

DOD: 04/05/03	EDWARD L. MYERS, JR. and MONIQUE M. HUTCHINGS, were appointed as Co-Administrator's with Will Annexed on 08/19/03.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>CONTINUED FROM 07/19/13</b></p> <p><b>As of 09/17/13, nothing further has been filed in this matter.</b></p> <p>1. Need <b>Final Accounting and/or Petition for Final Distribution</b> 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>
Cont. from 071913	Letters of Administration with Will Annexed were issued on 08/19/13.	
Aff.Sub.Wit.		
Verified		
Inventory	Inventory & Appraisal, partial No. 1 filed 04/08/04 - \$707,312.97	
PTC		
Not.Cred.	Inventory & Appraisal, final filed 04/21/04 - \$16,968.64	
Notice of Hrg		
Aff.Mail	Inventory & Appraisal, partial No. 1 corrected filed 11/10/04 - \$877,312.97	
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.	Petition for Preliminary Distribution and Statutory Fees filed 03/16/05 was granted on 06/02/05.	
Conf. Screen		
Letters	Ex Parte Petition for Amended Letters granted 05/30/13 ordered that Monique M. Hutchings is the sole Administrator following the death of Edward L. Myers, Jr. <b>and set this matter for status.</b>	
Duties/Supp		
Objections		
Video Receipt		
CI Report	Amended Letters of Administration with Will Annexed were issued on 06/05/13.	
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: JF
		Reviewed on: 09/17/13
		Updates:
		Recommendation:
		File 1 – Myers

Age:		NEEDS/PROBLEMS/COMMENTS:  <b><u>OFF CALENDAR</u></b> <b>Supplemental Inventory &amp;          Appraisal filed 09/11/13</b>
DOD:		
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		
		Reviewed on: 09/17/13
		Updates:
		Recommendation:
		File 2 – Johnsen

<b>DOD: 04/30/13</b>		<p><b>MARGUERITE HUGHES</b>, niece, was appointed Conservator of the Person and Estate with bond fixed at \$412,500.00 on 05/17/10. Letters of Conservatorship were issued on 09/15/10.</p> <p><b>Order settling First Account</b> was filed 09/26/12.</p> <p><b>Status Report</b> filed 05/16/13 notified the Court that the conservatee died on 04/30/13.</p> <p><b>Notice of Setting Hearing</b> filed 05/20/13 set this matter for status regarding filing the Final Account. <b>Clerk's Certificate of Mailing</b> indicates that the Notice of Setting Hearing was mailed to the conservator and her attorney on 05/20/13.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. Need Final Account and Report of Conservator <u>or</u> Current status report.</p>
<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>Reviewed by:</b> JF	
		<b>Reviewed on:</b> 09/17/13	
		<b>Updates:</b>	
		<b>Recommendation:</b>	
		<b>File 3 – Peters</b>	

Atty Baldwin, Kenneth A. (of McCormick Barstow, for Allene Joyce Lamm O'Neal – Co-Trustee – Petitioner)  
 Atty Poochigian, Mark (for Duane Lamm – Co-Trustee)

**Petition to Compel Co-Trustee Duane Alan Lamm to File Report and Account After Written Request; to Remove Duane Alan Lamm as a Co-Trustee; to Redress Breaches of the Trust by Duane Alan Lamm; to Divide and Distribute the Trust Estate; and to Terminate the Trust [Prob. C. 15642 & 17200 et seq.]**

<p><b>Alex Lamm</b> DOD: 11-17-90</p>	<p><b>ALLENE JOYCE LAMM O'NEAL</b>, Co-Trustee, is Petitioner and states:</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b> <b>Page 4B is Status Re Settlement</b></p>
<p><b>Lillian Lamm</b> DOD: 11-19-06</p>	<ul style="list-style-type: none"> <li>Trustors Alex and Lillian created the Alex and Lillian Lamm Living Trust (the "Trust") on 3-11-88.</li> </ul>	<p><b>Minute Order 9-20-12:</b> Paul O'Rourke [McCormick Barstow] is appearing via conference call. Mr. Poochigian advises the Court that he filed his objections this morning. The Court accepts Mr. O'Rourke's representation that no additional parties need to be provided notice. The Court notes that there is no objection by Mr. Poochigian regarding the issue of notice. At the request of Mr. O'Rourke, the Court orders Mr. Poochigian to prepare a formal accounting for the period commencing from the date of death to the present. The Court orders that the accounting to be completed by 11/19/12. Continued to 11/29/12, Status Conference Set on 11/29/12.</p>
<p><b>Cont. from 092012, 112912, 022513, 031813, 071913</b></p>	<ul style="list-style-type: none"> <li>The Trust was amended and restated on 9-21-90.</li> </ul>	<p><b>Minute Order 11-29-12:</b> Parties request the matter be set for trial. Matter set for Court Trial on 3/29/13 with a one-day estimate. The Court sets a Settlement Conference on 2/25/13. Counsel is directed to submit their settlement conference statements along with a courtesy copy for the Court on the Thursday before the hearing. The Court authorizes Mr. O'Rourke to file his objections. The Court advises counsel that it will accept the objections subject to any filing fees. Set on 2-25-13 at 10:30am for Settlement Conference. Additional hearing date: 3-29-13 at 10am for Court Trial.</p>
<p><input type="checkbox"/> <b>Aff.Sub.Wit.</b></p>	<ul style="list-style-type: none"> <li>Alex died on 11-17-90, causing the trust to be divided among the Alex Lamm By-Pass Trust, the Alex Lamm Marital Trust, and the Lillian G. Lamm Survivor's Trust, which remained revocable.</li> </ul>	<p><b>1. The proposed order includes a blank for a surcharge amount to be filled in for attorney's fees. The Court may require clarification and further documentation regarding the amount requested.</b></p>
<p><input checked="" type="checkbox"/> <b>Verified</b></p>	<ul style="list-style-type: none"> <li>The Survivor's Trust was amended twice: on 6-7-04 and 2-17-05.</li> </ul>	<p><b>Reviewed by:</b> skc</p>
<p><input type="checkbox"/> <b>Inventory</b></p>	<ul style="list-style-type: none"> <li>Lillian died on 11-19-06.</li> </ul>	<p><b>Reviewed on:</b> 9-17-13</p>
<p><input type="checkbox"/> <b>PTC</b></p>	<ul style="list-style-type: none"> <li>For purposes of this petition, "Trust" refers to all three trusts collectively.</li> </ul>	<p><b>Updates:</b></p>
<p><input type="checkbox"/> <b>Not.Cred.</b></p>	<p>Petitioner states the Trust provides that she and her brother <b>DUANE ALAN LAMM</b> were to become co-trustees on the death of the Trustors; however, since Lillian's death, Duane has asserted exclusive control over most of the assets of the Trust.</p>	<p><b>Recommendation:</b></p>
<p><input checked="" type="checkbox"/> <b>Notice of Hrg</b></p>	<p>The Trust as amended provides that the Marital Trust and the By-Pass Trust are to terminate and be distributed to Duane and Allene in equal shares immediately following Lillian's death.</p>	<p><b>File 4A - Lamm</b></p>
<p><input checked="" type="checkbox"/> <b>Aff.Mail</b> W</p>	<p>The Survivor's Trust as amended provides that the Survivor's Trust is to terminate at Lillian's death and is to be distributed as follows:</p>	
<p><input type="checkbox"/> <b>Aff.Pub.</b></p>	<ul style="list-style-type: none"> <li>To <b>BLAKE LAMM</b> (Trustors' grandson) a fractional portion (56.64%) of the Survivor Trust's ownership interest (45.56%) in certain real property in Reedley consisting of approx. 76 acres; and</li> </ul>	
<p><input type="checkbox"/> <b>Sp.Ntc.</b></p>	<ul style="list-style-type: none"> <li>To <b>DUANE</b> and <b>ALLENE</b>, the residue of the Survivor's Trust estate, in equal shares, which includes that the share apportioned to <b>ALLENE</b> is to include a certain residence ("Allene's Residence") and that the share apportioned to <b>DUANE</b> is to include the Trustors' residence, without affecting the equality of the shares.</li> </ul>	
<p><input type="checkbox"/> <b>Pers.Serv.</b></p>	<p><b>SEE ADDITIONAL PAGES</b></p>	
<p><input type="checkbox"/> <b>Conf. Screen</b></p>		
<p><input type="checkbox"/> <b>Letters</b></p>		
<p><input type="checkbox"/> <b>Duties/Supp</b></p>		
<p><input type="checkbox"/> <b>Objections</b></p>		
<p><input type="checkbox"/> <b>Video Receipt</b></p>		
<p><input type="checkbox"/> <b>CI Report</b></p>		
<p><input type="checkbox"/> <b>9202</b></p>		
<p><input checked="" type="checkbox"/> <b>Order</b></p>		
<p><input type="checkbox"/> <b>Aff. Posting</b></p>		
<p><input type="checkbox"/> <b>Status Rpt</b></p>		
<p><input type="checkbox"/> <b>UCCJEA</b></p>		
<p><input type="checkbox"/> <b>Citation</b></p>		
<p><input type="checkbox"/> <b>FTB Notice</b></p>		

**Petitioner states:**

- The Trust Estate includes real estate, corporate stock, gemstones and cash, including an undivided 75% ownership interest as tenant in common in certain commercial real property consisting of an office building (the "commercial building") in Reedley, which is leased to Chase Bank. (The other 25% is owned by Duane's former spouse, Linda W. Lamm.)
- Petitioner states that since Lillian's death, Duane has been and continues to collect all rent from the Commercial Building personally and deposits same into his bank account without Allene's consent and in breach of the terms of the Trust.
- The Trust Estate also includes gemstones and precious metals, including specified items, and a Wells Fargo checking account, which is under Duane's exclusive control in breach of the terms of the Trust.
- The Trust Estate also includes 55% of the issued and outstanding common stock of Al Lamm Ranch, Inc., a California corporation. Allene and Duane each own 22.5%. Petitioner states Duane possesses and controls all of the assets of the Corporation and uses those assets for the exclusive benefit of his personal farming operations to the detriment of the Corporation and its majority owner, the Trust.
- The 76 acres of farmland (the "Home Ranch") located in Reedley is owned by the Trust and leased to Rio Vista Limited Partnership under a lease dated 10-1-05 that expires 9-30-20. Petitioner states all rent from the Home Ranch has been and continues to be collected by Duane and deposited in his personal accounts over which he has exclusive control. Duane has not provided Allene with any accounting nor made any distributions of such rental income to Allene in breach of the Trust.

*Examiner's Note: It is unclear if this is the same 76 acres as is specified in the devise to Blake Lamm, since the devise indicates that the Trust owns only a partial interest of 45.56%, but this section of the petition indicates that the Trust owns this real property. The Court may require clarification.*

- Petitioner states that at Lillian's death, Duane unilaterally assumed the primary duties of administering the Trust Estate, and appointed himself as the Trust decision maker and used his knowledge of the family holdings to single-handedly control the management of the Trust Estate while excluding Allene as a trustee in violation of Probate Code § 15620, which requires unanimous consent of co-trustees for action. Specifically, Petitioner states Duane has insisted on exercising exclusive control over the Commercial Building, Home Ranch and Corporation because those assets provide him with his primary source of income. Duane also holds physical possession of the specified gemstones and precious metals.
- Petitioner states she formally demanded an accounting and proposed division and distribution of the Trust Estate in a letter to Duane's attorney Mark Poochigian on 5-17-12, which letter has been ignored. Duane appears reticent in providing a full and complete disclosure of this acts and proceedings involving the Trust and has been less than forthcoming in his response to Allene's requests for information. Because of Duane's refusal to provide information and his exclusive control over the assets, including all bank accounts, for over five years, Duane should be directed to file full accounting.
- Petitioner states Duane has committed numerous breaches of trust by collecting all rents in connection with the Commercial Building and Home Ranch and depositing them into his personal accounts. By doing so, he has converted assets – a clear breach of trust.
- Duane has personally benefitted from his exclusive control and use of the equipment owned by the Corporation, the controlling shares of which are owned by the Trust. Neither the Corporation nor the Trust has received any benefit from Duane's personal use of such equipment.
- Petitioner further alleges that Duane has taken unauthorized withdrawals of cash from the Trust – another clear breach of the Trust and Probate Code § 15620 – without her consent, and no equalizing distributions have been made to Petitioner.

**SEE ADDITIONAL PAGES**

## Page 3

- Finally, Duane has refused for well over five years to cooperate with Petitioner in division and distribution of the Trust Estate to the beneficiaries notwithstanding the terms of the Trust which require termination and immediate division and distribution following Lillian's death.
- Probate Code § 15642 empowers this Court to remove a trustee who has committed a breach or whose hostility or lack of cooperation with the other co-trustees impairs the administration of the Trust. Redress should also include removal of Duane as a co-trustee for his conversion of assets, unauthorized withdrawals, and refusal to cooperate. Such redress will allow Petitioner as the sole trustee to complete the necessary division and distribution as required by the express terms of the Trust.
- Redress should also include attorneys' fees and legal costs, as Petitioner has been forced to take extreme measures to compel Duane to carry out his fiduciary duties. Section 1(f) of the Trust allows the trustee to employ attorneys on behalf of the trust to assist in carrying out her duties. Petitioner, in carrying out her duties, has been required to retain counsel and incur legal costs to compel Duane to carry out his duties. Such fees and costs should be surcharged against Duane's beneficial interest in an amount according to proof.
- The Trust was to terminate on Lillian's death, which was over five years ago. Duane has refused to cooperate with Allene in dividing and distributing the Trust Estate to beneficiaries in accordance with the express terms of the Trust. Under Probate Code §§ 17200(b)(13) and (14), this Court has the authority and should order termination and distribution.

**Petitioner requests the Court Order:**

- **That Duane be directed to prepare and file within 30 days an account of the Trust from Lillian's death (11-19-06) through present, accompanied by a schedule of property, current market value, and all liabilities of the Trust;**
- **That Duane be compelled to restore to the Trust all Trust assets that he has converted for his personal use and benefit;**
- **That Duane be compelled to either return to the Trust all unauthorized cash advances that he has taken from the Trust Estate as described, plus interest at the max. legal rate, or in the alternative, be compelled to cause the Trust to make an equalizing distribution to Allene, plus interest;**
- **That Duane be removed as a co-trustee of the Trust;**
- **Directing that the Trust be terminated and the Trust Estate be divided and distributed to the Trust beneficiaries in accordance with the express terms of the Trust;**
- **For attorneys' fees and legal costs incurred by Petitioner in connection with this Petition to be surcharged against Duane's share of the Trust Estate; and**
- **For such other and further orders and relief as the Court may deem appropriate.**

**Further Notes re status:**

**On 9-20-12**, at the request of Mr. O'Rourke, the Court ordered Mr. Poochigian to prepare a formal accounting for the period commencing from the date of death to the present be completed by 11-19-12.

**On 11-20-12**, Mr. Poochigian filed a Declaration stating that his office sent a letter to Kenneth Baldwin's office on 11-19-12 enclosing an accounting from 11-19-06 through 10-31-12 (attached).

**Minute Order 9-20-12:** Paul O'Rourke [McCormick Barstow] is appearing via conference call. Mr. Poochigian advises the Court that he filed his objections this morning. The Court accepts Mr. O'Rourke's representation that no additional parties need to be provided notice. The Court notes that there is no objection by Mr. Poochigian regarding the issue of notice. At the request of Mr. O'Rourke, the Court orders Mr. Poochigian to prepare a formal accounting for the period commencing from the date of death to the present. The Court orders that the accounting to be completed by 11/19/12. Continued to 11/29/12, Status Conference Set on 11/29/12.

**Note: No accounting has been properly filed for Court review; however, Objections to Accounting of Co-Trustee, Duane Alan Lamm were filed 11-30-12.**

**Examiner notes that an accounting (attached to Declaration) was sent to Petitioner's attorney; however, the accounting was not filed as a Petition for Court review.**

**Therefore, Examiner has not reviewed the schedules or the objections.**

**If the Co-Trustee's Accounting is to be reviewed by the Court, need Petition with appropriate filing fee.**

**Minute Order 2-25-13:** Counsel informs the Court that a settlement agreement is in progress. Matter continued. Status hearing set (Page 4B).

		<p><b>ALLENE JOYCE LAMM O'NEAL</b>, Co-Trustee, filed Petition to Compel Co-Trustee <b>DUANE ALAN LAMM</b> to File Report and Account after Written Request, to Remove <b>DUANE ALAN LAMM</b> as Co-Trustee, to Redress Breaches of the Trust by <b>DUANE ALAN LAMM</b>, to Divide and Distribute the Trust Estate, and to Terminate the Trust on 8-6-12.</p> <p><b>DUANE ALAN LAMM</b> filed Objections on 9-20-12.</p> <p><b>At hearing on 9-20-12, the Court ordered Mr. Poochigian to prepare a formal accounting</b> for the period commencing from the date of death to the present by 11-19-12, and the matter was continued to 11-29-12.</p> <p><b>On 11-20-12</b>, Attorney Poochigian filed a declaration that appears to contain an informal unverified "accounting" that was sent to Mr. Baldwin.</p> <p>At hearing on 11-29-12, the matter was set for trial on 3-29-13, settlement conference to be held on 2-25-13.</p> <p><b>On 11-30-12</b>, Allene Joyce Lamm O'Neal filed Objections to Accounting.</p> <p><b>At hearing on 2-25-13</b>, Counsel informed the Court that a settlement agreement is in progress. The Settlement Conference was taken off calendar and the Court set this status hearing re: Settlement Agreement for 3-18-13, and continued to 7-19-13 per Minute Order.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. Need status of settlement agreement. The petition at Page 4A remains pending.</p>
<b>Cont. from 031813, 071913</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>			
		<p><b>Reviewed by:</b> skc</p> <p><b>Reviewed on:</b> 9-17-13</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 4B – Lamm</b></p>	

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

<b>DOD: 02/23/09</b>	<p><b>DYANNA MATTHEWS</b>, daughter, was appointed Executor with Limited IAEA and without bond on 01/14/13.</p> <p><b>Letters Testamentary</b> were issued on 01/22/13.</p> <p><b>Inventory &amp; Appraisal, partial no. 1 filed 06/21/13 - \$126,673.00</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b><u>OFF CALENDAR</u></b>  <b>Final Inventory &amp; Appraisal filed 09/16/13</b></p>	
<b>Cont. from 061413, 080913</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>			
			<p><b>Reviewed by:</b> JF</p> <p><b>Reviewed on:</b> 09/17/13</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 5 - Brazeal</b></p>

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

<p><b>DOD: 4/15/2012</b></p>	<p><b>DAWNETTE MYERS</b> was appointed as Administrator with full IAEA authority and without bond on 1/9/2013.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p>
<p><b>Cont. from 060713, 070513, 071913</b></p>	<p>Letters issued on 1/11/2013.</p>	<p>1. Need inventory and appraisal</p>
<p><b>Aff.Sub.Wit.</b></p>	<p><b>Minute order dated 1/9/2013</b> set a status hearing for the filing of the inventory and appraisal.</p>	
<p><b>Verified</b></p>	<p><b>Status Report filed on 9/18/13 states</b> the assets of the estate consists of one personal residence. The personal representative has information on this asset and it is ready to proceed with obtaining an appraisal by the appointed probate referee.</p>	
<p><b>Inventory</b></p>	<p>However, the current estate also has a 1/3 interest in the estate of the decedent's father, Edward L. Myer, Sr. who passed away on 4/5/2003. The estate is currently being administered in case no. 03CEPR00979. The Court in case no. 03CEPR00979 allowed the personal representative to create a limited liability company (LLC) to manage certain parcels of real property owned by Edward L. Myer, Sr. The reason for the creation of the LLC appears to be a liability concern based on contamination found on the real property.</p>	
<p><b>PTC</b></p>	<p>Discussions with legal counsel for the estate of Edward L. Myers, Sr. have revealed that Phase I of the cleanup has been completed. It would appear that the beneficiaries are willing to complete the sale of the real property. The current estate should then receive a distribution when the sale is complete.</p>	
<p><b>Not.Cred.</b></p>	<p>The inventory and appraisal has been forwarded to the probate referee and should be filed with the court in the near future.</p>	
<p><b>Notice of Hrg</b></p>		
<p><b>Aff.Mail</b></p>		
<p><b>Aff.Pub.</b></p>		
<p><b>Sp.Ntc.</b></p>		
<p><b>Pers.Serv.</b></p>		
<p><b>Conf. Screen</b></p>		
<p><b>Letters</b></p>		
<p><b>Duties/Supp</b></p>		
<p><b>Objections</b></p>		
<p><b>Video Receipt</b></p>		
<p><b>CI Report</b></p>		
<p><b>9202</b></p>		
<p><b>Order</b></p>		
<p><b>Aff. Posting</b></p>		
<p><b>Status Rpt</b></p>		
<p><b>UCCJEA</b></p>		
<p><b>Citation</b></p>		
<p><b>FTB Notice</b></p>		
		<p><b>Reviewed by: KT</b></p>
		<p><b>Reviewed on: 9/17/13</b></p>
		<p><b>Updates: 9/18/13</b></p>
		<p><b>Recommendation:</b></p>
		<p><b>File 6 – Myers</b></p>

**7A Estate of George Anderson & Rose Anderson (Trust) Case No. 13CEPR00085**

**Atty Sullivan, Robert L. (for George H. Anderson, Jr., Barbara J. O'Bar, and Cheryl M.**

**Black – children/Petitioners)**

**Petition for: (1) Neglect [W&I C. 15610.57]; (2) Financial Elder Abuse [W&I C. 15610.30]; (3) Recovery of Estate Property [Prob. C. 850, et seq.]; (4) Removal of Trustee for Breach [Prob. C. 15642]**

<b>George DOD:01/21/12</b>		<p><b>GEORGE H. ANDERSON, JR., son, BARBARA J. O'BAR and CHERYL M. BLACK, daughters, are Petitioners.</b></p> <p><b>Petitioners state:</b></p> <ol style="list-style-type: none"> <li>Petitioners are beneficiaries under the terms of the George H. Anderson and Rose M. Anderson Revocable Living Trust dated 05/12/13 (the "Trust").</li> <li>Steven M. Anderson, also a son of the decedent's, is trustee of the Trust and also a beneficiary of the Trust.</li> <li>Steven Anderson was appointed successor trustee of the Trust following the deaths of the settlors.</li> <li>Under the terms of the Trust, Steven Anderson, George Anderson, Jr., Barbara O'Bar, and Cheryl Black each receive 20% of the Trust assets. The remaining 20% is to be distributed to the settlor's living grandchildren.</li> <li>In approximately 2002, Steven and Ida Anderson (Steve &amp; Ida/Respondents) jointly purchased a piece of property with George &amp; Rose Anderson. Steven and Ida moved onto said property in approximately December 2002 and George and Rose moved onto said property in early 2003. Similar to a duplex, they all lived in one building that was divided into two separate living areas. Steven &amp; Ida lived in 2/3 of the building and George &amp; Rose lived in 1/3 of the building.</li> <li>Just prior to moving onto the property, Rose was diagnosed with Alzheimer's disease and George also suffered from significant health problems and dementia. Steven &amp; Ida voluntarily began caring for George and Rose after they moved onto the property; however they failed to provide the care that George &amp; Rose required as outlined below.</li> <li>First, Respondents failed to ensure that George &amp; Rose were eating properly. Despite repeated requests, Respondents failed to monitor or track George &amp; Rose's meals, causing missed meals and poor nutrition.</li> </ol>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>CONTINUED FROM 07/26/13</b> <b>As of 09/17/13, nothing further has been filed in this matter.</b></p> <ol style="list-style-type: none"> <li>Petition does not include the names and addresses of each person entitled to notice as required by Probate Code 17201. (See also, CA Rules of Court 7.902.) Need supplement to Petition.</li> <li>Need proof of service by mail at least 30 days prior to the hearing to all persons entitled to notice pursuant to Probate Code § 17203.</li> <li>Need Order.</li> </ol> <p><b>Note:</b> A Notice of Hearing with proof of service by mail was filed 03/21/13; however, because the Petition does not list the persons entitled to notice, the Examiner is unable to determine if notice has been sent to all parties as required.</p>
<b>Rose DOD: 01/27/12</b>			
<b>Cont. from 031813, 051713, 062113, 062813, 072613</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 type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input type="checkbox"/>	<b>Letters</b>		
<input type="checkbox"/>	<b>Duties/Supp</b>		
<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 type="checkbox"/>	<b>Order</b> x		
<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>		
Continued on Page 2			
		<p><b>Reviewed by:</b> JF</p> <p><b>Reviewed on:</b> 09/17/13</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 7A - Anderson</b></p>	

8. Respondents also failed to provide adequate medical care for physical and mental health needs. Specifically, Respondents refused to take Rose to see her doctor, despite a clear need given her deteriorating condition due to Alzheimer's disease. In fact, Respondents altogether failed to take Rose to a single doctor's appointment after 2008 and even missed scheduled appointments with Rose's primary care physician. Similarly, Respondents failed to take George to the doctor or maintain regular doctor visits.
9. Respondents also failed to protect George and Rose from health and safety hazards. Despite assuming the role of caring for George and Rose, Respondents frequently failed to provide adequate protection from hazards. Respondents routinely unplugged their telephone at night in order prevent George & Rose from waking them up, this directly led to injuries to both George and Rose. Rose was injured early one morning and was bleeding profusely. After repeated failed attempts to obtain assistance from the Respondents, George called Barbara O'Bar. By the time Barbara arrived, there was blood all over the house. This was not the only incident where Respondents were unavailable when George and Rose needed their assistance.
10. Respondents also created health and safety hazards within George & Rose's home. Specifically, Respondents kept and maintained live turkeys in George & Rose's garage. Respondents also maintained a live rabbit inside George & Rose's bathroom. As a result, there were animal feces inside George & Rose's home, causing a severe odor and bugs inside the home. The odor and butts were hazardous to George & Rose's health in light of their weakened physical condition.
11. Respondents also failed to assist in providing property hygiene for George & Rose. Both were often visibly filthy and reeked of body odor when Petitioners visited. George was hospitalized on 12/27/11 and the hospital noted that he had "crystals" around his genitals demonstrating an utter and prolonged lack of proper hygiene. During the same hospitalization, George was also found to be severely dehydrated and was believed to have been for approximately 10-14 days. He was also suffering from stage 4 pressure ulcers on his heels, which were so severe; the hospital notified Adult Protective Services ("APS").
12. In December 2011, after APS was notified of George's condition, APS came to the home and investigated Rose's condition as well. At that time, Rose also demonstrated signs of neglect. She was found to have a pressure sore on her tailbone and was also suffering from a bladder infection and ringworm. Ringworm is commonly associated with and transmitted through animal feces, which Respondents failed to clean from George and Rose's home. Further, it was clear that Rose had not been properly bathed and that her hygiene had been severely neglected. Approximately 2 days after the visit from APS, Rose was taken to the Bedford Group, which is a private care home, where she ultimately died. George also died, just weeks after his hospitalization.
13. **First Cause of Action** (Neglect): At all relevant times, George and Rose Anderson were over the age of 65, with George being 94 at the time of his death and Rose being 89. Respondents, having care or custody of George & Rose Anderson both elders under the Welfare and Institutions Code, failed to exercise that degree of care that a reasonable person in a like position would exercise by 1) failing to assist in providing personal hygiene, 2) failing to provide medical care for physical and mental health needs, 3) failing to ensure provision for food, 4) failing to protect from health and safety hazards, and 5) failing to prevent dehydration. As a direct and proximate result of this neglect and physical elder abuse, Decedents suffered damages in an amount according to proof at trial. In addition, Petitioners are entitled to recover punitive damages, and are also entitled to recover remedies provided for in the Welfare & Institutions Code § 15657, including reasonable attorneys' fees and costs.

Continued on Page 3

14. **Second Cause of Action** (Financial Elder Abuse): For several years prior to Decedent's deaths, Respondents had access to George & Rose's bank account through an ATM card and check book. After gaining access to the bank account, Respondents repeatedly took, appropriated and retained money from George & Rose's account. Despite Respondents' failure to properly care for George & Rose, they routinely paid themselves money from George & Rose's account in order to "compensate" themselves for the care provided. Respondents took, appropriated, and retained said money for a wrongful use and with the intent to defraud George & Rose Anderson. Specifically, Respondents repeatedly withdrew and stole money from Decedent's bank account for their personal gain and without Decedent's knowledge or consent. Petitioners are informed and believe and thereon allege that Respondents wrongfully stole in excess of \$250,000.00 from Decedent's bank account from 2006 until the Decedent's deaths in January 2012. Respondents conduct constituted "financial abuse" within the Welfare & Institutions Code § 15610.30 in that George and Rose were "elders" during the perpetration of the acts of Respondents upon them, and that Respondents took and appropriated Decedent's property in bad faith to a wrongful use and with intent to defraud, and diminished the resources available to Decedents for their care and support during their lifetime. George & Rose were harmed by Respondent's depletion of their assets. As a direct and proximate result of this financial elder abuse, George & Rose Anderson suffered damages in an amount according to proof at trial. In addition, Petitioners are entitled to recover punitive damages, and are also entitled to recover remedies provided for in the Welfare & Institutions Code § 15657.5, including reasonable attorneys' fees and costs.
15. **Third Cause of Action** (Recovery of Property pursuant to Probate Code § 850): Respondent Steven Anderson holds title and possession to property contained within the Anderson Trust, money held in Decedent's bank accounts at the time of their deaths, and any other property, both real and personal, owned by the Decedent's at the time of their deaths, all of which property rightfully belongs to the Trust. Petitioners claim the right to title and possession of the property as beneficiaries of the Trust.
16. **Fourth Cause of Action** (Removal of Trustee): Prior to George and Rose Anderson's deaths, Steven Anderson committed both physical and financial elder abuse upon George & Rose. He also frequently converted Trust assets for his own use and benefit to the detriment of other beneficiaries. Steven Anderson's conduct was hostile and repugnant to the interests of George & Rose, and to the interests of the Trust. As such, Steven Anderson is not fit or qualified to serve as trustee. Additionally, Steven Anderson committed breaches of trust since assuming the role of trustee. Petitioners are informed and believe that Steven has improperly used Trust funds after appointment as trustee in order to pay attorneys' fees that were incurred for his personal benefit and not the benefit of the Trust. He has further demonstrated hostility towards the other beneficiaries and refused to provide an accounting of Trust assets. In so doing, Steven Anderson breached the fiduciary duties owed to the beneficiaries of the Trust. Namely, Steven Anderson violated the following duties: duty of impartiality (Probate Code § 16003); duty not to use or deal with trust property for the trustee's own profit (§ 16004); duty to preserve trust property (§ 16006); duty to inform (§ 16060); and duty to account (§16061).

**Petitioners pray for an Order:**

**ON THE FIRST CAUSE OF ACTION:**

- A. For consequential and special damages proximately cause by Respondents' acts of elder abuse and neglect upon Decedents George & Rose Anderson, according to proof at trial;
- B. For Respondents to be deemed to have predeceased George & Rose Anderson for the purposes of inheritance, pursuant to Probate Code § 259;
- C. For punitive damages, according to proof at trial;
- D. For attorneys' fees and costs; and
- E. For any and all further relief as the Court deems just and proper.

Continued on Page 4

**ON THE SECOND CAUSE OF ACTION:**

- A. For consequential and special damages proximately cause by Respondents' acts of financial elder abuse occasioned upon Decedents George & Rose Anderson, according to proof at trial;
- B. For Respondents to be deemed to have predeceased George & Rose Anderson for the purposes of inheritance, pursuant to Probate Code § 259;
- C. For a constructive trust compelling Respondents to transfer all wrongfully obtained property to the Trust pursuant to Civil Code § 2223 and 2224;
- D. For punitive damages, according to proof at trial;
- E. For a treble award of damages against Respondents pursuant to Civil Code § 3345;
- F. For attorneys' fees and costs; and
- G. For any and all further relief as the Court deems just and proper.

**ON THE THIRD CAUSE OF ACTION:**

- A. Directing Respondents to transfer to the Trust the property that was wrongfully removed from the Trust and to execute any documents or file any court proceedings necessary in order to fully complete the transfer;
- B. Directing Respondents to immediately deliver possession of to the Trust property that was wrongfully removed from the Trust;
- C. For statutory damages in the amount of twice the amount wrongfully taken by Respondents, pursuant to Probate Code § 859;
- D. For attorneys' fees and costs; and
- E. For any and all further relief as the Court deems just and proper.

**ON THE FOURTH CAUSE OF ACTION:**

- A. To immediately suspend the powers of the trustee, appoint a temporary trustee or trustees, and compel the trustee to surrender all Trust property to such temporary trustee(s);
- B. To remove the trustee and to appoint a successor trustee or trustees to take possession of the Trust property and administer the Trust;
- C. To compel the trustee to redress his breaches through the payment of monetary damages;
- D. To deny or otherwise reduce the compensation to the trustee;
- E. To impose a constructive trust on property of the Trust which has been wrongfully converted;
- F. To cause proceedings to trace and recover property and proceeds to which the Trust is entitled; and
- G. For any and all further relief as the Court deems just and proper.

**Respondent's Opposition to Petition for (1) Neglect; (2) Financial Elder Abuse; (3) Recovery of Estate Property; and (4) Removal of Trustee for Breach of Trust** filed 03/18/13 by Steven Anderson and Ida Anderson admits some facts of the Petition, denies the allegations in the Petition and asserts the following affirmative defenses:

1. Petitioners fail to state facts sufficient to constitute any grounds for the relief requested in their Petition.
2. Petitioners' claims are barred by the applicable statute of limitations.
3. Petitioners lack standing to seek the relief requested in their Petition.
4. Petitioners are barred by the doctrine of unclean hands.
5. Petitioners are barred by the doctrine of laches.
6. Respondents allege that at no time during his lifetime was George Anderson suffering from any form of dementia. In fact, throughout his lifetime, George Anderson had excellent memory function and was aware of his surroundings.
7. Respondents allege that George and Rose Anderson voluntarily paid Respondents and other caregivers to care for them so that they could remain in their own home.

Continued on Page 5

8. Respondents allege that Petitioners have committed acts of perjury in stating that the contents of the Petition are true and correct and that they are within their own personal knowledge.
9. Respondents allege that Petitioners' claims are in bad faith and with the sole intent of extorting money from Respondents and that in doing so, Petitioners are acting with recklessness, oppression, fraud and/or malice.
10. Respondents allege that all assets belonging to the George H. Anderson and Rose M. Anderson Revocable Living Trust remain titled in the name of the trust and have not been distributed or improperly used by Respondents.
11. Respondents allege that at no time has Steven Anderson failed or refused to provide an accounting for the trust during the time period he has acted as trustee nor has he in any way breached his duties and/or responsibilities as trustee under the trust.

**Respondent's pray for an Order as follows:**

1. Denying Petitioners' Petition;
2. That Petitioners take nothing by way of their Petition; and
3. That Petitioners be ordered to reimburse Respondents for all reasonable costs of suit herein incurred, including all attorney's fees and costs.

**7B Estate of George Anderson & Rose Anderson (Trust) Case No.13CEPR00085**

**Atty Sullivan, Robert L. (for George H. Anderson, Jr., Barbara J. O'Bar, and Cheryl M.**

**Black – children/Petitioners)**

**Status Hearing**

George DOD:01/21/12	<p><b>GEORGE H. ANDERSON, JR., son, BARBARA J. O'BAR and CHERYL M. BLACK, daughters, filed a Petition for (1) Neglect; (2) Financial Elder Abuse; (3) Recovery of Estate Property; and (4) Removal of Trustee for Breach of Trust on 01/30/13.</b></p> <p><b>STEVEN ANDERSON, son, and IDA ANDERSON, daughter-in-law, filed an Objection to the Petition on 03/28/13.</b></p> <p><b>Minute Order from hearing on 03/28/13 set this matter for a status hearing.</b></p> <p><b>Respondent Diane M. Myers' Status Conference Statement filed 06/27/13 states:</b> At the June 3, 2013 Settlement Conference, the parties reached a settlement agreement that was read into the Court's record. Pursuant to the settlement agreement and the Court's order, Petitioner Whitten was to provide attorney Joann Sanoian with a list of all Trust accounts and assets and their values. On 06/26/13, attorney Bill Keeler caused a draft settlement agreement to be circulated to the parties. However, Joann Sanoian has not been provided with the Court-ordered list of trust accounts, assets and values. As such it is requested that that information be provided to Attorney Sanoian to be considered prior to the execution of the settlement agreement.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>CONTINUED FROM 07/26/13</b>  <b>Minute Order from 07/26/13 states:</b>  <b>Ms. Cunningham informs the Court that a settlement was reached, but the agreement has not been executed as they are waiting on the accounting.</b></p> <p><b>As of 09/17/13, nothing further has been filed in this matter.</b></p> <p>1. Need status update.</p>
Rose DOD: 01/27/12		
Cont. from 051713, 062113, 062813, 072613		
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		
	<p><b>Reviewed by:</b> JF</p> <p><b>Reviewed on:</b> 09/17/13</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 7B – Anderson</b></p>	

AGE: 8		NEEDS/PROBLEMS/COMMENTS:
DOB: 09/27/2004		
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		
	Reviewed by: LV	
	Reviewed on: 09/17/2013	
	Updates:	
	Recommendation:	
	File 8 – Lozano	

Probate Status Hearing Re: Failure to File a First Account or Petition for Final Distribution [Prob. C. 12200, et seq.]

DOD: 12-1-02	<b>RICHARD ALLEN CANADA</b> , Son, was appointed Administrator with Full IAEA with <b>bond of \$17,000.00 on 5-4-04.</b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
Cont from 041213, 062113	Bond of \$17,000.00 was filed and Letters issued on 5-7-04.	<u>Minute Order 4-12-13:</u> Counsel informs the Court that Mr. Canada has agreed to work with him with respect to this matter.
Aff.Sub.Wit.	Inventory and Appraisal filed 7-6-04 indicates a total estate value of \$90,000.00 consisting of real property located at 2365 South Lily in Fresno.	<u>Minute Order 6-21-13:</u> No appearances. The Court removes Richard Canada as the administrator and appoints the Public Administrator as the personal representative. Continued to 9-20-13.
Verified	On 2-25-13, Attorney C. Michael Farmer filed a Notice of Change of Address, which prompted review of the status of this case.	<ol style="list-style-type: none"> <li>1. Need first account or petition for final distribution.</li> <li>2. Need proof of service of Notice of Hearing with a copy of the status report on parties that have requested special notice pursuant to Probate Code §1252.</li> </ol>
Inventory	On 3-1-13, the Court set status hearing for 4-12-13 for failure to file a first account or petition for final distribution.	<u>Note:</u> The file indicates that the decedent left a spouse who relocated to Lapu Lapu City, Philippines, after the decedent's death, and two adult children, including the Administrator, who reside in Fresno.
PTC	The matter was continued to 6-21-13. On that date, there were no appearances. The Court removed Mr. Canada and appointed the <b>FRESNO COUNTY PUBLIC ADMINISTRATOR.</b>	<u>Note:</u> There have been numerous creditor's claims filed in this estate totaling \$11,748.70.
Not.Cred.	<b>Status Report filed 9-9-13 states the Public Administrator has attempted to contact the former administrator by contacting his daughter and the attorney; however, has not been able to make contact. The former administrator's former attorney, C. Michael Farmer, reported that the former administrator may have distributed the proceeds from the sale of the house, the only asset, to him and his sister. If so, the surviving spouse did not receive her 1/3 share, and none of the several creditors were paid. The Public Administrator will continue to attempt to find the former administrator, and requests the Court set an Order to Show Cause requiring Mr. Canada to personally appear, and that this matter be set out for at least 60 days to allow time to investigate.</b>	Reviewed by: skc
Notice of Hrg		Reviewed on: 9-17-13
Aff.Mail		Updates:
Aff.Pub.		Recommendation:
Sp.Ntc.		File 9 - Canada
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		



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

<b>DOD: 08/19/1992</b>	<p><b>ALAN CADE JR.</b>, grandson, was appointed Administrator with Limited Authority without bond on 09/05/2012.</p>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
	<p>Letters issued on 09/07/2012</p>	
<b>Cont. from</b>		
<b>Aff.Sub.Wit.</b>	<p><b>Report on Status of Filing Inventory and Appraisal and First Account filed 09/13/2013</b> states an</p>	
<b>Verified</b>	<p>Inventory &amp; Appraisal was filed with this Court on</p>	
<b>Inventory</b>	<p>08/02/2012, reflecting the following assets of the</p>	
<b>PTC</b>	<p>estate 1) cash in the amount of \$318.36; and 2) real</p>	
<b>Not.Cred.</b>	<p>property with a date of death value of \$37,500.00,</p>	
<b>Notice of Hrg</b>	<p>concerning State of California, County of Fresno</p>	
<b>Aff.Mail</b>	<p>APN 320-092-07 (hereinafter "Realty"). A</p>	
<b>Aff.Pub.</b>	<p>reappraisal of the Realty for Sale has been filed</p>	
<b>Sp.Ntc.</b>	<p>concurrently with this report reflecting a current fair</p>	
<b>Pers.Serv.</b>	<p>market value on the Realty at \$13,000.00.</p>	
<b>Conf. Screen</b>	<p>Status of Estate: The Administrator has caused</p>	
<b>Letters</b>	<p>notice of private sale to be published in the Sanger</p>	
<b>Duties/Supp</b>	<p>Herald and the Notice of Sale of Real Property</p>	
<b>Objections</b>	<p>concerning said Realty was filed concurrently with</p>	
<b>Video Receipt</b>	<p>this Report. The Notice was published first on</p>	
<b>CI Report</b>	<p>10/11/2012. A bid has been accepted by the</p>	
<b>9202</b>	<p>Administrator and has been filed concurrently with</p>	
<b>Order</b>	<p>this report. A Report of Sale and Petition for Order</p>	
<b>Aff. Posting</b>	<p>Confirming Sale of Realty has been filed</p>	
<b>Status Rpt</b>	<p>concurrently with this report. A proposed Order</p>	
<b>UCCJEA</b>	<p>Confirming sale of the Realty has also been filed</p>	
<b>Citation</b>	<p>concurrently with this Report. The Administrator is</p>	
<b>FTB Notice</b>	<p>seeking to sell the Realty prior to petitioning for</p>	<p><b>Reviewed by: LV</b></p>
	<p>approval of accountings and for distribution of the</p>	<p><b>Reviewed on: 09/17/2013</b></p>
	<p>Estate. It is anticipated that the filing for distribution</p>	<p><b>Updates:</b></p>
	<p>and accounting immediately after Approval of the</p>	<p><b>Recommendation:</b></p>
	<p>Sale by this Court.</p>	<p><b>File 11 – Cade</b></p>
	<p>It is estimated that a brief continuance will be</p>	
	<p>sufficient to allow for Approval of Sale and filing of</p>	
	<p>the Petition for Final Distribution with accounting</p>	
	<p>and or upon waiver of accounting.</p>	
	<p>Petitioner respectfully requests a 60 day</p>	
	<p>continuance of the instant hearing subject to the</p>	
	<p>hearing on Approval of the Sale by this Court and</p>	
	<p>the hearing regarding Final Petition.</p>	

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

Age:		NEEDS/PROBLEMS/COMMENTS:  <u>OFF CALENDAR ORDER FOR FINAL DISTRIBUTION SIGNED ON 02/20/2013.</u>
DOD:		
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		
		Reviewed by: LV
		Reviewed on: 09/18/2013
		Updates:
		Recommendation:
		File 12 - Giesbrecht

Age:		NEEDS/PROBLEMS/COMMENTS:  <b><u>OFF CALENDAR</u></b> <b>Order on Final Account and Petition for Distribution filed 04/10/13</b>
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		
		Reviewed by: JF
		Reviewed on: 09/17/13
		Updates:
		Recommendation:
		File 13 – Weaver

Status Hearing Re: Filing of the Inventory and Appraisal

<b>DOD: 05/29/10</b>		<p><b>DEBORAH GURRY</b>, spouse, was appointed as Administrator without bond with full IAEA on 01/08/13.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p>
		<p>Letters of Administration were issued on 01/14/13.</p>	<p><b>CONTINUED FROM 05/17/13</b>  <b>As of 09/17/13 nothing further has been filed in this matter.</b></p>
<b>Cont. from 051713</b>			
<b>Aff.Sub.Wit.</b>		<p><b>Minute Order from hearing on 01/08/13</b> set this matter for status regarding filing of the Inventory &amp; Appraisal.</p> <p><b>Status Report filed 05/13/13</b> states: Real property located at 6684 N. El Capitan in Fresno is the only asset of the estate. This property is currently in foreclosure. The Administrator has no other funds to pay the costs of administration or to pay the mortgage on the real property asset of the estate. It is likely that after the foreclosure, there will be no assets left in the estate and the probate proceeding will be dismissed. The Administrator is the sole heir and there are no claims superior to the mortgage on the property. Counsel requests a 120 day continuance to file a Petition to close the Probate if dismissal is deemed appropriate.</p>	<p>1. Need Inventory &amp; Appraisal.</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:</b> JF
			<b>Reviewed on:</b> 09/17/13
			<b>Updates:</b>
			<b>Recommendation:</b>
			<b>File 14 – Gurry</b>

Probate Status Hearing Re: Failure to File Inventory and Appraisal; Failure to File a First Account or Petition for Final Distribution [Prob. C. 12200, et seq.]

<b>DOD: 06/27/01</b>	<p><b>KATHLEEN KAY FRANCIS</b>, niece, was appointed Executor on 10/09/01 and Letters were issued on 10/09/01.</p> <p>Inventory &amp; Appraisal has not been filed and was due in March 2002.</p> <p>Petition for Distribution has not been filed and was due in 2003.</p> <p><b>Notice of Status Hearing</b> was filed 12/11/12. Clerk's certificate of mailing indicates that the Notice was mailed to Kathleen Kay Francis on 12/11/12.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><u>CONTINUED FROM 02/01/13 and 04/19/13</u></p> <p>Minute order from 04/19/13 states: Ms. Francis informs the Court that Mr. Diebert will be reviewing the tax documents. Ms. Francis requests to have the matter continued to sometime in September as she will be out of the country for the summer. The Court directs Ms. Francis to provide Mr. Diebert the necessary material before she leaves the country.</p> <p>As of 09/17/13, nothing further has been filed and the following items remain due:</p> <ol style="list-style-type: none"> <li>1. Need Inventory &amp; Appraisal.</li> <li>2. Need Accounting and Petition for Final Distribution.</li> </ol>
<b>Cont. from 020113, 041913</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>		
	<p><b>Reviewed by:</b> JF</p> <p><b>Reviewed on:</b> 09/17/13</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 15 - Steele</b></p>	

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

<b>DOD: 01/12/01</b>		<p><b>SUSAN HOSE</b>, wife, was appointed Administrator without bond on 07/03/01. Letters of Administration were issued on 07/03/01.</p> <p><b>Notice of Status Hearing</b> filed 07/31/13 set this matter for status on 09/20/13.</p> <p><b>Declaration of Randolph Krbechek Regarding the Status of the Action and Request for Dismissal</b> filed 08/29/13 states: Mr. Krbechek and the decedent worked together and were good friends. After his untimely death, Mr. Krbechek assisted Susan Hose, the decedent's wife, with probate matters. He does not recall why a probate proceeding was started, assumably because an insurance company or similar entity demanded that Letters of Administration were obtained. Susan moved to Florida some time ago and while he had been in contact with her for some time after the decedent's death, he has not had contact with her for the past 3 years and does not have a current address. Mr. Krbechek states that he is certain that any matters requiring attention in connection with the decedent's death have long since been completed and there is no reason to keep this matter open. Mr. Krbechek requests that this probate administration be concluded.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Note:</b> Nothing was filed in this matter after the Letters of Administration were issued, including an Inventory &amp; Appraisal, therefore it is unclear if there ever were assets subject to administration.</p> <p>1. Need Inventory &amp; Appraisal and Account/Report of Administrator on waive of Account and Petition for Final Distribution <u>or</u> Verified Petition to terminate the probate administration (see Probate Code § 12251).</p>
<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>			
		<p><b>Reviewed by:</b> JF</p> <p><b>Reviewed on:</b> 09/17/13</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 16 – Hose</b></p>	

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

<b>DOD: 7-11-01</b>	<p><b>DANIEL J. GUTERREZ</b>, Father, was appointed Administrator with Full IAEA without bond and Letters issued on 12-4-01.</p> <p>Petitioner originally estimated the estate to contain approx. \$500,000.00 personal property (nature not specified), and stated the only relatives/heirs at law are the decedent's parents, Administrator Daniel J. Guterrez and Janice S. Guterrez, both of Coalinga, CA.</p> <p>The following Creditor's Claims have been filed:</p> <ul style="list-style-type: none"> <li>• \$7,767.00 by Claimant Discover Financial Services, Inc.</li> <li>• \$348.38 by Claimant American Express</li> <li>• \$7,159.68 by Claimant Citibank (South Dakota) NA</li> </ul> <p>On 11-19-03, the Administrator filed Petition for Authorization to Dismiss Survivor Action, which stated this probate was opened out of an abundance of caution because counsel for decedent filed a survivor action in Madera Superior Court on behalf of the decedent's estate. It was subsequently determined that the wrongful death claim on behalf of the estate should be dismissed, as the estate suffered no damages pursuant to CCP §377.34 (no final medical bills, lost wages, or other compensable damages). The Administrator requested an order from this Probate Court approving dismissal of the estate's claims.</p> <p>That petition was denied on 1-29-04, and the attorney was directed to provide points and authority.</p> <p>On 7-25-13, the Court set this status hearing for failure to file accounting or petition for final distribution.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>1. Need petition to close estate. Probate Code §§ 12200, 11000, etc.</b></p>
<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>		
<p><b>Reviewed by:</b> skc</p> <p><b>Reviewed on:</b> 9-17-13</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 17 – Guterrez</b></p>		

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

<b>DOD: 9/7/2001</b>	<p><b>JACK SINOR</b> was appointed as Administrator with full IAEA and without bond on 12/18/2001.</p> <p>Letters issued on 12/18/2001.</p> <p>Inventory and Appraisal was filed on 5/13/2002 showing an estate valued at \$142,111.42.</p> <p><b>Creditor's Claims filed:</b></p> <p>Household Retail Services - \$509.77</p> <p>Discover Card - \$5,747.00</p> <p>Sears - \$2,056.92</p> <p>Wells Fargo - \$9,100.19</p> <p>(Note: an Abstract of Judgment was filed whereby Wells Fargo was awarded \$12,131.50 in a Civil case for the rejected creditor's claim).</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. Need 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.</p>
<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>Reviewed by: KT</b>
		<b>Reviewed on: 9/17/2013</b>
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 18 – Sinor</b>

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

<b>DOD: 9/23/2001</b>	<p><b>WAYNE C. BARRETT</b>, brother, was appointed as Administrator with no IAEA authority and without bond on 6/10/2003.</p> <p>Letters issued on 7/10/2003.</p> <p>Inventory and appraisal was due on 10/10/2003.</p> <p><b>Creditor's Claims filed:</b></p> <p>Franchise Tax Board - \$844.02          Mary Frost - \$198,892.00          (rejected)</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>2. Need inventory and appraisal, first account, petition for final distribution or current verified 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 or inventory and appraisal.</p>	
<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>Reviewed by: KT</b>			
<b>Reviewed on: 9/17/2013</b>			
<b>Updates:</b>			
<b>Recommendation:</b>			
<b>File 19 – Barrett</b>			

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

<b>DOD: 4/2/2003</b>	<p><b>JESSE HERNANDEZ</b> was appointed as Administrator with full IAEA authority and with bond set at \$10,000.00 on 7/1/2003.</p> <p>Bond of \$10,000.00 was filed on 7/11/03.</p> <p>Letters issued on 7/11/2003.</p> <p>Inventory and appraisal was due on 11/11/2003.</p> <p><b>Creditor's Claims filed:</b></p> <p>Department of Health Services - \$28,406.81</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>2. 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.</p>		
<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>Reviewed by: KT</b>	
			<b>Reviewed on: 9/17/2013</b>	
			<b>Updates:</b>	
		<b>Recommendation:</b>		
		<b>File 20 – Hernandez</b>		

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

<b>DOD: 3/10/2003</b>	<p><b>LORNA COOPER</b> was appointed Administrator with full IAEA and without bond on 9/16/2003.</p> <p>Letters issued on 9/16/2003.</p> <p>Inventory and appraisal was due 1/16/2004.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>3. Need inventory and appraisal, first account, petition for final distribution or current verified 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 or inventory and appraisal.</p>		
<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>Reviewed by: KT</b>	
			<b>Reviewed on: 9/17/2013</b>	
			<b>Updates:</b>	
		<b>Recommendation:</b>		
		<b>File 21 – Cooper</b>		

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

<b>DOD: 5/1/2004</b>	<p><b>KIMBERLY HOLLABAUGH</b> was appointed as Administrator with full IAEA and without bond on 7/13/2004.</p> <p>Letters issued on 7/13/2004.</p> <p>Inventory and Appraisal filed on 9/29/2004 showing an estate valued at \$218,062.16.</p> <p>Attorney Richard Hemb was originally the attorney of record for Kimberly Hollabaugh. Mr. Hemb filed a Motion to be Relieved as Counsel. The Motion was granted on 7/17/2008.</p> <p>Minute Order dated 8/28/2008 removed Kimberly Hollabaugh as the Administrator and appointed the Public Administrator. The minute order ordered Kimberly Hollabaugh to turn over all documents the Public Administrator.</p> <p>Copy of the 8/28/2008 minute order was mailed Kimberly Hollabaugh but was NOT mailed to the Public Administrator.</p> <p><b>Status Report of the Public Administrator filed on 9/17/2013</b> states at the time the Public Administrator was appointed neither the Public Administrator nor County Counsel was notified of the appointment. Therefore, neither was aware of the appointment until a Notice of Status Hearing was mailed to County Counsel on 7/19/13.</p> <p>Senior Probate Assistant Susan Banuelos was assigned to investigate the matter. She located an address for the former administrator in Pennsylvania. She has attempted to make contact without success.</p> <p>Ms. Banuelos intends to attempt to contact the other two heirs.</p> <p>In order to allow time to complete the investigation and prepare the final report, the Public Administrator respectfully requests that the next status hearing be set no sooner than 90 days from the date of this status hearing.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. Need first account, petition for final distribution</p>	
<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>			
			<p><b>Reviewed by:</b> KT</p> <p><b>Reviewed on:</b> 9/17/2013</p> <p><b>Updates:</b> 9/18/13</p> <p><b>Recommendation:</b></p> <p><b>File 22 – Hollabaugh</b></p>

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

<b>DOD: 9-11-97</b>	<b>RON BARNER</b> , Son, was appointed Special Administrator on 4-26-05 without noticed hearing and without bond.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
	Letters issued 4-26-05 indicate special powers as specified in the Order for Probate; however, the Order signed on 4-26-05 did not include any specific powers. The order also did not specify an expiration date.	
	The original petition indicated that Mr. Barner is the sole intestate beneficiary of this decedent's estate, of which the only asset was a one-third undivided interest in a 56% undivided interest in certain real property in Sanger.	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	That 56% interest in the real property was the subject of a Petition to Determine Succession 04CEPR01180 Estate of Lennie D. Downey.	
<input type="checkbox"/> <b>Verified</b>	Court records indicate that an Order Determining Succession was signed on 5-9-05; therefore, it appears that Mr. Barner may have received the estate's interest (1/3 of 56%).	
<input type="checkbox"/> <b>Inventory</b>	Mr. Barner's original petition stated the act to be performed as special administrator was to convey his interest in this decedent's real property to the owner of the other 44% interest.	
<input type="checkbox"/> <b>PTC</b>	Examiner notes that on 5-10-05, Mr. Barner filed an Affidavit Re Real Property of Small Value in 05CEPR0002.	
<input type="checkbox"/> <b>Not.Cred.</b>	However, because the Special Administration in this case did not contain an expiration date or specify in the order, the Court set this status hearing.	
<input type="checkbox"/> <b>Notice of Hrg</b>		
<input type="checkbox"/> <b>Aff.Mail</b>		
<input 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 type="checkbox"/> <b>Letters</b>		
<input type="checkbox"/> <b>Duties/Supp</b>		
<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 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> skc
		<b>Reviewed on:</b> 9-18-13
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 23 – Hewitt</b>

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

<b>DOD: 9-6-05</b>	<p><b>ELAINE RACKLEY</b>, Daughter, was appointed as Administrator with Will Annexed with Limited IAEA without bond and Letters issued on 8-28-07.</p> <p>Also on 8-28-07, the decedent's will dated 4-2-75 was admitted to Probate.</p> <p>No Inventory and Appraisal was ever filed; however, the original petition estimated that the estate consisted of personal property valued at \$30,000.00 and real property valued at \$210,000.00 for a total estate value of \$240,000.00.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <ol style="list-style-type: none"> <li><b>Need Inventory and Appraisal. Probate Code §8900.</b></li> <li><b>Need petition for final distribution or status report pursuant to Probate Code §12200.</b></li> </ol> <p><u>Note:</u> The Administrator was formerly represented by Attorney Marvin T. Helon; however, pursuant to Substitution of Attorney filed 7-10-13, Ms. Rackley is now self-represented. <i>(It was the filing of the Substitution that brought this overdue estate to the Court's attention. Notice of Status Hearing was mailed to Ms. Rackley on 7-30-13.)</i></p> <p><u>Note:</u> The beneficiaries of the estate are the decedent's three daughters: Elaine Rackley, Marilyn Hamby, and Irene Hamby. However, Irene Hamby is deceased, and Elaine Rackley, was also appointed as Executor of that estate on 8-28-07 in 07CEPR00763 (at the same time as . It appears Elaine Rackley was represented by Attorney Jeff Reich in those proceedings until he subbed out in 2008. The Court will be setting that matter for status hearing for failure to file I&amp;A and petition for final distribution also. Notice to follow.</p>
<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>		
	<p><b>Reviewed by:</b> skc</p> <p><b>Reviewed on:</b> 9-18-13</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 24 – Hamby</b></p>	