1 Paul J Roth (Estate) **Case No. 01CEPR00778**

Atty Nahigian, Eliot S. (for Arthur J. Roth, sole surviving Co-Executor)

Petition for Termination of Proceedings and Discharge of Executor of an Estate with no Property to Distribute

DOD: 3-16-01		
	Aff.Sub.Wit.	
✔	Verified	
	Inventory	
	PTC	
	Not.Cred.	
✔	Notice of Hrg	
✔	Aff.Mail	w/o
	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	

ARTHUR J. ROTH, Sole surviving Co-Executor, is Petitioner.

Petitioner and Howard W. Roth were appointed as Co-Executors on 10-23-01 with Full IAEA without bond. Howard W. Roth died on 9-10-10.

Petitioner states no inventory and appraisal was filed in this estate. Decedent had no assets that were subject to a probate administration. Decedent's assets were held in a living trust and no probate administration of Decedent's assets was necessary. Prior to Decedent's death, a complaint for breach of contract was filed in Fresno Superior Court as 00CECG10152. Upon their appointment as Co-Executors, the Co-Executors became parties to that action. The primary purpose of opening probate was to defend the lawsuit.

The lawsuit was settled and dismissed on 4-9-03. Payment was made as required from the trust. Petitioner states that through inadvertence, this probate was left open even though there were no assets to probate.

Petitioner waives compensation and the statutory attorney's compensation is zero because there were no assets inventoried.

Petitioner requests this Court order that administration be closed without an account and that all acts and proceedings of Petitioner as executor as set forth in this petition be confirmed and approved.

NEEDS/PROBLEMS/COMMENTS:

Reviewed by: skc

Reviewed on: 8-28-14

Updates:

Recommendation:

File 1 - Roth

Dept. 303, 9:00 a.m. Thursday, September 4, 2014

2 **Richard Green (CONS/E)** **Case No. 05CEPR00833**

Atty **Kruthers, Heather H. (for Public Guardian – Conservator/Petitioner)**

(1) Fourth Account Current and Report of Conservator; and (2) Petition for Allowance of Compensation to Conservator and Her Attorney

Age: 73		
Cont. from		
	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	x
	2620(c)	n/a
✓	**Order**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

PUBLIC GUARDIAN, Conservator, is Petitioner.

Account period: **06/16/12 – 06/14/14**

Accounting - **$137,607.85**
Beginning POH - **$136,080.15**
Ending POH - **$122,667.57**

Conservator - **$857.12**
(5 staff hours @ $76/hr. and 4.97 Deputy hours @ $96/hr.)

Attorney - **$1,250.00**
(OK per Local Rule)

Bond Fee - **$613.34** (ok)

Petitioner prays for an Order:

1. Approving, allowing and settling the Fourth Account;
2. Approving the Conservator and attorney fees and commissions; and
3. Approving payment of the bond fee.

NEEDS/PROBLEMS/COMMENTS:

Reviewed by: JF

Reviewed on: 08/28/14

Updates:

Recommendation:

File 2 - Green

Dept. 303, 9:00 a.m. Thursday, September 4, 2014

3A Charles Lee Jefferson (Estate) Case No. 08CEPR00469

Atty **Fanucchi, Edward L., of Quinlan, Kershaw & Fanucchi (for Queen E. Jefferson)**

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

DOD: 12/12/2006		
Cont. from 041814, 062014, 073114		
	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	X
	UCCJEA	
	Citation	
	FTB Notice	

QUEEN E. JEFFERSON, spouse, **(DOD 12/1/2013)** was appointed Administrator with Full IAEA authority with Bond of **$195,000.00** on 7/17/2008.

Proof of Bond was filed 9/8/2008 in the sum of **$195,000.00** issued to **QUEEN E. JEFFERSON**. *Letters* issued on **9/8/2008.**

Pursuant to Probate Code § 8800(b), *Final Inventory and Appraisal* was filed on 8/7/2012, showing an estate value of **$245,700.00**.

Pursuant to Probate Code § 12200, first account and/or petition for final distribution was due **9/8/2009**.

***Notice of Status Hearing* filed 2/14/2014** set this status hearing on 4/18/2014 for failure to file the inventory and appraisal and first account and/or petition for final distribution.

Notes for background from the last Status Hearings:

- ***Status Report* filed 6/19/2014 states: WANDA FOSTER**, who is the daughter of Queen Esther Jefferson, the deceased Administratrix, and is the step-daughter of the Decedent, has met with counsel regarding the filing of a *Petition for Probate* on her behalf; Counsel's paralegal has not yet had an opportunity to complete those papers for signing; Counsel will attempt to have the documents ready for signature and filing within the next 3 weeks.
- ***Status Report* filed 4/14/2014 states:** The Administratrix of the estate died on 12/1/2013, and a *Notice of Death of Administratrix* was filed on 2/26/2014, when counsel was advised of her death; a *Petition for Final Distribution* had been prepared in September 2012, but the Administratrix had not executed the *Petition* as of the time of her death; **WANDA FOSTER**, daughter of the Administratrix and step-daughter of the Decedent, has expressed her desire to petition as Administratrix of the estate to bring it to a close.

NEEDS/PROBLEMS/ COMMENTS:

Page 3B is the *Petition for Letters of Successor Administration* filed by **LAURA HAMILTON** and **CARRIE L. JEFFERSON**.

Page 3C is the competing *Petition for Letters of Successor Administration* filed by **WANDA FOSTER**.

Continued from 7/31/2014. *Minute Order* states **DOROTHY PRATER** (identified as Objector) requests a 30 day continuance.

The following issue remains:

1. Need first account of the deceased Administrator, **WANDA FOSTER**, pursuant to Probate Code 10953(c), or verified Status Report and proof of service of notice of the Status Hearing pursuant to Local Rule 7.5(B).

Reviewed by: LEG
Reviewed on: 8/29/14
Updates:
Recommendation:
File 3A – Jefferson

3B Charles Lee Jefferson (Estate) Case No. 08CEPR00469

Pro Per **Hamilton, Laura (Pro Per Petitioner, daughter)**
Pro Per **Jefferson, Carrie L. (Pro Per Petitioner, daughter)**

Petition for Letters of Successor Administration; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

DOD: 12/12/2006		
Cont. from 073114		
	Aff.Sub.Wit.	
✓	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
✓	**Notice of Hrg**	
	Aff.Mail	?
	Aff.Pub.	X
	Sp.Ntc.	
	Pers.Serv.	?
	Conf. Screen	
✓	**Letters**	
✓	**Duties/Supp**	Need supp.
	Objections	
	Video Receipt	
	CI Report	
	9202	
✓	**Order**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

LAURA HAMILTON and **CARRIE L. JEFFERSON**, daughters, are Petitioners and request appointment as Successor Co-Administrators without bond.

Full IAEA — **?**

Decedent died intestate.

Residence — Fresno
Publication — **NEED**

Estimated value of the Estate:
Real property - **$195,000.00**
Total - **$195,000.00**

Probate Referee: **Rick Smith***
Corrected Final Inventory and Appraisal filed* ***7/15/2008* *by Petitioners was completed by Steven Diebert; however, the correct Referee is Rick Smith for the instant case number. A Final Inventory and Appraisal was filed 8/7/2012 by Administrator Queen Jefferson that was completed by Rick Smith.*

Petitioners state they are seeking successor administration of their father's estate because Queen Esther, whom this Court appointed as Administrator in 2008, passed away on or about 12/5/2013, they believe. Therefore, Petitioners request that they be appointed successor administrators of their father's estate, especially after learning of the poor condition of the estate while under the management of **LAWANDA FOSTER**, who is the daughter of their father's deceased wife, and who is currently living in their father's home that needs a lot of work done.

NEEDS/PROBLEMS/COMMENTS:

Continued from 7/31/2014. *Minute Order* states **DOROTHY PRATER** (identified as Objector) requests a 30 day continuance.

The following issues from the last hearing remain:

1. Item 2(d) is incomplete re: bond, and Item 3(d)(3) states all heirs waive bond; however, no waivers of bond are attached to the *Petition*. Bond is required in the sum of **$245,700.00** (based on *Final Inventory and Appraisal filed* 7/15/2008) pursuant to Probate Code § 8480 et seq. Need bond to be posted by the Petitioners, or waivers of bond from all beneficiaries of the estate pursuant to Probate Code § 8481(a)(1).

~Please see additional page~

Reviewed by: LEG
Reviewed on: 8/29/14
Updates:
Recommendation:
File 3B – Jefferson

Dept. 303, 9:00 a.m. Thursday, September 4, 2014

NEEDS/PROBLEMS/COMMENTS, continued:

2. *Proof of Service* of the *Notice of Hearing* filed 6/19/2014 does not show that Attorney Fanucchi as attorney of record in this matter was served notice. Additionally, it appears Petitioners intend by the *Proof of Service* filed 6/19/2014 to indicate the persons listed were personally served; however, the *Proof of Service* form they filed is intended for use with mailed service of notice and does not contain the form and substance of information required to indicate notice given by personal service.

3. Need *Affidavit of Publication* pursuant to Probate Code §§ 8120 – 8124, and Local Rule 7.9.

4. Need *Confidential Supplement to Duties and Liabilities of Personal Representative* form, pursuant to Local Rule 7.10.1 and Probate Code § 8404 to be filed for both of the Petitioners.

5. Item 5(a) of the *Petition* is incomplete as to (3) or (4) re: registered domestic partner, and (7) or (8) re: issue of a predeceased child.

Note: If *Petition* is granted, Court will set status hearings as follows:
- **Thursday, October 9, 2014 at 9:00 a.m. in Dept. 303** for filing proof of bond;
- **Wednesday, February 4, 2015 at 9:00 a.m. in Dept. 303** for filing of inventory and appraisal; and
- **Tuesday, November 10, 2015 at 9:00 a.m. in Dept. 303** for filing of the petition for final distribution.

Pursuant Local Rule 7.5, if the documents noted above are filed 10 days prior to the dates listed, the hearings will be taken off calendar and no appearance will be required.

Objection by Wanda Foster filed 7/30/2014 to Petition for Letters of Administration of Laura Hamilton and Carrie L. Jefferson states: Wanda Foster, Objector, is the daughter of the deceased former Administrator and step-daughter of the decedent. She has resided in the decedent's residence at 104 E. Kearney Blvd. since 1976 when the decedent purchased the property during his relationship with objector's mother, Queen Jefferson. Objector has prepared a Petition for Probate requesting to be appointed as successor administrator that will be filed with the court soon (it was previously rejected by the clerk's office for lack of a filing fee). Objector's mother, Queen Jefferson, and the decedent resided in the home together for more than 30 years, along with several of her children, including Objector Wanda Foster. After decedent's death, Queen Jefferson continued to pay the tax bills and mortgage until it was paid off and also maintained the property. Since Mrs. Jefferson's death in December 2013, Objector has continued to pay the utilities, maintain the property, and pay the tax bills. Objector states that Laura Hamilton and Carrie Jefferson are not capable of properly executing the duties of the office of administrator in this estate in that neither of them has taken an active role in the management of the decedent's estate, nor assumed any of the financial obligations in maintaining the decedent's assets. Objector has managed the decedent's primary asset since the death of her mother, the former Administrator. Objector has continued to reside in the home with two of her brothers and has assumed all of the financial obligations of said home.

3C Charles Lee Jefferson (Estate) Case No. 08CEPR00469

Atty **Fanucchi, Edward L., of Quinlan, Kershaw & Fanucchi (for Wanda Foster)**

Petition for Letters of Successor Administration; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

DOD: 12/12/2006		
Cont. from		
	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	

WANDA FOSTER, step-daughter (daughter of the deceased Administrator **QUEEN E. JEFFERSON**, DOD 12/1/2013), is Petitioner and requests appointment as Successor Administrator with full IAEA authority with bond of **$245,700.00**.

Full IAEA — O.K.

Decedent died intestate.

Residence — Fresno
Publication — Business Journal

Estimated value of the Estate:

Real property	-	**$245,000.00**
Personal Property	-	**$ 700.00**
Total	**-**	**$245,700.00**

Probate Referee: **Rick Smith**

NEEDS/PROBLEMS/COMMENTS:

1. Need *Notice of Petition to Administer Estate* and proof of mailed notice pursuant to Probate Code § 8110 for the following persons:
   - **ETHEL GILLIAN**, sister.
2. Item 8 of the *Petition* does not list the name, relationship to Decedent, age, and address of **PAMELA HICKS-HAILEY**, who was served with notice of this hearing based upon the *Proof of Service by Mail* filed 8/7/2014.
3. Item 5(b) of the *Petition* is incomplete as to whether decedent was survived by a stepchild or foster child or children who would have been adopted by decedent but for a legal barrier.

Note: Based upon the Administrator being deceased, the bond must be re-issued to the successor administrator and must be increased from the current bond posted of **$195,000.00** to **$245,700.00**.

~Please see additional page~

Reviewed by: LEG
Reviewed on: 8/29/14
Updates:
Recommendation:
File 3C - Jefferson

Dept. 303, 9:00 a.m. Thursday, September 4, 2014

Note: If *Petition* is granted, Court will set status hearings as follows:

- **Thursday, October 9, 2014 at 9:00 a.m. in Dept. 303** for filing proof of bond;
- **Wednesday, February 4, 2015 at 9:00 a.m. in Dept. 303** for filing of inventory and appraisal; and
- **Tuesday, November 10, 2015 at 9:00 a.m. in Dept. 303** for filing of the petition for final distribution.

Pursuant Local Rule 7.5, if the documents noted above are filed 10 days prior to the dates listed, the hearings will be taken off calendar and no appearance will be required.

4 Carribbean Thomas & Camora Foster (GUARD/P) Case No. 10CEPR01078

Pro Per **Thomas, Shacola (Pro Per Petitioner, maternal aunt)**
Pro Per **Johnson, Helen (Pro Per Petitioner, maternal great aunt)**

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

Carribbean Age: 15 yrs

Camora Age: 7 yrs

Cont. from 073114

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

NO TEMPORARY REQUESTED

SHACOLA THOMAS, maternal aunt, and **HELEN JOHNSON**, maternal great aunt, are Petitioners.

GLORIA PENNINGTON, maternal great-grandmother, was appointed Guardian of the children on 5/16/2011.

Father: **CRAIG FOSTER, SR.**; *Declaration of Due Diligence filed 5/30/2014*.

Mother: **PATRICIA THOMAS**

Paternal grandfather: Unknown
Paternal grandmother: *Deceased*.

Maternal grandfather: Marcus Thomas
Maternal grandmother: Allene Turner

Petitioners state the Guardian, Gloria Pennington, passed away on 1/5/2014, and Petitioner Shacola Thomas has guardianship of the children's brother, Craig Foster *[appointed on 6/27/2011]*, and she would like to have guardianship of the siblings so that they can remain together in one household until the mother is capable of caring for the children. Petitioners state the children have already been living with Petitioner Shacola Thomas. Petitioners state the mother uses drugs and has serious mental health issues and housing issues.

Court Investigator Dina Calvillo's *Report* was filed on 7/23/2014.

NEEDS/PROBLEMS/COMMENTS:

Continued from 7/31/2014. Minute Order [Judge Smith] states the petitioners will provide notice or a declaration of due diligence to cure the defects in the examiner notes.

1. Need *Notice of Hearing* and proof of personal service of the *Notice of Hearing* with a copy of the *Petition for Appointment of Guardian*, or *Consent to Appointment of Guardian and Waiver of Notice*, or a *Declaration of Due Diligence*, for:
   - Patricia Thomas, mother;
   - Craig Foster, Sr., father, *if Court does not find due diligence;*
   - Carribbean Thomas, proposed ward (age 15).

2. Need proof of service by mail of the *Notice of Hearing* with a copy of the *Petition for Appointment of Guardian*, or *Consent to Appointment of Guardian and Waiver of Notice*, or a *Declaration of Due Diligence*, for:
   - Paternal grandfather;
   - Marcus Thomas, maternal grandfather;
   - Allene Turner, maternal grandmother.

Reviewed by: LEG

Reviewed on: 8/29/14

Updates:

Recommendation:

File 4 – Thomas & Foster

5 **John Wilhelm Bertell (Estate)** **Case No. 13CEPR00133**

Atty **Motsenbocker, Gary L. (for Pamela Griggs – Executor/Petitioner)**

(1) First and Final Account and Report of Executor and Petition for Settlement of Insolvent Estate, (2) for Allowance of Compensation for Ordinary Services and for Executor and Attorney and (3) for Discharge of Executor

DOD: 01/15/13		
Cont. from		
	Aff.Sub.Wit.	
✓	**Verified**	
✓	**Inventory**	
✓	**PTC**	
✓	**Not.Cred.**	
✓	**Notice of Hrg**	
✓	**Aff.Mail**	w/
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	03/21/13
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
✓	**9202**	
✓	**Order**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
✓	**FTB Notice**	

PAMELA GRIGGS, Executor, is Petitioner.

Account period: **01/15/13 – 07/15/14**

Accounting	-	**$77,500.18**
Beginning POH	-	**$74,495.71**
Ending POH	-	**$2,518.31**
Executor	-	**$1,259.13** (less than statutory)
Attorney	-	**$1,259.13** (less than statutory)

Petitioner states that Bank of America filed a Creditor's Claim in the amount of $20,296.99 that due to the insolvency of the estate, this claim will remain unpaid unless and until any other property of the estate not now known or discovered becomes known. Notice of Hearing has been provided to Bank of America.

NEEDS/PROBLEMS/COMMENTS:

Reviewed by: JF

Reviewed on: 08/29/14

Updates:

Recommendation:

File 5 - Bertell

Dept. 303, 9:00 a.m. Thursday, September 4, 2014

6 **Thelma L. Day (CONS/PE)** **Case No. 13CEPR00134**

Atty **Day, Montie S. (Pro Per Petitioner/Conservator)**

Petition for Approval of First Annual Accounting and Report

DOD: 7/30/14		
Cont. from		
	Aff.Sub.Wit.	
✓	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
✓	**Notice of Hrg**	
✓	**Aff.Mail**	
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	2620(c)	X
	Order	X
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

MONTIE DAY, Conservator, is petitioner.

Account period: 4/2013 – 4/10/14

Accounting - **$13,562.36**
Beginning POH - **$ 2,000.00**
Ending POH - **$13,562.36**
($11,562.36 is cash)

Conservator - fees not requested at this time.

Petitioner prays for an Order:

1. That the accounting and report be accepted and approved and confirmation of the acts of petitioner as Conservator;

2. For a waiver of all fees in that the Conservatorship has limited assets which are needed for the continued support and care of the Conservatee.

NEEDS/PROBLEMS/COMMENTS:

1. The date for the beginning of the accounting period must include the day of the month and not just the month and year.

2. Need bank statements pursuant to Probate Code §2620(c)(2).

3. Need care facility statements pursuant to Probate Code §2620(c)(5).

4. Need Order

Note: If the petition is granted a status hearing will be set as follows:

- **Wednesday, October 14, 2014** at 9:00 a.m. in Department 303, for the filing of the final 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.

Reviewed by: KT
Reviewed on: 9/2/14
Updates:
Recommendation:
File 6 – Day

Dept. 303, 9:00 a.m. Thursday, September 4, 2014

7 **Philip J Norgaard (Estate)** **Case No. 13CEPR00729**

Atty **Nahigian, Eliot S. (for Executor Todd Norgaard)**

(1) First and Final Report of Executor on Waiver of Account; (2) Petition for Allowance of Compensation to Attorneys for Ordinary Services and for (3) Final Distribution

DOD: 8-6-13				
	Aff.Sub.Wit.			
✓	Verified			
✓	Inventory			
✓	PTC			
✓	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail			
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
✓	Letters	9-17-13		
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
✓	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
✓	FTB Notice			

TODD NORGAARD, Executor with Full IAEA without bond, is Petitioner.

Accounting is waived.

I&A: $3,800.00
POH: $1,726.37 cash plus personal property valued at $300.00

Executor (Statutory): Waived

Attorney (Statutory): $152.00

Distribution pursuant to Decedent's will:

Eliot G. Norgaard: $787.18 plus an in-kind distribution of one half of the personal property assets

Kristen L. Hager: $787.17 plus an in-kind distribution of one half of the personal property assets

NEEDS/PROBLEMS/COMMENTS:

Reviewed by: skc

Reviewed on: 8-28-14

Updates:

Recommendation: SUBMITTED

File 7 - Norgaard

8 **Esperanza Valdez (Det Succ)** **Case No. 14CEPR00559**

Atty **Romero, Monica Melinda (Pro Per Petitioner)**

Petition to Determine Succession to Real Property (Prob. C. 13151)

DOD: 4-30-14	**MONICA MELINDA ROMERO**, relationship not stated, is Petitioner.	**NEEDS/PROBLEMS/COMMENTS:**
		Continued from 7-31-14.
Cont'd from 073114	40 days since DOD	**1. <u>Need amended petition</u>. The petition is incomplete at #9 through #17 and does not contain all required information and attachments. Deficiencies are too numerous to list individually.**
	No other proceedings	
Aff.Sub.Wit.	I&A: $75,000.00 (real property located at 3744 E. Clay Ave., Fresno) (Note: Only the address and APN is provided. No legal description is provided, and the I&A does not state the decedent's interest in the real property.)	**2. This petition was filed with a fee waiver; however, if granted, assets valued at $75,000.00 will be distributed. Therefore, the filing fee of $435.00 is due prior to any order for distribution.**
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg	Decedent died intestate	
Aff.Mail		
Aff.Pub.	Petitioner requests ???? (Petition is mostly blank.)	
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		**Reviewed by:** skc
Status Rpt		**Reviewed on:** 8-28-14
UCCJEA		**Updates:**
Citation		**Recommendation:**
FTB Notice		**File 8 – Valdez**

Dept. 303, 9:00 a.m. Thursday, September 4, 2014

9 Van Pelt Living Trust dated 12/18/06 (Trust) Case No. 14CEPR00619
Atty Rindlisbacher, Curtis D. for Petitioner Rodney Steven Van Pelt)
Petition for Orders Regarding Ownership of Property

Nancy Van Pelt DOD 11-26-13		
Harry Van Pelt DOD 5-1-14		
	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	

RODNEY STEVEN VAN PELT, Successor Trustee of the Van Pelt Living Trust dated 12-18-06, is Petitioner.

Petitioner states the exhibit attached to the trust listed three Fidelity Funds accounts as being assets of the trust. The settlors did not formally change title to these accounts, but did intend for such accounts to be part of the trust as shown by the exhibit.

Subsequent to establishing the trust, the three Fidelity Funds accounts were moved to three TD Ameritrade accounts. Petitioner states the settlors intended for these TD Ameritrade accounts to be part of the trust but did not formally change titles to their names as trustees of the trust.

On 3-24-14, Harry Van Pelt revoked the trust and directed that the trustee transfer all assets to him. See revocation at Exhibit D.

On or about 3-24-14, Harry Van Pelt opened new accounts with Park Avenue Securities and executed beneficiary designations related to those accounts. He intended that the TD Ameritrade Accounts referenced above be transferred to one Park Avenue Securities account. See application and beneficiary designation signed by Harry Van Pelt at Exhibit E.

Harry Van Pelt passed away on 5-1-14 before he could seek an order under Probate Code §850 regarding the TD Ameritrade Accounts referenced above and have those assets transferred to the Park Avenue Securities Account.

Petitioner as successor trustee is responsible for distributing the assets of the trust as directed by Harry Van Pelt in the revocation of the trust referenced above. Probate Code §850(a)(3) authorizes the trustee of the trust to file a petition seeking an order declaring that the trustee has a claim to the TD Ameritrade accounts listed because Harry Van Pelt and Nancy Van Pelt intended them to be part of the trust prior to Nancy's death.

Probate Code §850(a)(2) authorizes any interested person to file a petition to seek an order declaring that a decedent while living bound himself to a contract in writing to transfer personal property upon his death to a person and this contract can be specifically enforced.

SEE ADDITIONAL PAGES

NEEDS/PROBLEMS/COMMENTS:

Reviewed by: skc
Reviewed on: 8-28-14
Updates:
Recommendation:
File 9 - Van Pelt

Petitioner provides a list of those interest in the trust and estate of Nancy Van Pelt and Harry Van Pelt whose interests may be affected by this petition, which list includes various charitable entities.

Petitioner alleges that the charitable entities designated in the trust have no interest in any of the property of the trust because Harry Van Pelt revoked the trust prior to his death. They are named in the petition because the trust assets had not been distributed out of the trust at the time of his death.

Petitioner asks the Court for to enter the following orders:

1. **The TD Ameritrade Accounts xxx467, xxx474, and xxx509 are part of the trust;**

2. **Rodney Van Pelt as successor trustee of the trust is directed to distribute the three TD Ameritrade accounts to Park Avenue Securities account xxx543;**

3. **The Park Avenue Securities Account shall be distributed to the beneficiaries designated by Harry Van Pelt in the beneficiary designations for the Park Avenue Securities Account xxx543; and**

4. **Such further orders as the court deems proper.**

Note: The trust provides at Article II that while both co-trustors are living, either co-trustor may revoke the trust in whole or in part, and upon the death of either co-trustor, this right of revocation may be exercised by the co-trustor acting alone.

10 The Mary E. McAlpine Living Trust dated 8/17/09 Case No. 14CEPR00630

Atty **Guerrero, Danielle R. (for Petitioners Judith A. Swenson and Estelle L. Hayes)**

Petition for Order Confirming Successor Trustee and Trust Assets

Mary E. McAlpine
DOD: 4-22-14

	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	

JUDITH A. SWENSON and ESTELLE L. HAYES, successor trustees, are petitioners.

Petitioners state Mary E. McAlpine (DOD 4-22-14) created the Mary E. McApline living Trust dated 8-17-09, which names Petitioners as successor trustees.

The trust includes all of the assets described in Schedule A, and at Section 1.03 also states: "I also transfer all my right, title, and interest in and to all of my property that may legally be held in trust and may, by this assignment, be transferred to my trust." Accordingly, the Trustor expressly stated her intent to transfer all asset to the trust. Additionally, the decedent executed an Assignment of Perosnal property assigning all right, title, and interest in all tangible personal property to herself as trustee of the trust, demonstrating her intent to hold all property in the trust.

Petitioners assert that pursuant to Estate of Heggstad and §15200(a), the assets listed in Exhibit B to this petition should be deemed assets of the trust. Petitioner describes how each account listed relates to the accounts specified in Schedule A of the trust.

In addition, the decedent's will distributes the residue to the trust. Petitioners submit that the decedent's intent to transfer all assets to the trust was clearly established and that probate of the estate would result in the exact same distribution.

Petitioners pray for an order of this court that:

1. The Mary E. McAlpine Living Trust dated 8-17-09 is in existence;
2. The assets set forth on Exhibit "B" attached to the petition are assets subject to the management and control of petitioners as successor trustees; and
3. For such other and further relief as the court may deem just and proper.

NEEDS/PROBLEMS/COMMENTS:

Reviewed by: skc
Reviewed on: 8-29-14
Updates:
Recommendation:
File 10 - McAlpine

11 Peter L. King (Estate) Case No. 14CEPR00631

Atty **Marshall, David R. (of Lodi for Laura King – Petitioner – Spouse)**

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

DOD: 05/04/2013			**LAURA KING**, spouse/named Executor without bond, is petitioner.
			Full IAEA – o.k.
			Will dated: 08/31/1994
Cont. from 082014			
	Aff.Sub.Wit.	s/p	Residence: Clovis Publication: The Fresno Bee
✓	**Verified**		
	Inventory		**Estimated value of the Estate:**
	PTC		**Personal property - $350,000.00**
	Not.Cred.		
✓	**Notice of Hrg**		Probate Referee: Rick Smith
✓	**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		

NEEDS/PROBLEMS/COMMENTS:

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

- **Thursday, 01/08/2015 at 9:00a.m. in Dept. 303** for the filing of the inventory and appraisal **and**
- **Thursday, 10/08/2015 at 9:00a.m. in Dept. 303** for the filing of the first account and final distribution.

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.

Reviewed by: LV

Reviewed on: 8/29/2014

Updates:

Recommendation: Submitted

File 11 – King

12A Virginia D. Massey (Estate) Case No. 04CEPR00364

Atty Hemb, Richard E (former attorney for Co-Executors Clayton Massey and Raymond Massey)
Atty Kruthers, Heather (for Public Administrator, Successor Administrator)

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

DOD: 11/14/2003		
Cont. from 090613, 110113, 010314, 030714, 050914, 050914, 060514		
	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	

CLAYTON JEFFREY MASSEY and **RAYMOND DEAN MASSEY** were appointed as Co-Executors with full IAEA authority and without bond on 5/11/2004.

Letters issued on 5/11/2004.

Inventory and appraisal was due on 10/11/2004.

First account and/or petition for final distribution was due on 5/11/2005.

Notice of Setting Status Hearing was sent to Attorney Richard Hemb on 7/17/2013.

Former Status Report of Attorney Richard Hemb filed on 5/6/14 states an inventory and appraisal was prepared by Steven Diebert with a total value of $193,489.92 and sent to the clients for review and signature. Mr. Hemb states he also prepared a declaration whereby the property would be distributed to an inter vivos trust and a First and Final Account and Report of Executors and Petition for Settlement, Allowance of Commissions and Fees and Final Distribution. The documents were never executed by his clients.

Mr. Hemb states he personally visited the residence located at 12557 E. Herndon in Clovis and found Mr. Massey to reside at that location. Mr. Hemb states he had a personal conversation with Mr. Massey to explain the need to resolve the probate estate.

Since Mr. Hemb's personal visit to Mr. Massey's home, his office has sent reminder letters to Mr. Massey. To date, Mr. Massey has not contacted his office to conclude the estate.

Please see additional page

NEEDS/PROBLEMS/COMMENTS:

<u>Continued from 6/5/14.</u> Minute order states the Court on its own motion removes Clayton Massey and Raymond Massey as co-executors. The court appoints the Public Administrator as personal representative. The Court grants Mr. Hemb's oral motion to be relieved as counsel based on his inability to communicate with his client.

Reviewed by:	KT
Reviewed on:	9/2/14
Updates:	
Recommendation:	
File	12A – Massey

12A Virginia D. Massey (Estate) Case No. 04CEPR00364

Status Report of the Public Administrator filed on 8/28/14 states Senior Probate Assistant Susan Banuelos researched this case and learned that there are not assets in the estate. All assets were marshalled under the decedent's trust.

Therefore, the Public Administrator requests that no further status hearings be set in this matter, and that the Public Administrator be discharged as successor Administrator.

Note: There were assets in this estate see Mr. Hemb's status report filed on 5/6/14. The assets were transferred from the estate to the trust by the former co-executors without court authorization.

Probate Code §9202 requires notice to the Department of Health Care Services and Victim Compensation and Government Claims Board. There is no indication that either agency has been noticed. It appears that both those agencies should be noticed prior to the closing of this estate. If it is found that either of those entities have a claim against the estate, a surcharge petition should be filed against the former co-executors to pay said claims.

If after noticing the Department of Health Care Services and Victim Compensation and Government Claims Board there are no claims against the estate, the court could close the estate and discharge the Public Administrator.

The former co-executors are the only beneficiaries of this estate and would be the only persons harmed by their wrongdoing if no claims are filed by the Department of Health Care Services and Victim Compensation and Government Claims Board.

12B Virginia D. Massey (Estate) **Case No. 04CEPR00364**

Atty **Hemb, Richard E (former attorney for Co-Executors Clayton Massey and Raymond Massey)**

Atty **Kruthers, Heather (for Public Administrator, Successor Administrator)**

Order to Show Cause Re: Failure to Appear

DOD: 11/14/2003	**CLAYTON JEFFREY MASSEY** and **RAYMOND DEAN MASSEY** were appointed as Co-Executors with full IAEA authority and without bond on 5/11/2004. Letters issued on 5/11/2004. Inventory and appraisal was due on 10/11/2004. First account and/or petition for final distribution was due on 5/11/2005. **Minute order dated 5/9/14** set this Order to Show Cause Re: Clayton Massey's failure to appear. The Court Orders Clayton Massey to be personally present on 6/5/14. A copy of the minute order was mailed to Clayton Massey on 5/16/14.	**NEEDS/PROBLEMS/COMMENTS:** **Continued from 6/5/14. Minute order states** the court notes that Clayton Massey is not present. Mr. Hemb advises the Court that he has verified Clayton Massey's address and has conveyed to him the importance of appearing at today's hearing. The court imposes sanctions in the amount of $500.00 against Clayton Massey. Sanctions to be paid by 7/7/14. – Copy of the minute order was mailed to Clayton Massey on 6/5/14. As of 9/2/14 the sanctions have not been paid.
		Reviewed by: KT
		Reviewed on: 9/2/14
		Updates:
		Recommendation:
		File 12B - Massey

Cont. from 060514		
	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	

Dept. 303, 9:00 a.m. Thursday, September 4, 2014

13 Ellen Mayfield (Estate) Case No. 05CEPR00446

Atty **Moore, Susan L. (for Minnie Mayfield-Johnson – Administrator**

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

DOD: 07/19/96		
Cont. from		
	Aff.Sub.Wit.	
	Verified	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	
	Aff.Mail	
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

MINNIE MAYFIELD-JOHNSON, daughter, was appointed as Administrator with limited IAEA authority and without bond on 02/28/06.

Letters of Administration were issued on 02/28/06.

Inventory & Appraisal, final, filed 11/23/05 - $40,000.00

Inventory & Appraisal, Reappraisal for Sale, filed 04/05/07 - $160,000.00

Order for Settlement of the First Account was filed on 05/08/2014.

Minute Order of 05/08/2014 set this matter for the Filing of the Final Account and Petition for Distribution.

NEEDS/PROBLEMS/COMMENTS:

1. Need Final Account and 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.

Reviewed by: LV

Reviewed on: 08/29/2014

Updates:

Recommendation:

File 13 - Mayfield

Dept. 303, 9:00 a.m. Thursday, September 4, 2014

14 Walter John Hollier (Estate) **Case No. 06CEPR00266**

Atty Hackett, Kyle S. (for Executor Patricia Curry-Taylor)

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

DOD: 5/3/2001		
Cont. from 031414, 042514, 062714		
	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	

PATRICIA CURRY-TAYLOR was appointed Executor with full IAEA and without bond on 7/18/2006.

Letters issued on 7/18/2006.

Inventory and appraisal was due December 2006.

First account or petition for final distribution was due September 2007.

Notice of Status Hearing was mailed to attorney Kyle Hackett on December 20, 2013.

A copy of the Court's Minute Order dated 3/14/14 was mailed to Kyle Hackett and Patricia Curry-Taylor on 4/2/14.

Minute order dated 3/14/14 states no appearances. The court set the matter for an Order to Show Cause regarding Patricia Curry-Taylor's and Kyle Hackett's failure to appear, failure to proceed timely with the estate, and imposition of sanctions in the amount of $500.00. Patricia Curry-Taylor and Kyle Hackett are ordered to be personally present on 4/25/14. If counsel does not appear with a satisfactory explanation for his non-compliance, the Court will be compelled to report this to the State Bar.

Minute Order dated 4/25/14 states Mr. Hackett informs the court that he called and informed the court that he could not make the last hearing and apologizes. The court vacates the sanctions.

NEEDS/PROBLEMS/COMMENTS:

Continued from 6/27/14. As of 9/2/14 no additional documents have been filed and the following issues remain:

1. Need inventory and appraisal and first account, 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.

Reviewed by: KT

Reviewed on: 9/2/13

Updates:

Recommendation:

File 14 – Hollier

Dept. 303, 9:00 a.m. Thursday, September 4, 2014

15 Richard Ebel Wiebe (Estate) Case No. 12CEPR00439

Atty **Simonian, Jeffrey D. (for Louis Wayne Wiebe – Executor)**

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

DOD: 4-4-12		
Cont from 082313, 101113, 121313, 021414, 041514, 061714		
	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	

LOUIS WAYNE WIEBE, Son, was appointed Executor with Full IAEA without bond and Letters issued on 6-25-12.

On 6-25-13, the Court set this status hearing for the filing of the first account or petition for final distribution.

Status report filed 6-16-14 states the estate has been liquidated and is in a position to close. However, to creditors of the estate have issued a form 1099-C, cancellation of debt for 2013, even though the estate has not closed. The attorney contacted the claimants to determine if the 1099-C is intended as a waiver of their claims against the estate and both confirmed. However, the issuance of the 1099-C forms causes implications that were not anticipated, and the cancellation of debt results in taxable income of $15,562.97 for the estate and a return will need to be filed for calendar year 2013. Therefore, additional time is needed. Attorney Simonian will attend the status hearing.

NEEDS/PROBLEMS/COMMENTS:

Continued from 8-23-13, 10-11-13, 12-13-13, 2-14-14, 4-15-14, 6-17-14

Minute Order 8-23-13: No appearances. Matter continued to 10/11/13. Jeffrey Simonian is ordered to be personally present on 10/11/13 if the first account and petition for final distribution have not been filed.

Minute Order 10-11-13: No appearances.
The Court sets the matter for an Order to Show Cause on 12-13-13 regarding Jeffrey Simonian's failure to appear and imposition of sanctions in the amount of $500.00. Jeffrey Simonian and Louis Wiebe are ordered to be personally present on 12-13-13. Continued to 12-13-13. OSC set on 12-13-13.

Minute Order 12-13-13: Counsel informs the Court that the estate has sold the real property and is disposing of the vehicles.
The Order to Show Cause is dismissed.

Minute Order 2-14-13: Continued to 4-15-14.

Minute Order 4-15-14: Only issue left is the creditor's claims.

Note: I&A filed 11-27-12 indicates a total estate value of $208,915.73 consisting of cash and various real and personal property.

Note: There are four (4) separate creditor's claims filed in this estate.

1. Need first account or petition for final distribution or written status report per local rules.
2. Need proof of service of Notice of Hearing on Wells Fargo Card Services per Request for Special Notice filed 6-5-12.

Reviewed by: skc

Reviewed on: 8-28-14

Updates:

Recommendation:

File 15 – Wiebe

16 Ulises Chavez (GUARD/P) Case No. 09CEPR01014

Atty **Salinas, Raina (Pro Per – Petitioner – Mother)**

Petition for Termination of Guardianship

Age: 6
DOB: 08/20/2008

Cont. from

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

RAINA SALINAS, mother, is petitioner.

ANTONIO CONTRERAS, was appointed guardian on 03/10/2010. He was personally served on 07/12/2014.

Father: **ULISES CHAVEZ LEAL**

Paternal Grandfather: Filimon Chavez
Paternal Grandmother: Unknown

Maternal Grandfather: Ramon Salinas, served by mail on 08/08/2014
Maternal Grandmother: Olivia Guerra, Deceased

Petitioner states petitioner and the guardian were never married but had a relationship together resulting in three children. The guardian was awarded custody of their children as well as granted guardianship of Ulises after an altercation between the petitioner and the guardian's girlfriend. CPS placed a 300 hold on the children and the petitioner agreed the children should reside with the guardian. Petitioner states she is a fit and proper parent, she is active in church and has her own apartment, and is able to provide for her children with the love and stability needed. Petitioner alleges that one of her children informed her that the guardian's girlfriend/wife hits the children. Petitioner prays for an order to terminate the guardianship and restore custody and control to the petitioner. She also requests that the guardian's girlfriend refrain from the use of corporal punishment and that Ulises not be left unsupervised in her care. Attached to the petition are letters from Samaritan Women dated 2010 stating that petitioner is attending classes, and meeting with a therapist.

Petitioner requests that notice to the father, Ulises Chavez Leal, and the paternal grandfather, be dispensed with notice because Petitioner is not able to contact the father and has never met the paternal grandfather. Petitioner has had no contact with the minor's father since about 2008 when he was deported to Mexico. The father has not participated in the child's life since he was an infant.

Court Investigator Julie Negrete's report filed 08/27/2014.

NEEDS/PROBLEMS/COMMENTS:

1. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Termination of Guardianship or consent and waiver of notice or declaration of due diligence for:
   - Ulises Chavez Leal (father) – Unless the Court dispenses with Notice
   - Filimon Chavez (Paternal grandfather) - Unless the Court dispenses with Notice
   - Paternal Grandmother (Unknown)

Reviewed by: LV
Reviewed on: 09/02/2014
Updates:
Recommendation:
File 16 – Chavez

17A Myndee Ann Pelley (GUARD/E) Case No. 10CEPR00223

Atty **Jackson, Teri Lyn (Pro Per – Mother – Guardian of the Estate)**

Status Hearing Re: Filing of the Second Account

Cont from 041714, 052214, 070314, 071714		
	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	

TERI LYN JACKSON was appointed Guardian of the Estate on 10-12-10 with funds to be placed into blocked accounts. Letters issued on 10-12-10.

The First Account was settled on 2-2-12 and the Court set status hearing for the filing of the Second Account for 4-17-14.

There were no appearances on 4-17-14 and the matter was continued to 5-22-14.

There were no appearances on 5-22-14 and the matter was continued to 7-3-14.

The Court also set an Order to Show Cause re Failure to Appear and Imposition of Sanctions for 7-3-14. See Page B.

On 7-17-14, there was no appearance again and the Court set a second OSC. See Page C.

NEEDS/PROBLEMS/COMMENTS:

Continued from 4-17-14, 5-22-14, 7-17-14

Minute Order 4-17-14: No appearances. The Court will consider eliminating this accounting as well as any subsequent accountings so long as proof of the blocked account is provided. Matter continued to 5-22-14. The Court orders Teri Lyn Jackson to be present on 5-22-14.

A copy of the minute order was mailed to Ms. Jackson on 4-17-14.

Minute Order 5-22-14: No appearances. The Court sets the matter for an Order to Show Cause on 7/3/14 regarding Teri Jackson's failure to appear and imposition of sanctions in the amount of $500.00. Teri Jackson is order to be personally present on 7/3/14. The Court will entertain a request for no further accountings once the second account is filed. Continued to 7/3/14 @ 9:00 a.m. Dept. 303. Set on 7/3/14 @ 9:00 a.m. Dept. 303 for: Order to Show Cause Re: Failure to Appear; Imposition of Sanctions in the Amount of $500.00. (*See Page B re OSC set on 5-22-14, which has been continued to present.*)

The minute order and Order to Show Cause were mailed to Ms. Jackson on 5-22-14.

Minute Order 7-3-14: Ms. Jackson requests a continuance.

Minute Order 7-17-14: No appearances. OSC with $500.00 sanctions issued for Teri Jackson for failure to appear. (See Page C re OSC set on 7-17-14).

(Examiner's Note: The Receipts for the four Blocked Accounts were filed on 12-27-10.)

Note: The Guardian was previously represented by Attorney Erin Childs; however, the attorney was relieved as counsel pursuant to order field 6-20-12, and the Guardian is now self-represented.

1. **The Second Account Current is now due. Need Second Account.**

Reviewed by: skc	
Reviewed on: 8-28-14	
Updates:	
Recommendation:	
File 17A – Pelley	

Dept. 303, 9:00 a.m. Thursday, September 4, 2014

17B Myndee Ann Pelley (GUARD/E) **Case No. 10CEPR00223**

Atty Jackson, Teri Lyn (Pro Per – Mother – Guardian of the Estate)

Order to Show Cause Re: Failure to Appear; Imposition of Sanctions in the Amount of $500.00

Cont. from 070314, 071714		
	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	

TERI LYN JACKSON was appointed Guardian of the Estate on 10-12-10 with funds to be placed into blocked accounts. Letters issued on 10-12-10.

The First Account was settled on 2-2-12 and the Court set status hearing for the filing of the Second Account for 4-17-14.

There were no appearances on 4-17-14 and the matter was continued to 5-22-14.

There were no appearances on 5-22-14 and the matter was continued to 7-3-14.

The Court also set this Order to Show Cause re Failure to Appear and Imposition of Sanctions for 7-3-14.

On 7-3-14, the matter was continued to 7-17-14.

Minute Order 7-17-14 reads: No appearances. OSC with $500.00 sanctions issued for Teri Jackson for failure to appear. Matter continued to 9-4-14.

NEEDS/PROBLEMS/COMMENTS:

Reviewed by: skc

Reviewed on: 8-28-14

Updates:

Recommendation:

File 17B - Pelley

Dept. 303, 9:00 a.m. Thursday, September 4, 2014

17C Myndee Ann Pelley (GUARD/E) Case No. 10CEPR00223

Atty **Jackson, Teri Lyn (Pro Per – Mother – Guardian of the Estate)**

Order to Show Cause Re: Failure to Appear; Imposition of Sanctions in the Amount of $500.00

	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	

TERI LYN JACKSON was appointed Guardian of the Estate on 10-12-10 with funds to be placed into blocked accounts. Letters issued on 10-12-10.

The First Account was settled on 2-2-12 and the Court set status hearing for the filing of the Second Account for 4-17-14.

There were no appearances on 4-17-14 and the matter was continued to 5-22-14.

There were no appearances on 5-22-14 and the matter was continued to 7-3-14.

The Court also set this Order to Show Cause re Failure to Appear and Imposition of Sanctions for 7-3-14.

On 7-3-14, the matter was continued to 7-17-14.

Minute Order 7-17-14 reads:
No appearances. OSC with $500.00 sanctions issued for Teri Jackson for failure to appear. Matter continued to 9-4-14.

NEEDS/PROBLEMS/COMMENTS:

Reviewed by: skc

Reviewed on: 8-28-14

Updates:

Recommendation:

File 17C - Pelley

Dept. 303, 9:00 a.m. Thursday, September 4, 2014

18 Gloria P. Pennington (Estate) **Case No. 14CEPR00486**

Atty Johnson, Helen (Pro Per – Daughter – Petitioner)

Atty Thomas, Shacola (Pro Per – Granddaughter – Petitioner)

Petition for Letters of Administration; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

DOD: 1-5-14

Cont'd from 071014

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

HELEN JOHNSON, Daughter, and SHACOLA THOMAS, Granddaughter, are Petitioners and request appointment as Co-Administrators with Full IAEA.

Petitioners do not address bond.

Full IAEA – Need publication

Decedent died intestate

Residence: Fresno
Publication: Need publication

Estimated value of estate:
Not addressed

Probate Referee: Steven Diebert

NEEDS/PROBLEMS/COMMENTS:

Continued from 7-10-14, nothing further has been filed.

1. **Need publication pursuant to Probate Code §8120.**
2. **#3c of the petition is blank. Need estimated value of estate pursuant to Probate Code §8002(a)(4).**
3. **#5a is blank at (7) and (8). Need clarification as to whether the decedent was survived by issue of a predeceased child or no issue of a predeceased child.**
4. **Petitioners only list themselves at #8 of the petition. The Court may require clarification as to whether there are any other relatives, and if so, need Notice of Petition to Administer Estate per Probate Code §8110.**
5. **Petitioners do not address bond. Need clarification with reference to Probate Code §8480 or waiver from all heirs, if any.**

Note: This estate was opened with a fee waiver; however, if assets are distributed, filing fees will be due.

Note: If the petition is granted, status hearings will be set for the filing of the bond, if required, the filing of the inventory and appraisal, and the filing of the first account or petition for final distribution. Dates will be provided when it appears that this petition is ready to go forward.

Reviewed by: skc

Reviewed on: 8-28-14

Updates:

Recommendation:

File 18 – Pennington

19 Tristan Robinson (GUARD/P) **Case No. 14CEPR00573**

Atty Trujillo, Terry (Pro Per Petitioner)

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

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

NO TEMP REQEUSTED

TERRY TRUJILLO, Maternal Aunt, is Petitioner.

Father: **WILLIAM MORRIS ROBINSON** (Deceased)
Mother: **LISA ANNE TRUJILLO ROBINSON** (Deceased)

Paternal Grandfather: Ronald Van Robinson

Paternal Grandmother: Diana Linda Morris

Maternal Grandfather: Epifanio R. Trujillo (Deceased)

Maternal Grandmother: Dolores Trujillo

Petitioner states her nephew should be with her because that is what her sister asked. Both parents are deceased, and he has lost other family members as well. Petitioner wishes to take guardianship of Tristan. He is happy with her.

Court Investigator Jennifer Daniel filed a report on 8-19-14.

NEEDS/PROBLEMS/COMMENTS:

1. **Need Notice of Hearing.**
2. **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 or consent and waiver of notice on:**
   - Ronald Van Robinson (Paternal Grandfather)
   - Diana Linda Morris (Paternal Grandmother)
   - Dolores Trujillo (Maternal Grandmother)

Reviewed by: skc

Reviewed on: 8-29-14

Updates:

Recommendation:

File 19 - Robinson

Dept. 303, 9:00 a.m. Thursday, September 4, 2014

20 Wythe Marian Hayes (Det Succ) Case No. 14CEPR00676

Atty Hayes, Darby H. (Pro Per Petitioners)
Atty Hayes, Anson C.
Atty Bansal, Charlotte Sibyl

Petition to Determine Succession to Real Property (Prob. C. 13151)

DOD: 10-4-91			DARBY H. HAYES, ANSON C. HAYES, and CHARLOTTE SIBYL BANSAL, siblings, are Petitioners. 40 days since DOD No other proceedings I&A: $1,500.00 Decedent died intestate Petitioners request Court determination that Decedent's 12.5% interest in 80 acres of undeveloped property in Fresno County passes to them, 33.33% each.	NEEDS/PROBLEMS/COMMENTS:
	Aff.Sub.Wit.			
✔	Verified			
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg			
	Aff.Mail			
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✔	Order			
	Aff. Posting			Reviewed by: skc
	Status Rpt			Reviewed on: 8-29-14
	UCCJEA			Updates:
	Citation			Recommendation: SUBMITTED
	FTB Notice			File 20 - Hayes

Dept. 303, 9:00 a.m. Thursday, September 4, 2014

21 Frank O. Alvarez (CONS/P) **Case No. 14CEPR00680**

Atty Mendoza, Helen (Pro Per – Sister – Petitioner)

Atty Boyett, Deborah K. (Court appointed for Conservatee)

Petition for Appointment of Probate Conservator of the Person (Prob. C. 1820, 1821, 2680-2682)

	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	
	9202	
✓	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
✓	Citation	
	FTB Notice	

NO TEMP REQUESTED

HELEN MENDOZA, Sister, is Petitioner and requests appointment as Conservator of the Person with medical consent powers and dementia medication and placement powers.

Voting rights affected

Capacity Declaration filed 8-25-14.

Petitioner states the proposed Conservatee suffers from dementia, autism.

Court Investigator Charlotte Bien filed a report on 8-14-14.

NEEDS/PROBLEMS/ COMMENTS:

Court Investigator advised rights on 8-12-14.

Voting rights affected – need minute order

Note: Although Petitioner checked box #1k of the petition re dementia powers, the Attachment Requesting Special Orders Re Dementia (GC-313), which states specifically which powers are requested, was not included.

Therefore, it is unclear if Petitioner is requesting both dementia medication and placement powers, or only dementia medication powers.

Also, this means that the proposed Conservatee and relatives were not served with a complete petition re dementia powers.

The Court may require clarification and additional service for what is being requested.

Reviewed by: skc

Reviewed on: 8-29-14

Updates:

Recommendation:

File 21 - Alvarez

22 Seth Kirk & Izan Kirk (GUARD/P) Case No. 14CEPR00775

Atty Leach, Dianna (Pro Per – Maternal Great-Grandmother – Petitioner)

Petition for Appointment of Temporary Guardianship of the Person (Prob. C. 2250)

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

TEMP GRANTED EX PARTE EXPIRES 9-4-14

GENERAL HEARING 10-22-14

DIANNA LEACH, Maternal Great-Grandmother, is Petitioner.

Father: **WOODY KIRK**
Mother: **RACHEL R. KIRK**
- Personally served 8-26-14

Paternal Grandfather: Unknown
Paternal Grandmother: Unknown
Maternal Grandfather: Ronald Connell
Maternal Grandmother: Stephanie Connell

Petitioner states the mother is being evicted. She has been using methamphetamine and uses the children to panhandle to support her drug habit. She is not feeding them properly, they get snacks but not meals. On two occasions in the past four months the police have shown up on Petitioner's door with Izan because she let him wander off and he ended up multiple blocks away at the ponding basin. When she got them two years ago it was because they were homeless. The boys do not deserve to live on the streets with her. Petitioner fears they are in grave danger.

NEEDS/PROBLEMS/COMMENTS:

1. **Need proof of 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) or consent and waiver of notice or declaration of due diligence on:**
   - Woody Kirk (Father)

Reviewed by: skc
Reviewed on: 8-29-14
Updates:
Recommendation:
File 22 – Kirk & Kirk

Dept. 303, 9:00 a.m. Thursday, September 4, 2014

1A Richard Michael Noroyan (Estate) Case No. 13CEPR00542

Atty Shafer, Claudia Y. (of Murphys, CA for Hugo Noroyan – Father/Contestant)
Atty Kruthers, Heather H. (for Public Administrator – Administrator)
Atty Motsenbocker, Gary L. (for Patricia English – Mother/Contestant)
Atty Keeler, William J. (for Ian Mitchinson – Friend/Respondent)

Contest and Grounds of Objection to Probate of Purported Will (English)

DOD: 03/28/13

Cont. from 032514, 042814, 061014

	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	x
✓	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	
	Summons	x
	FTB Notice	

HUGO NOROYAN, Father, and **PATRICIA ENGLISH, Mother,** filed competing petitions petition for Letters of Administration.

On 8/19/13, the Court appointed the **FRESNO COUNTY PUBLIC ADMINISTRATOR**.

On 01/23/14, **IAN MITCHINSON,** friend, filed a Petition for Probate seeking to be appointed as Administrator with Will Annexed and have a holographic instrument purported to be decedent's will dated 11/02/12 admitted to Probate.

PATRICIA ENGLISH filed Contest and Grounds of Objection to Probate of Purported Will on 02/21/14. Ms. English states:

1. She has standing to contest and object to the purported because she is an intestate heir of the decedent.

2. The alleged document proffered as decedent's will does not meet the statutorily prescribed validity requirements of the Probate Code for a will.

3. Contestant alleges that the "will" is not, and never was, decedent's last will and testament and that at the time of its alleged execution, said execution was procured by fraud, duress and/or undue influence by Respondent, Ian W. Mitchinson. The Contestant alleges and contends that the latter portion of the document purported to be decedent's "will" was added without the decedent's knowledge or consent. Contestant is informed and believes that the decedent never intended to leave his estate or his "winnings" to the Ian Mitchinson.

Continued on Page 2

NEEDS/PROBLEMS/COMMENTS:

Note: The Noroyan Estate matters will be heard at 1:30 pm. In Dept. 303.

The following matters are on calendar:

A: Patricia English Contest

B: Hugo Noroyan Contest

C: Hugo Noroyan's Motion to Strike Ian Mitchinson's Consolidated Answer to both contests

D: Settlement Conference

These notes (A) pertain to the Contest and Objection filed by Patricia English:

1. **Need Summons and proof of service of Summons. §8250.**

2. **Need Notice of Hearing and proof of service on all interested parties at least15 days prior to the hearing. §1221.**

   Note: Proof of Service by Mailing filed 2-25-14 in pleading form is not consistent with the requirements of the Probate Code for notice of hearing. See applicable law.

Reviewed by: skc
Reviewed on: 8-29-14
Updates:
Recommendation:
File 1A – Noroyan

Dept. 303, 9:00 a.m. Thursday, September 4, 2014

4. Contestant alleges that the "will" was not executed by the decedent and/or attested in the manner and in the form required by law for the due execution of a will.

5. Contestant alleges that on the date of the alleged execution of the "will", decedent lacked the requisite testamentary intent.

6. Contestant alleges that Respondent took unfair advantage of the Decedent; that Respondent arranged for the "witnessing" of the purported will; that the will was not the free and voluntary act of decedent; that the "will" was the product of Respondent's undue influence, duress and/or coercion that it unduly profited the Respondent.

7. Contestant alleges that the underlying agreement is invalid and unenforceable as it is against public policy agreement by its terms and that the agreement is "usurious" and that the express purpose of the loan is contrary to public policy in that it is a gambling related agreement or activity of gambling; and that such agreements are either expressly prohibited by law or are unenforceable as "otherwise contrary to good morals" which is in violation of the public policy of this state.

8. Contestant alleges that if the agreement and/or any provision of the agreement is in furtherance of a gambling related agreement or activity it is expressly and impliedly against public policy and that as such it is unenforceable; that the agreement by its terms is unconscionable and if enforced the Respondent would be unjustly enriched; that the Respondent would reap an undue profit; and that the disposition proposed by the instrument is unnatural.

9. Contestant alleges that the underlying debt was paid by the decedent, further that the note should have been returned to the decedent marked "paid in full"; and that pursuant to law all terms of the note were discharged upon the payment of debt; or in the alternative that the note and all obligations under the agreement were extinguished upon the payment of the underlying obligation.

Objector/Contestant requests that this Court order that:

1. **The *Contest and Grounds of Objection to Probate of Purported Will* be allowed and approved as filed;**
2. **The purported "will" be denied admission to Probate;**
3. **The Petitioner's petition be denied in its entirety;**
4. **The petition be dismissed with prejudice;**
5. **The Contestant be awarded reasonable attorney's fees; and**
6. **The Contestant be awarded costs of the suit.**

On 3-7-14, Ian Mitchinson filed a ted Answer of Ian W. Mitchinson to Written Oppositions of Probate of Purported Will. See Page B for details.

1B Richard Michael Noroyan (Estate) Case No. 13CEPR00542

Atty Shafer, Claudia Y. (of Murphys, CA for Hugo Noroyan – father/Contestant)
Atty Kruthers, Heather H. (for Public Administrator – Administrator)
Atty Motsenbocker, Gary L. (for Patricia English – mother/Contestant)
Atty Keeler, William J. (for Ian Mitchinson – friend/Respondent)

Contest and Grounds of Objection to Probate of Purported Will (Noroyan)

DOD: 03/28/13

Cont from 042814, 061014

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

HUGO NOROYAN, Father, and **PATRICIA ENGLISH, Mother,** filed competing petitions petition for Letters of Administration.

On 8/19/13, the Court appointed the **FRESNO COUNTY PUBLIC ADMINISTRATOR**.

On 01/23/14, **IAN MITCHINSON,** friend, filed a Petition for Probate seeking to be appointed as Administrator with Will Annexed and have a holographic instrument purported to be decedent's will dated 11/02/12 admitted to Probate.

HUGO NOROYAN filed Contest and Grounds of Objection to Probate of Purported Will on 02/26/14. Mr. Noroyan states:

1. Decedent died on 03/28/13. On 01/23/14, Ian Mitchinson (hereinafter "Respondent") filed in this court a document dated 11/02/12, purporting to be the last will of the decedent, together with a petition requesting that the document be admitted to probate as the decedent's last will and that letters of administration be issued to Respondent.

2. Contestant alleges that the document was not executed by decedent and attested in the matter and form required by law for the execution of a will.

Continued on Page 2

NEEDS/PROBLEMS/COMMENTS:

<u>Note</u>: The Noroyan Estate matters will be heard at 1:30 pm. In Dept. 303.

These notes (B) pertain to the Contest and Objection filed by Hugo Noroyan:

3. **Need Notice of Hearing and proof of service on all interested parties at least15 days prior to the hearing. §1221.**

4. **Need order.**

Reviewed by: skc
Reviewed on: 8-29-14
Updates:
Recommendation:
File 1B – Noroyan

3. Contestant alleges that the document is not and never was decedent's will and was made at the time of its alleged execution as a result of undue influence, fraud and duress to which decedent was subjected to by Respondent in that:
    a. At the time the purported will was procured, Respondent knew the decedent had recently won one million dollars at an Indian casino. He also knew decedent was in poor health, had a gambling addiction and as a result he placed his trust and confidence in Respondent who took unfair advantage of decedent's state of mind.
    b. During the same time period, by reason of the relationship of decedent with Respondent, Respondent was able to exert control and influence over the mind and actions of Decedent to such a point that Decedent was no longer capable of exercising his own conviction or desire with regard to his actions or thoughts, but rather, because of the pressure brought on him by Respondent, both by coercion and entreaty, decedent's convictions or desires became the convictions or desires imposed on him by Respondent.
    c. During this time, while decedent was under duress and Respondent's undue influence, Respondent wrote the contents or and arranged for witnesses to the document submitted for probate to this court by Respondent. At the time the document was allegedly executed, decedent was wholly under the influence of Respondent and the document does not represent the free and voluntary act of decedent.

4. Contestant alleges that the document offered for probate cannot be construed as a conditional will in that:
    a. The top part of the writing offered for probate is an apparent note for repayment of a gambling debt which on its face is usurious under the law and unenforceable.
    b. The decedent paid back the debt to Respondent therby extinguishing the terms of the note and therefore there is no relationship between the top part of the writing and the bottom part of the writing, which was written by the Respondent at a different time unbeknownst to the decedent in order to defraud the decedent and unjustly acquire his gambling winnings.

Contestant requests that the purported will be denied probate, for costs of suit and all other proper relief.

Continued on Page 3

Consolidated Answer of Ian W. Mitchinson to Written Oppositions of Probate of Purported Will filed 03/07/14 states:

1. Respondent denies all of the allegations in both Oppositions other than to admit that the decedent died on 03/28/13 as a resident of Fresno County and that he was never married and had no children.

2. Affirmative defenses are asserted as follows:
   1. Failure to state grounds – the contest and grounds of opposition to probate of the purported will fails to state facts sufficient to grounds of opposition to probate of the will.
   2. Superseding cause – Respondent alleges that the Contestants are barred from any recovery by reason of acts or omissions of Contestants and/or others which acts or omissions constitute an intervening or superseding cause of their disinheritance and lack the standing to inherit, if any there be.
   3. Excuse – Contestants' rights to inherit and any acts or omissions on Contestants' part, if any, are excused by the acts, errors, or omissions and nonperformance of Contestants.
   4. Lack of Relationship – Respondent alleges that there was no relationship whatsoever between decedent and Contestant Noroyan giving rise to standing as an intestate heir.
   5. Lack of Standing – Contestant Noroyan lacks standing to assert any ground of contest to the Petition for Probate.
   6. Vague, Ambiguous, Uncertain, and Lack of Specificity – Contestants' Oppositions and contest of the Petition for Probate and their purported grounds of contest and each of them, are vague, ambiguous, uncertain, and fail to allege adequate specificity required by California law, the California Probate Code and California rules of Civil Procedure.
   7. Other defenses – Respondent presently has insufficient knowledge or information on which to form a belief as to whether additional affirmative defenses may exist. Accordingly, Respondent reserves the right to assert additional affirmative defenses in the event discovery indicates they would be appropriate.

Respondent requests judgment as follows:
1. That the contest and grounds of opposition to the purported will be dismissed with prejudice and Contestants English and Noroyan take nothing by their actions;
2. That decedent's estate be admitted to probate and administered according to the will dated 11/02/12; and
3. That Respondent be awarded costs of suit.

On 3-7-14, Hugo Noroyan filed Notice of Motion and Motion to Strike; Memorandum of Points and Authorities in Support of Motion to Strike. CCP §§ 435, 436, 437, 446. See Page C.

1C Richard Michael Noroyan (Estate) Case No. 13CEPR00542

Atty Shafer, Claudia Y. (of Murphys, CA for Hugo Noroyan – father/Contestant)
Atty Kruthers, Heather H. (for Public Administrator – Administrator)
Atty Motsenbocker, Gary L. (for Patricia English – mother/Contestant)
Atty Keeler, William J. (for Ian Mitchinson – friend/Respondent)

Notice of Motion and Motion to Strike;
Memorandum of Points and Authorities in Support of Motion to Strike Hearing

DOD: 03/28/13		
Cont from 042814, 061014		
	Aff.Sub.Wit.	
	Verified	X
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	X
	Aff.Mail	X
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
	Order	X
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Summons	
	FTB Notice	

HUGO NOROYAN filed this Notice of Motion and Motion to Strike; Memorandum of Points and Authorities in Support of Motion to Strike Hearing on 3-21-14.

Petitioner states this motion is made on the ground that the pleading to be stricken is not drawn or filed in conformity with the laws of this state, a court rule, or an order of the Court.

See Memorandum of Points and Authorities.

Response filed 4-15-14 by Attorney Jennifer Gould (not verified by IAN MITCHINSON) states the motion should be denied in its entirety because the motion is moot. Petitioner (Ian Mitchinson) attempted to meet and confer with Mr. Noroyan's attorney to attempt to resolve the matter without further court involvement but has received no reply to his letter of 4-8-14. Mr. Noroyan's attorney was not present at a hearing at which time this motion was continued to a later day and at which its substance was noted by the court.

NEEDS/PROBLEMS/COMMENTS:

<u>Note</u>: The Noroyan Estate matters will be heard at 1:30 pm. In Dept. 303.

<u>Note</u>: Examiner Notes cannot summarize Points and Authorities. Please see pleading filed 3-21-14.

1. **The motion is not verified.**
2. **Need Notice of Hearing.**
3. **Need proof of service of Notice of Hearing at least 15 days prior to hearing on all interested parties.**
4. **Need order.**

Reviewed by: skc
Reviewed on: 8-29-14
Updates:
Recommendation:
File 1A – Noroyan

Dept. 303, 9:00 a.m. Thursday, September 4, 2014

1D Richard Michael Noroyan (Estate) Case No. 13CEPR00542

Atty Shafer, Claudia Y. (of Murphys, CA for Hugo Noroyan – father/Contestant)
Atty Kruthers, Heather H. (for Public Administrator – Administrator)
Atty Motsenbocker, Gary L. (for Patricia English – mother/Contestant)
Atty Keeler, William J. (for Ian Mitchinson – friend/Respondent)

Settlement Conference

DOD: 03/28/13				NEEDS/PROBLEMS/COMMENTS:
				Note: The Noroyan Estate matters will be heard at 1:30 pm. In Dept. 303.
				Examiner Notes are not provided for settlement conference.
Cont from 042814, 061014				
	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			Reviewed by: skc
	Status Rpt			Reviewed on: 8-29-14
	UCCJEA			Updates:
	Summons			Recommendation:
	FTB Notice			File 1A – Noroyan

Dept. 303, 9:00 a.m. Thursday, September 4, 2014