancaster the entirety of the estate [as specified in the petition] including **100%** interest in real property, and that she assumes all mortgage, tax, and other obligations owing on the real property distributed to her.

**Petition for Appointment of Temporary Conservatorship of the Person**

<b>Age: 77</b>		<p align="center"><b><u>GENERAL HEARING: 10/02/14</u></b></p> <p><b>HEATHER AGUIRRE</b>, daughter, is Petitioner and requests appointment as Temporary Conservator of the Person.</p> <p><b>Petitioner states</b> the proposed conservatee has been diagnosed with Dementia. He was recently released from a civil commitment at Coalinga State Hospital to an assisted living facility in Clovis. He left the hospital with no supplemental insurance, which is necessary for his current and ongoing physician appointments and medications. Temporary conservatorship of the person is requested so that petitioner can seek supplemental insurance on behalf of the conservatee.</p> <p><b>Court Investigator Charlotte Bien filed a report on 08/22/14.</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Note:</b> Petitioner was appointed Conservator of the Estate on 04/22/13.</p> <p><b>Court Investigator Charlotte Bien advised rights on 08/20/14.</b></p>
<b>Cont. from</b>			
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/>	<b>Verified</b>		
<input type="checkbox"/>	<b>Inventory</b>		
<input type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>		
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>		
<input checked="" type="checkbox"/>	<b>Aff.Mail</b> w/		
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input checked="" type="checkbox"/>	<b>Pers.Serv.</b> w/		
<input checked="" type="checkbox"/>	<b>Conf. Screen</b>		
<input checked="" type="checkbox"/>	<b>Letters</b>		
<input checked="" type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input checked="" type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		
		<p><b>Reviewed by:</b> JF</p> <p><b>Reviewed on:</b> 08/26/14</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 2 - MacMurray</b></p>	

**3 Andrew & Marianne Lawson Trust 9/22/93 (Trust) Case No.13CEPR01105**

**Atty Cavalari, Michelle A. (of Sacramento, for Petitioners Judith Kay Freitas and Optimism One)**

**Petition by Co-Trustees of Inter-Vivos Trust to Establish Claim of Ownership Over Property**

<p><b>Andrew Lawson DOD 6-21-05</b></p>	<p><b>JUDITY KAY FREITAS and OPTIMISM ONE,</b> Successor Trustees, are Petitioners.</p>	<p><b>NEEDS/PROBLEMS/ COMMENTS:</b></p>
<p><b>Marianette Lawson DOD 11-24-13</b></p>	<p><b>Petitioners state ANDREW J. LAWSON and MARIANETTE LAWSON, husband and wife,</b> established the <b>ANDREWJ. AND MARIANETTE LAWSON TRUST OF 1993</b> on September 22, 1993.</p>	<p><b>1. The Fresno County Federal Credit Union accounts are listed on the Trust's Exhibit "A" and there does not appear to be any issue with establishing the trust's ownership of this account.</b></p>
<p><input type="checkbox"/> <b>Aff.Sub.Wit.</b></p>	<p>On 6/21/2005 Marianne Lawson died. On</p>	
<p><input checked="" type="checkbox"/> <b>Verified</b></p>	<p>11/24/13 Andrew J. Lawson died. Andrew J.</p>	
<p><input type="checkbox"/> <b>Inventory</b></p>	<p>Lawson died a widow without leaving issue. The</p>	
<p><input type="checkbox"/> <b>PTC</b></p>	<p>trust provides for distribution to Clara Mae</p>	
<p><input type="checkbox"/> <b>Not.Cred.</b></p>	<p>Roberts, who predeceased Andrew, then to his</p>	
<p><input checked="" type="checkbox"/> <b>Notice of Hrg</b></p>	<p>sister-in-law Judith K. Freitas, and his nephews,</p>	<p><b>However, the Court may require clarification and authority regarding the Jackson National Life accounts and the State Farm Accounts.</b></p>
<p><input checked="" type="checkbox"/> <b>Aff.Mail</b></p>	<p>Kevin M. Nelson, Brian R. Nelson, and Craig R.</p>	
<p><input type="checkbox"/> <b>Aff.Pub.</b></p>	<p>Nelson (aka Optimism One). Andrew J. Lawson</p>	
<p><input type="checkbox"/> <b>Sp.Ntc.</b></p>	<p>had no other heirs.</p>	
<p><input type="checkbox"/> <b>Pers.Serv.</b></p>	<p><b>There are three (3) assets that are the subject of this proceeding:</b></p>	
<p><input type="checkbox"/> <b>Conf. Screen</b></p>	<ul style="list-style-type: none"> <li>• <b>Two (2) Jackson National Life Ins Co Fixed and Variable Annuities Accounts</b> in the</li> </ul>	<p><b>The trust does not appear to include an omnibus clause; rather, Petitioner refers to the pour-over will and the section of the trust allowing receipt of additional assets.</b></p>
<p><input type="checkbox"/> <b>Letters</b></p>	<p>approx. amount of \$72,846.00 and</p>	
<p><input type="checkbox"/> <b>Duties/Supp</b></p>	<p>\$39,223.00, titled in the name of</p>	
<p><input type="checkbox"/> <b>Objections</b></p>	<p>Andrew J. Lawson.</p>	
<p><input type="checkbox"/> <b>Video Receipt</b></p>	<ul style="list-style-type: none"> <li>• <b>Fresno County Federal Credit Union accounts</b> in the approx. amount of</li> </ul>	
<p><input type="checkbox"/> <b>CI Report</b></p>	<p>\$99,783.57 and \$3,141.70, titled in the name</p>	
<p><input type="checkbox"/> <b>9202</b></p>	<p>of Andrew J. Lawson and Marianne</p>	
<p><input checked="" type="checkbox"/> <b>Order</b></p>	<p>Lawson, as Joint Tenants.</p>	
<p><input type="checkbox"/> <b>Aff. Posting</b></p>	<ul style="list-style-type: none"> <li>• <b>State Farm Account</b> in the approx. amount</li> </ul>	<p><b>However, in order to receive additional assets from the estate or the executor, as described in the petition, it appears that logistically, probate of the estate would be necessary.</b></p>
<p><input type="checkbox"/> <b>Status Rpt</b></p>	<p>of \$75,000.00 titled in the name of</p>	
<p><input type="checkbox"/> <b>UCCJEA</b></p>	<p>Andrew J. Lawson.</p>	
<p><input type="checkbox"/> <b>Citation</b></p>	<p>The nominated successor trustee predeceased</p>	<p><b>Reviewed by: skc</b></p>
<p><input type="checkbox"/> <b>FTB Notice</b></p>	<p>Andrew Lawson and the position was vacant</p>	<p><b>Reviewed on: 8-26-14</b></p>
	<p>until the Court appointed Petitioners as</p>	<p><b>Updates:</b></p>
	<p>successor co-trustees on 2-3-14.</p>	<p><b>Recommendation:</b></p>
	<p style="text-align: center;"><b>SEE ADDITIONAL PAGES</b></p>	<p><b>File 3 - Lawson</b></p>

Petitioners state the assets that are the subject of this proceeding are held at the respective financial institutions that require a Court Order directing their distribution. The trust was created primarily to reduce the cost of administration of the estate of the trustors, to provide for centralized management of the assets of the trustors during their lifetime, and to provide for continued management of the assets after their deaths.

**The trust Schedule A includes the Credit Union accounts.**

The trust defines the trust estate as "...property described in Exhibit A and any other property that may hereafter be transferred or conveyed to and received by the Trustee..." Therefore, the trust acknowledges the trustors' intent to include any after-acquired property as part of the trust corpus.

On 7-3-10 and again on 7-25-12, 17 years after the trust was established, a broker from **Jackson National Life Insurance Company** assisted Andrew J. Lawson in completing beneficiary designation forms for two separate annuities as "Refer to Owner's Estate." Mr. Lawson relied on the assistance of the broker and believed that the designation was sufficient to establish the trust as beneficiary.

Petitioners state it was always the decedent's intention to include all of his property, including the annuities, as part of the trust, as evidenced by his trust and his pour-over will. By designating the beneficiary as "Refer to Owner's Estate," it is clear that Mr. Lawson intended Jackson National Life Insurance Company to refer to the Trust in processing the annuities.

Finally, the **State Farm account** named Clara Mae Roberts as beneficiary, without a contingent beneficiary. However, as noted above, the trust specifically includes after acquired property "...received by the trustee..." as part of the trust estate. Because the pour-over will directs the executor to deliver the residue to the trust, the proceeds from the State Farm account qualify as after-acquired property "received by the trustee" from the executor of the will.

**Petition to Establish Trust Interest Over Real and Personal Property**

<b>Age:</b>		<b>NEEDS/PROBLEMS/COMMENTS:</b>
<b>DOD:</b>		
<b>Cont. from</b>		
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
		<b>CONTINUED TO 9-11-14</b>
		<b>Per Attorney Request</b>
		<b>Reviewed by: skc</b>
		<b>Reviewed on: 8-27-14</b>
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 5 - Nelson</b>



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

<b>DOD: 07/13/2014</b>	<b>PUBLIC ADMINISTRATOR</b> , is petitioner and requests appointment as Administrator with Will Annexed without bond.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. Need original will to be deposited with the Court pursuant to Probate Code §8200(a)(1).  2. Need Proof of Holographic Will.  <b>Note: If the petition is granted status hearings will be set as follows:</b>  <ul style="list-style-type: none"> <li>• <b>Tuesday, 01/06/2015 at 9:00a.m. in Dept. 303</b> for the filing of the inventory and appraisal <u>and</u></li> <li>• <b>Tuesday, 10/06/2015 at 9:00a.m. in Dept. 303</b> for the filing of the first account and final distribution.</li> </ul> Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.
	Full IAEA – o.k.	
<b>Cont. from</b>	Will dated: 07/26/2006	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	Residence: Fresno	
<input checked="" type="checkbox"/> <b>Verified</b>	Publication: The Business Journal	
<input type="checkbox"/> <b>Inventory</b>	<b>Estimated value of the Estate:</b>	
<input type="checkbox"/> <b>PTC</b>	Personal property - \$31,000.00	
<input type="checkbox"/> <b>Not.Cred.</b>	Real property - \$206,000.00	
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>	<b>Total - \$237,000.00</b>	
<input checked="" type="checkbox"/> <b>Aff.Mail</b> w/	Probate Referee: Rick Smith	
<input checked="" type="checkbox"/> <b>Aff.Pub.</b>		
<input type="checkbox"/> <b>Sp.Ntc.</b>		
<input type="checkbox"/> <b>Pers.Serv.</b>		
<input type="checkbox"/> <b>Conf. Screen</b>		
<input checked="" type="checkbox"/> <b>Letters</b>		
<input type="checkbox"/> <b>Duties/Supp</b> n/a		
<input type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>		
<input type="checkbox"/> <b>CI Report</b>		
<input type="checkbox"/> <b>9202</b>		
<input checked="" type="checkbox"/> <b>Order</b>		
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>		
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		
		<b>Reviewed by:</b> LV
		<b>Reviewed on:</b> 08/27/2014
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 8 - Paregian</b>

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

<b>DOD: 12/01/2002</b>	<b>JUDY RILEY</b> , daughter, was appointed Administrator with will annexed without bond on 09/06/2005.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Minute Order of 07/15/2014: No appearances. The Court notes that Judy Riley has failed to comply and communicate. The Court on its own motion removes Judy Riley as the administrator and appoints the Public Administrator as the personal representative. The Court imposes sanctions in the amount of \$1,000.00 each as to Judy Riley and Michael Milnes.</b>  <b>Copy of Minute Order dated 07/15/2014 was mailed to Michael Milnes and Judy Riley on 07/21/2014.</b>  <b>Minute Order of 06/10/2014: The Court notes that the hour is 10:15 a.m. and there are no appearances. The Court further notes that sanctions have been previously imposed. The Court sets the matter for an Order to Show Cause on 07/15/2014 regarding failure to appear and further sanctions in the amount of \$1,000.00 each as to Michael Milnes and Judy Riley. Michael Milnes and Judy Riley are ordered to be personally present on 07/15/2014.</b>  <b>Copy of Minute Order dated 06/10/2014 and Order (re: Order to Show Cause) mailed to Michael Milnes and Judy Riley on 06/16/2014.</b>  <b>Minute Order of 05/09/2014: No appearances. Michael Milnes is ordered to be personally present on 06/10/2014.</b>  <p style="text-align: center;"><b>Please see additional page</b></p> <b>Reviewed by: LV</b> <b>Reviewed on: 08/26/2014</b> <b>Updates:</b> <b>Recommendation:</b> <b>File 9 – Eldridge</b>
	Letters issued on 09/06/2005.	
<b>Cont. from 022114, 050914, 061014, 071514</b>	Inventory and Appraisal as due on 02/2006.	
<b>Aff.Sub.Wit.</b>	First Account or Petition for Final Distribution was due on 11/2006.	
<b>Verified</b>	Notice of Status Hearing was mailed to Attorney Michael A. Milnes and Judy Riley on 11/21/2013.	
<b>Inventory</b>	Pursuant to the minute order dated 07/15/2014, on the Court's own motion removes Judy Riley as the administrator and appoints the Public Administrator as the personal representative.	
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		

**Needs/Problems/ Comments continued:**

**Minute Order of 05/09/2014 on Order to Show Cause Re: Failure to File and Failure to Appear: No appearances. The Court imposes sanctions against Michael Mines and Judy Riley in the amount of \$500.00 each. Sanctions are ordered paid by 05/23/2014.**

**Copy of Minute Order mailed to Michael Milnes and Judy Riley on 05/14/2014.**

**Minute Order of 02/21/2014: No appearances. The Court notes the file has no indication of notices of being returned. The Court issues order to Show Cause with sanctions of \$500 to Judy Riley and Mr. Milnes for failure to file or appear.**

1. Need Inventory and Appraisal and First Account or Petition for Final Distribution or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.

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

<b>DOD: 8/9/1999</b>		<p><b>DIANA L. SANCHEZ</b>, daughter, was appointed Executor with Full IAEA without bond on 7/18/2000; Letters issued on 7/20/2000.</p> <p><b>Amended Petition for Probate filed 6/27/2000</b> estimated the value of the property of the estate at <b>\$152,000.00</b>, consisting of <b>\$12,000.00</b> in personal property and <b>\$140,000.00</b> in real property.</p> <p><b>Decedent's Will dated 5/21/1997</b> devises all property and entire residue of the estate to the Trustee of the <b>GIBSON AND MARIE HUNTER REVOCABLE FAMILY TRUST</b> dated 5/21/1997.</p> <p>Pursuant to Probate Code § 8800(b), Final Inventory and Appraisal was due <b>11/20/2000</b>.</p> <p>Pursuant to Probate Code § 12200, first account and/or petition for final distribution was due <b>7/20/2001</b>.</p> <p><b>Notice of Status Hearing filed 10/31/2013</b> set a status hearing on 12/6/2013 for failure to file the inventory and appraisal and failure to file a first account or petition for final distribution. Status Hearings have been continued since 12/6/2013 to the present.</p> <p align="center">~Please see additional page~</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Continued from 7/15/2014.</b> Minute Order states: Victor Mendoza is sworn and interprets for Pablo Mendoza, Sr. The Court on its own motion removes Diana (Sanchez) Evans as the Executor and appoints the <b>PUBLIC ADMINISTRATOR</b> as the personal representative. Matter continued to 9/2/2014. Mr. Seymour and Ms. Evans are ordered to provide an accounting and be personally present at the next hearing. Ms. Evans provides the following contact information to the Court [omitted.]</p> <p><b>Note:</b> Letters of Administration with Will Annexed issued to the <b>PUBLIC ADMINISTRATOR</b> on 8/12/2014.</p> <p><b>The following issues remain for Attorney Seymour to address:</b></p> <ol style="list-style-type: none"> <li>1. Need Final Inventory and Appraisal pursuant to Probate Code § 8800(b).</li> <li>2. Need accounting per Court's order of 7/15/2014, and proof of service of notice of the Status Hearing set on 9/2/2014 pursuant to Local Rule 7.5(B) for the following persons: <ul style="list-style-type: none"> <li>• <b>CULLEN DOUGLAS BIRCH</b>, son;</li> <li>• <b>GUY WESLEY BIRCH</b>, son;</li> <li>• <b>JON KEITH BIRCH</b>, son;</li> <li>• <b>DIANA LYNN SANCHEZ</b>, daughter (Executor);</li> <li>• <b>Trustee of the GIBSON AND MARIE HUNTER REVOCABLE FAMILY TRUST</b> dated 5/21/1997;</li> <li>• <b>E. Warren Gubler</b> per Request for Special Notice filed 6/8/2000.</li> </ul> </li> </ol> <p align="center">~Please see additional page~</p>
<b>Cont. from 120613, 021414, 032814, 052314, 071514</b>			
Aff.Sub.Wit.			
Verified	X		
Inventory	X		
PTC			
Not.Cred.			
Notice of Hrg	X		
Aff.Mail	X		
Aff.Pub.			
Sp.Ntc.	X		
Pers.Serv.			
Conf. Screen			
Letters	072000		
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt	X		
UCCJEA			
Citation			
FTB Notice			
		Reviewed by: LEG	
		Reviewed on: 8/27/14	
		Updates:	
		Recommendation:	
		File 10 - Hunter	

**Creditor's Claim filed on 7/10/2014 by PABLO MENDOZA, claimant to Estate real property for an amount "to be determined by the Court," contains Exhibit A through Exhibit H consisting of voluminous supporting documents and receipts, and states:**

- The Decedent and her husband, **GIBSON PETE HUNTER**, owned real property located at 1535 S. Third Street in Fresno;
- Claimant and his wife, **GEORGINA MENDOZA**, began renting the home located at 1535 S. Third Street from Mr. and Mrs. Hunter in ~1992 or 1993;
- Over time, he and his wife became good friends with Mr. and Mrs. Hunter, so much so that Mr. and Mrs. Hunter came to their home weekly for lunch and a visit, not just for the purpose of collecting the rent when it was due; he and his wife always paid their rent to Mr. and Mrs. Hunter in person;
- In early 1996, he and his wife entered into an agreement with Mr. and Mrs. Hunter to purchase their property on 1535 S. Third Street for **\$40,000.00** (*copies of loan and Escrow documents attached*);
- On 6/22/1996, he and his wife made a **\$5,000.00** down payment toward the purchase of the home (*copy of down payment receipt signed by Mr. Hunter attached; copy of signed and notarized Note for purchase of house dated 8/20/1996 attached*);
- On 7/18/1996, he and his wife began making monthly payments of **\$420.06** on a **\$29,119.16** note, plus interest, for purchase of the home; **CULLEN D. BURCH**, one of Mrs. Hunter's sons, assumed control of the Hunters' business affairs in 1999, and he and his wife's house payments were then made in cash or money order to Mrs. Burch; he and one of his sons traveled every month to Mr. Burch's home in Hanford to make their house payment (*copies of monthly payment receipts dated from 3/16/1996 through 2/22/2010 attached*);
- After Mr. Hunter and then Mrs. Hunter passed away, sometime in 2000 a dispute broke out between Cullen Burch and **DIANA SANCHEZ** [Executor], and attorney William Seymour became involved in the Estate of Marie Ophelia Hunter;
- With the assistance of one of his sons, he began traveling to Lemoore each month to personally make his house payments at Attorney Seymour's law office, the first of which was made on 6/21/2000; he traveled without fail each month to Lemoore to make their house payments;
- In July of 2003, Attorney Seymour instructed him in writing to continue to make house payments to the Estate of Marie Hunter, but to mail the payments to Diana Sanchez at 232 N. Lemoore Ave. #26, Lemoore (*copy of letter from Attorney Seymour dated 7/1/2003 attached*);
- He complied with Attorney Seymour's instructions and mailed their payment to Diana Sanchez; however, their 7/14/2003 payment was returned by the US Postal Service due to insufficient address; he resumed making trips to Attorney Seymour's office in Lemoore to make their house payments, as he had no way of locating Diana Sanchez and it seemed to him that Attorney Seymour was continuing to be Diana Sanchez' collection agent; when Attorney Seymour moved his office to Visalia, he travelled to Visalia to make their house payments at Attorney Seymour's office each month, well into the year 2010 (*copies of monthly payment receipts to Law Office of William Seymour attached*);
- Sometime in 2010, Attorney Seymour stated to him while making their house payment at his office in Visalia that he should stop making the house payments because they had overpaid their Note; Attorney Seymour held up a 2 ½ to 3 inch stack of Money Orders that had not been cashed, and told him and his son that the stack represented ~3 years of their house payments;
- Attorney Seymour stated, "The Estate of Marie Hunter will owe you a lot of money back."

**~Please see additional page~**

**Creditor's Claim filed on 7/10/2014 by PABLO MENDOZA, continued:**

- His records document monthly house payments through 3/18/2010 which is 34 months past the 118 month payment schedule on their original note; he believes they have made payments well past 3/18/2010, but has yet to complete compiling his remaining records; based on his calculations, their overpayment on their Note to date is **\$14,295.62** (*copies of Amortization schedule attached*);
- In early 2011, they were told the Estate of Marie Hunter had settled; Attorney Seymour's office instructed him to travel to his law office in Visalia to meet Attorney Seymour and Diana Sanchez, who was now the personal representative of the Estate of Marie Hunter, and that Diana Sanchez would appear at Attorney Seymour's office to sign a *Deed of Personal Representative* to finally release title to the property located at 1535 S. Third Street to him and his wife, who had been legally residing at the residence well before their 6/22/1996 down payment to purchase the property;
- Diana Sanchez failed to appear at Attorney Seymour's office in Visalia for the initial scheduled meeting, and she continued not to show up at all of the later scheduled meetings at Attorney Seymour's office to which he and his son made repeated trips, possibly more than 10 times;
- **Without legal title to their home, they cannot purchase fire insurance or claim their home as an asset, even though they have paid the Fresno County Property Tax on their home since 1997** [*emphasis in original*];
- Diana Sanchez again did not show up to the last scheduled meeting, and Attorney Seymour gave him an unsigned copy of the *Deed of Personal Representative* and told him it was his responsibility to hire a Private Investigator to search for and locate Diana Sanchez and to have her sign that document and return the signed document to Attorney Seymour; (*copy of unsigned deed for transferring title from the Estate to Pablo Mendoza attached*);
- Attorney Seymour told him that he was unable to locate Diana Sanchez and referred him to a local Private Investigator in Visalia; his son, on his behalf, contacted the Private Investigator who quoted a fee for services of **\$900.00** to locate Diana Sanchez, but he was unable to hire the Private Investigator because he did not have the **\$900.00** to pay for his service.

**Note:** *Proof of Personal Service of the Creditor's Claim of PABLO MENDOZA* filed on 7/10/2014 shows that Attorney William Seymour was personally served with a copy of the *Creditor's Claim* on 7/10/2014.

**Declaration of Sheila Krebs, registered process server, filed 7/14/2014 states:**

- On 7/9/2014, she received the assignment to serve the Creditor's Claim to the Law Office of William L. Seymour located at 220 N. Santa Fe Street, Visalia, CA 93292; on 7/10/2014 at 11:25 a.m., she arrived at the address 220 N. Santa Fee Street, Visalia, and the building had a listing of people on the left side of the door, and Attorney Seymour's name was listed as one of the people who had an office in that building; the building is actually the Visalia Chamber of Commerce;
- She went to the counter where the receptionists were sitting and she asked to be directed to Attorney Seymour's office and the receptionist informed her that he used to have an office in this building but does not have an office at this location anymore, and it is used as a mail-drop where he receives all of his mail at that building; she indicated that he checked mail every few days;
- She asked if she left [documents] with her would he receive it and she said yes; she asked her if she should write on her proof of service that she left the documents at the Law Office of William L. Seymour and was she authorized to receive documents, and she said yes that was correct; at 11:30 a.m. she handed her the Creditor's Claim with all of the Exhibits attached.

**~Please see additional page~**

**Notes for Background:**

- **Attorney E. Warren Gubler filed a Request for Special Notice on 6/8/2000** in relation to a **\$14,102.00** Creditor's Claim of Mission Medical Enterprises dba Hanford Rehab Hospital. *Allowance of Creditor's Claim* was filed **8/18/2000**, allowing the claim for **\$14,102.00** of Mission Medical Enterprises d.b.a. Hanford Rehab Hospital.
- **Creditor's Claim was filed on 9/26/2000** by Kings Credit Services on behalf of Hanford Community Medical Center for **\$63,118.47**
- **Minute Order dated 12/6/2013 from the hearing set by the Notice of Status Hearing filed 10/31/2013** for failure to file the inventory and appraisal and failure to file a first account or petition for final distribution states: **MS. [MARLENE] HUBBEL** is appearing specially for Attorney William Seymour. The Court directs Mr. Seymour to file a declaration requesting to be relieved as counsel with a copy of any correspondence or substitution of attorney sent to Diana Sanchez. The Court will allow Mr. Seymour to withdraw as counsel upon review of the documents and an order after hearing. The Court orders Mr. Seymour to retain any documents in his possession. Said documents will be subject to being turned over to either Diana Sanchez or an individual subsequently appointed. The Court sets the matter for an Order to Show Cause on 2/14/2014 regarding failure to file the inventory and appraisal; failure to file the first account or petition for final distribution, and imposition of sanctions in the amount of **\$500.00**. The Court orders Diana Sanchez to be personally present on 2/14/2014.
- **Minute Order dated 2/14/2014 states:** Order to Show Cause to issue for Diana Sanchez upon receipt of a new address from counsel. Attorney Seymour appeared (not Diana Sanchez), and Pablo Mendoza and Victor Mendoza also appeared.
- **Minute Order dated 3/28/2014** from the last Status Hearing held in this matter states the Order to Show Cause issued to Executor Diana Sanchez is dismissed. Diana Sanchez was not present at hearing on 3/28/2014. Attorney William Seymour appeared at hearing on 3/28/2014.
- **Minute Order dated 5/23/2014** continued the matter to 7/15/2014, and it was at that hearing that the Court appointed the Public Administrator as personal representative.

Probate Status Hearing Re: Failure to File a First Account or Petition for Final Distribution

<b>DOD: 10/23/11</b>	<p><b>BETSY McMILLAN</b>, daughter, was appointed as Executor with full IAEA and without bond on 01/04/12. Letters Testamentary were issued on 01/05/12.</p> <p><b>Inventory &amp; Appraisal, partial no. 1, filed 03/14/12</b> - \$64,500.00</p> <p><b>Inventory &amp; Appraisal, final, filed 11/20/12</b> - \$72,367.01</p> <p><b>Notice of Status Hearing</b> filed 11/18/13 set this matter for status regarding failure to file a First Account or Petition for Final Distribution. <b>Clerk's Certificate of Mailing</b> states that a copy of the Notice of Status Hearing was mailed to attorney Joanne Sanoian and Betsy McMillan on 11/18/13.</p> <p><b>Unverified Status Report filed 01/30/14</b> requests a 60 day continuance for the Executor to prepare the First and Final Account.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b><u>CONTINUED FROM 06/10/14</u></b></p> <p>1. Need First Account or Petition for Final Distribution First Account or Petition for Final Distribution <b>and/or</b> current verified status report.</p>
<b>Cont. from 020714, 061014</b>		
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
		<b>Reviewed by: JF</b>
		<b>Reviewed on: 08/26/14</b>
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 11 – Castle</b>

**Status Hearing Re: Filing of the Petition for Final Distribution**

<b>DOD: 02/24/2012</b>	<p><b>KENNETH ROBERTS</b>, was appointed Administrator with full IAEA and with bond set at <b>\$20,000.00</b> on 10/18/2012.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Minute Order of 07/16/2014: counsel requests a continuance.</b></p> <p><b>Minute Order of 06/04/2014 continued to 07/16/2014.</b></p> <p><b>Minute Order of 04/30/2014: Counsel advises the Court that he now has all the paperwork needed to file the required documents.</b></p> <p>1. Need First Account or Petition for Final Distribution or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.</p>
	<p><b>Proof of Bond</b> was filed 2/22/2013 showing bond posted in the sum of <b>\$20,000.00</b>.</p>	
<p>Cont. from 122013, 010214, 031314, 043014, 060414, 071614</p>	<p><b>Letters issued on 03/14/2013.</b></p>	
<b>Aff.Sub.Wit.</b>	<p><b>Final Inventory and Appraisal</b> filed on 10/15/2013 shows an estate valued at <b>\$129,764.97</b>.</p>	
<b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>	<p><b>Minute Order of 10/18/2012</b> set this matter for hearing on 12/20/2013 for status of filing for final distribution.</p>	
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>	<p><b>Minute Order dated 12/20/2013</b> [Judge Snauffer] states: No appearances. Matter continued to 1/2/2014. The Court orders Larry Donaldson to be personally present on <b>1/2/2014</b>.</p>	
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>	<p><b>Former Status Conference Statement filed 03/04/2014 by Attorney Larry A. Donaldson states</b> that the accounting for the estate has been partially prepared but is not completed yet. The Administrator and heirs have not yet decided whether to sale or transfer the real property in the estate. The house is the only asset left in the estate. The Administrator of the estate, Ken Roberts, has lent the estate more than \$9,000. Ken Roberts is serving as Administrator without compensation and waives all fees that would normally be paid to him. Attorney Donaldson also waives all fees that would normally be paid for his services. There are no other assets other than the real property to pay back to the money loaned to the estate. Attorney Donaldson will be out of the county from 03/04/2014 through 03/12/2014 and unavailable to complete the paperwork to finish the accounting. Attorney Donaldson anticipates that the accounting will be completed and the estate in a condition to close by April 30, 2014.</p>	
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		<p><b>Reviewed by: LV</b></p>
✓ <b>Status Rpt</b>		<p><b>Reviewed on: 08/26/2014</b></p>
<b>UCCJEA</b>		<p><b>Updates:</b></p>
<b>Citation</b>		<p><b>Recommendation:</b></p>
<b>FTB Notice</b>		<p><b>File 12 – Roberts</b></p>

Status Hearing Re: Filing of the First Account and/or Petition for Final Distribution

<p><b>DOD: 9/7/2012</b></p>	<p><b>MICHELE R. CURLEY</b>, Daughter, was appointed Administrator with Full IAEA with bond of <b>\$30,000.00</b> on 11/7/2012. Letters issued 1/22/2013.</p> <p><b>Minute Order dated 11/8/2013</b> from the Status Hearing Re: Increase in Bond Based on the Value of the Estate as Shown on the Inventory and Appraisal continued the status hearing to <b>1/17/2014</b> for filing of an ex parte petition to increase the bond.</p> <p><b>Proof of Bond filed 1/14/2014</b> shows bond of <b>\$14,000.00</b> was posted. Based on 1/22/2013 bond posted of <b>\$30,000.00</b>, the total bond is currently <b>\$44,000.00</b>.</p> <p><b>Status Conference Statement filed 5/21/2014 for the previous Status Hearing set for 5/23/2014 states:</b></p> <ul style="list-style-type: none"> <li>The Inventory and Appraisal was filed on 10/15/2013 showing an estate value of <b>\$110,367.38</b>, with real property valued at <b>\$60,000.00</b>;</li> <li>The real property has been taken over by vandals; real estate professionals have indicated that sale proceeds will not be sufficient to cover selling costs and encumbrances;</li> <li>The Administrator is currently preparing an accounting, including her own personal funds used toward estate administration;</li> <li>Additionally, the Administrator has placed two vehicles in storage, and is in the process of selling them;</li> <li>A final report and petition to distribute the estate should be prepared after the vehicles are sold;</li> <li>Therefore, the Administrator asks for an additional <b>6 weeks</b> to resolve these remaining assets.</li> </ul> <p><b>Status Conference Statement filed 7/21/2014 for the previous Status Hearing on 7/22/2014 states:</b></p> <ul style="list-style-type: none"> <li>The Administrator is currently preparing an accounting, including her own personal funds used toward estate administration;</li> <li>Additionally, the Administrator has placed 2 vehicles in storage and is in the process of selling them;</li> <li>A final report and petition to distribute the estate should be prepared after the vehicles are sold; however, if the vehicles are not sold in the immediate future, a petition for final distribution will be prepared and filed with the Court asking that any remaining vehicles be distributed to each beneficiary in their respective rightful share as tenants in common.</li> </ul>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Continued from 7/22/2014.</b></p> <p><b>The following issue remains:</b></p> <ol style="list-style-type: none"> <li>Need first account and/or petition for final distribution; or verified Status Report and proof of service of notice of the Status Hearing pursuant to Local Rule 7.5(B).</li> </ol>
<p>Cont. from 011014, 011714, 032114, 052314, 072214</p>		
Aff.Sub.Wit.		
Verified		
Inventory		
Bond		
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	X	
UCCJEA		
Citation		
FTB Notice		
		<p><b>Reviewed by:</b> LEG</p> <p><b>Reviewed on:</b> 8/27/14</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 13 – Martinez</b></p>

Status Hearing Re: Filing Bond

DOD: 07/24/2011	PAT DESANTIS, was appointed Administrator with Full IAEA authority with bond set at \$68,000.00.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
	Minute Order of 03/05/2014 set this matter for hearing.	<b><u>OFF CALENDAR. Amended Order with Limited Powers filed 06/06/2014. Bond not required.</u></b>
Cont. from 040414, 060614	<b>Status Report filed 05/29/2014</b> the request for a personal financial statement by the surety company from Mr. DeSantis was declined by him. The estate's interest in the real property of the estate will not be sold during probate. Therefore, it is requested that no bond be required of Mr. DeSantis, and he be given limited authority.	1. Need Proof of Bond to be filed with the Court in the amount of \$68,000.00 pursuant to Probate Code §8480.
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		
		<b>Reviewed by:</b> LV
		<b>Reviewed on:</b> 08/26/2014
		<b>Updates:</b>
		<b>Recommendation:</b>
		File 14 – Di Donna

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

<b>DOD: 05/23/2013</b>	<p><b>EDWARD MOLLOY</b>, was appointed Administrator with full IAEA authority without bond on 02/11/2014.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p>
	<p>Letters issued on 02/11/2014.</p>	<p><b>Minute Order of 07/01/2014: Mr. Molloy reports that the house was foreclosed and sold.</b></p>
<b>Cont. from 060614, 070114</b>	<p>Minute Order of 02/11/2014 set this status hearing for the filing of the Inventory and Appraisal.</p>	<p><b>Minute Order of 06/06/2014: No appearances. Edward Molloy is ordered to be personally present on 07/01/2014 if the Inventory and Appraisal has not been filed.</b></p>
<b>Aff.Sub.Wit.</b>		<p><b>Copy of Minute Order mailed to Edward Molloy on 06/13/2014.</b></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>
<b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
		<b>Reviewed by: LV</b>
		<b>Reviewed on: 08/26/2014</b>
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 18 - Molloy</b>