



## 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.

Probate Status Hearing RE: Receipt of Transfer

<b>Age:</b>	On 7/2/15, this Court ordered proceedings transferred to the Superior Court of California, County of Santa Barbara.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. Need receipt from Santa Barbara County Superior Court showing file received, case created.
<b>DOD:</b>		
<b>Cont. from</b>	Notice of Transfer of Papers and Pleadings indicates mailing on 7/23/15.	
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>	Certified mail return receipt filed 7/30/15 indicates receipt by Santa Barbara Superior Court on 7/27/15; however, no receipt has been received from the Probate Department indicating that the file has been received and a new case created there.	
<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:</b> skc
		<b>Reviewed on:</b> 9/2/15
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 1 – Chapman</b>

Age: 12		<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p style="text-align: center;"><b><u>OFF CALENDAR</u></b></p> <p>Request for Dismissal was entered 8/24/15.</p> <p>General hearing set for 9/28/15 has also been taken off calendar.</p>	
Cont. from 081215			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail		W
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		X
	Conf. Screen		
	Letters		X
✓	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		
		Reviewed by: skc	
		Reviewed on: 9/2/15	
		Updates:	
		Recommendation:	
		File 3 – Estrada	

## Petition for Surcharge Against Former Administrator for Breach of Fiduciary Duty

DOD: 7/11/08	<b>PUBLIC ADMINISTRATOR</b> , Successor Administrator, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
<b>Cont. from 070815</b>	<b>Petitioner states</b> Jo Anne Ruth Fuchs was appointed as administrator of the estate on 12/8/09 with \$30,000.00 bond, which was filed 1/8/10. Ms. Fuchs was removed as administrator per minute order 3/15/13.	<u><b>SEE PAGE 2</b></u>
Aff.Sub.Wit.		
✓ Verified		
Inventory	A partial I&A was filed by the former administrator consisting of vehicles and trailers, total value \$8,100. The PA filed a final I&A on 1/28/15 showing an additional value of \$15,950 consisting of vehicles and trailers. The total appraised value of the estate is \$24,050.	
PTC		
Not.Cred.		
✓ Notice of Hrg		
✓ Aff.Mail	Ms. Fuchs sold the following items from the 2010 I&A:	
Aff.Pub.	<ul style="list-style-type: none"> <li>• 1955 Peterbilt Truck: \$400</li> <li>• 1956 Peterbilt Truck: \$400</li> <li>• 1970 Chevrolet Pickup: \$7,000</li> </ul>	
Sp.Ntc.		
Pers.Serv.	Ms. Fuchs sold the following items from the 2015 I&A:	
Conf. Screen	<ul style="list-style-type: none"> <li>• 1979 Boat Trailer (50%): \$450</li> <li>• 1979 Belmont Boat: \$5,000</li> <li>• 1973 Trailer: \$150</li> <li>• 1982 Chevy El Camino: \$5,000</li> <li>• 1970 Chevrolet Pickup (50%): \$3,750</li> </ul>	
Letters		
Duties/Supp		
Objections		
Video Receipt	The PA sold the following items from the 2010 I&A:	
CI Report	<ul style="list-style-type: none"> <li>• 1970 trailer dolly: \$300</li> </ul>	
9202	The PA sold the following items from the 2015 I&A:	
✓ Order	<ul style="list-style-type: none"> <li>• Striped Motorboat: \$200</li> <li>• Flatbed Utility Trailer: \$1,000</li> <li>• Misc. motors and parts: \$400</li> </ul>	
Aff. Posting		
Status Rpt		
UCCJEA	The PA was able to recover \$1,900 worth of assets to sell, so Ms. Fuchs misappropriated \$22,150 worth of assets. She admitted to the PA that she sold the items and kept the money. Therefore, she should be surcharged the amount of \$22,150.	<b>Reviewed by:</b> skc
Citation		<b>Reviewed on:</b> 9/2/15
FTB Notice	<b>Petitioner requests an order that:</b>	<b>Updates:</b>
	<ol style="list-style-type: none"> <li>1. The Court find that Jo Ann Ruth Fuchs breached her fiduciary duty as personal representative of the above-named estate;</li> <li>2. The Court find that Ms. Fuchs' breach cost the estate the amount of \$22,150 and surcharge her that amount;</li> <li>3. The Court make an order that Western Surety Company, or any successor of that company, be ordered to pay the bond of \$22,150 to the PA; and</li> <li>4. The Court make any other proper orders.</li> </ol>	<b>Recommendation:</b> File 6 - Esparza

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**NEEDS/PROBLEMS/COMMENTS:**

1. Two of the items sold by Ms. Fuchs were inventoried on the 2015 I&A filed by the PA as follows:

- 50% interest in 1979 Boat Trailer \$450 (100% \$900)
- 50% interest in 1970 Chevrolet Pickup \$3,750 (100% \$7,500)

However, in the Judgment Determining Ownership filed 12/9/10, the Court found that those two items, among others, were owned by Albert Esparza as sole title holder.

Need clarification as to why the I&A lists them at 50% ownership, and why Ms. Fuchs shouldn't be surcharged for the entire value of each item.

2. Examiner notes the following additional discrepancies regarding the I&As:

- Judgment Determining Ownership filed 12/9/10 included a 1993 Chevrolet Silverado Pickup; however, this vehicle is not identified in either of the I&As filed. What happened to this vehicle?
- The Partial I&A filed 9/29/10 by Ms. Fuchs included a 1970 Chevrolet pickup valued at \$7,000. The Final I&A filed 1/28/15 includes the same 1970 Chevrolet pickup, but this time it was valued at a 50% interest of \$7,500 (not \$7,000) or \$3,750 (as noted in #1 above).
- The Judgment Determining Ownership filed 12/9/10 included Item #9: "A boat being refurbished and currently unregistered," with no other identifying characteristics. The Final I&A filed 1/28/15 includes Item #1: "Yellow, White, and Green Striped Motorboat (without motor)" valued at \$200. Is this the same boat? Need clarification.
- The Judgment Determining Ownership filed 12/9/10 included Item #10: "Various tools and equipment belonging to decedent." The Final I&A filed 1/28/15 includes Item #3: "Miscellaneous Motors and Parts" valued at \$400. Do these descriptions refer to the same items? Need clarification.

Based on the above discrepancies, it appears supplemental or corrected I&A may be appropriate.

**8 Faith Amariah Esqueda (GUARD/P)**

**Case No.11CEPR00602**

**Petitioner Amalia Molly Dominguez (Pro Per – Maternal Grandmother – Petitioner)**

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

		See petition for details.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><u>Minute Order 7/29/15</u>: This matter is short set for proof of termination of the VA guardianship so that this Court can make temporary orders.</p> <p><u>Minute Order 8/5/15</u>: Petitioner reports that the paternal grandmother's name is Rosa Esqueda; proper service is to be effected. Additionally, Ms. Dominguez is to inquire as to the paternal grandfather's name and make attempts to locate him for service.</p> <p>1. Need proof of service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing per Probate Code §1511 <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence on:</p> <ul style="list-style-type: none"> <li>- Paternal Grandfather (not identified)</li> <li>- Paternal Grandmother Rosa Esqueda</li> </ul>	
Cont. from 062415, 072915, 080515				
	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			
		Reviewed by: skc		
		Reviewed on: 9/2/15		
		Updates:		
		Recommendation:		
		File 8 – Esqueda		

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

<b>DOD: 2/24/14</b>	<p><b>RACHELE IRELAND</b>, Daughter, was appointed Executor with Full IAEA without bond on 4/16/15. Letters issued 4/17/15.</p> <p>At the hearing on 4/16/15, the Court set this status hearing re filing the first account or petition for final distribution.</p> <p>Final I&amp;A filed 5/16/14 indicates a total estate value of \$199,122.60.</p> <p>Supplemental I&amp;A filed 7/29/14 indicates an additional asset valued at \$43,919.00.</p> <p>Various receipts have been filed in connection with distribution of misc. personal effects.</p> <p>Various creditor's claims have also been filed.</p> <p><b>Status Report filed 6/10/15 states</b> there are two properties: a rental property that has been listed for sale since October 2014, and a one-half interest in a residence that the decedent owned with her partner, Gary Pritchard, both in poor condition. The house was also listed for sale in October 2014. Executor tried for several months to lower the sale price or do a short sale, but Gary would not agree or sign or provide any required documents. It has been very difficult dealing with Gary and for six months he would not pay any money towards the mortgage, even though he is on the loan and living there. He has finally decided to move forward with a short sale, and the house is currently vacant. The attorney recently received a call from Lou Rodriguez from Community Housing of Fresno, who informed her that Gary is trying to do a short sale, but he needed the estate's approval. Mr. Rodriguez stated that Gary did not tell him that the estate owned one-half of the property until the bank required the estate's approval. There is a buyer, and the estate is waiting to hear back whether the bank will accept the offer. The short sale could take three to six months to complete, but there is a possible \$5,000 cash back short sale incentive for the estate to complete short sale rather than letting it foreclose. Ms. Horton requests a 90 day continuance.</p>	<p><b>NEEDS/PROBLEMS/ COMMENTS:</b></p> <p><b>Minute Order 6/12/15:</b> Counsel requests a continuance. The Court informs counsel that she should be checking at least weekly to aid in ensuring that Gary Pritchard does not again attempt to sell the estate real property without the personal representative's knowledge.</p> <p><b>Minute Order 7/15/15:</b> Counsel requests 60 days.</p> <p><b>Note:</b> On 7/24/15, a Notice of Proposed Action was filed indicating short sale of the residence for \$126,000.00 on or after 8/8/15.</p> <p><b>1. Need First Account or Petition for Final Distribution.</b></p>
<b>Cont. from 061215, 071515</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:</b> skc		
<b>Reviewed on:</b> 9/2/15		
<b>Updates:</b>		
<b>Recommendation:</b>		
<b>File 13 - Stafford</b>		

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**Status Hearing Report filed 7/13/15 states** on 6/16/15, she spoke on the phone at length with Realtor Russell Smith about the listing of the North Fork rental property. The sale price was recently reduced from \$105,000 to \$98,000, and there is an \$81,000 mortgage on the property. Mr. Smith stated that the wooden post holding the sale sign has been stolen several times, and that the neighborhood is not good. The house cannot qualify for an FHA loan so they are not reaching a majority of qualified buyers. Most homes sell in the summertime due to people looking for vacation homes, but there has been a decrease in tourism and activity the past couple of years. There were several evacuations due to forest fires and fire insurance rates have risen significantly. There are a couple of other listings in the area that have been on the market for over three years in better condition.

The Decedent's Fresno residence was also in poor condition, and was listed for sale, but the actual value is less than the outstanding mortgage of over \$156,000. Ms. Horton left a message for Lou Rodriguez from Community Housing of Fresno, who called back 6/17/15 and informed her that they have not heard back from the bank whether the \$126,000 cash offer was accepted.

On 7/7/15, Mr. Rodriguez had still not heard back from the bank. On 7/13/15, Ms. Horton called Mr. Rodriguez for an update. He stated that the bank required one of the forms to be corrected. He submitted the corrected form on 7/8/15 and is now waiting for an answer back from the bank.

Once they know what the buyer will accept and the terms of sale, a Notice of Proposed Action will be sent out. Per Mr. Rodriguez, the short sale process will take anywhere from 10-30 days to complete. There is a possible \$5,000 cash back short sale incentive for the estate to complete short sale rather than letting it foreclose.

Per the recorder's website, no deeds have been recorded since 2006.

The estate cannot close until both properties are sold, so Attorney Horton requests continuance for 60 days for further status.