



## 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.

Atty Lee, Nini, sole practitioner of Merced (for Petitioner Cha Thae Yang, Guardian of the Estate)

(1) Second and Final Account and Report of Guardian; (2) Petition to Dispense With Notice and Terminate Guardianship, and (3) Petition for Fees to Attorney

<b>Age: 18 years</b>	CHA THAE YANG, father and Guardian of the Estate, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Note:</b> Order Settling First Amended [First] Account Current and Report of Guardian, etc., filed 7/16/2009 dispensed with future accountings until guardianship of the estate is terminated.
<b>Cont. from</b>	<b>Account period: 10/1/2008 – 7/31/2013</b>	
<input type="checkbox"/> Aff.Sub.Wit.	Accounting - <b>\$26,722.71</b>	
<input checked="" type="checkbox"/> Verified	Beginning POH - <b>\$25,709.11</b>	
<input type="checkbox"/> Inventory	Ending POH - <b>\$24,222.71 (all cash)</b>	
<input type="checkbox"/> PTC	Guardian - <b>waives</b>	
<input type="checkbox"/> Not.Cred.	Attorney - <b>\$1,250.00</b> (per Local Rule 7.16(B)(4), flat fee for timely filed subsequent account.)	
<input checked="" type="checkbox"/> Notice of Hrg	Costs - <b>\$435.00 (filing fee)</b>	
<input checked="" type="checkbox"/> Aff.Mail <small>W/O</small>	<b>Petitioner states:</b>	
<input type="checkbox"/> Aff.Pub.	<ul style="list-style-type: none"> <li>The minor, who continues to live with his parents and reached age 18 as of 6/28/2013, was a beneficiary of his uncle's life insurance policy, and the guardianship estate was established to hold the funds in a blocked account; the cash was invested in a 9-month CD, with automatic recurring investments at its expiration;</li> <li>The Guardian did not receive bank statements since this was a CD, but duplicate 1099 statements were obtained showing interest payments and the remaining balance as of 8/7/2013; a transaction journal was also obtained (originals attached as Exhibits B and C);</li> <li>Guardian retained Law Offices of Paul Lo for legal representation, and per Court's order on 7/16/2009, Guardian paid <b>\$2,500.00</b> to Law Offices of Paul Lo;</li> <li>On 6/24/2013, Guardian retained Law Office of Nini Lee for legal representation in this matter;</li> <li><b>Petitioner requests</b> that notice be dispensed with for the minor's maternal grandmother, who resides in Laos and her address is unknown; Declaration of Due Diligence was filed by Law Office of Paul Lo on 10/16/2007 and a diligent effort was made to locate her without success [Note: Notice of Hearing filed 9/16/2013 shows all other relatives named in the Petition have seen sent notice.];</li> <li><b>Petitioner requests</b> the Court terminate this guardianship estate.</li> </ul>	
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input checked="" type="checkbox"/> 2620		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		<b>Reviewed by:</b> LEG <b>Reviewed on:</b> 9/20/13 <b>Updates:</b> <b>Recommendation:</b> <b>File 1 - Yang</b>

Atty Dowling, Michael; Burnside, Leigh; Matlak, Steven; of Dowling Aaron (for Petitioner Barbara L. Pearson, Successor Trustee)

Atty Werner, David D., Field, Stefanie; of Gresham Savage Nolan & Tilden, Riverside (for Objector Tracy Spreier, Beneficiary)

## Status Conference

Frank DOD: 8/15/2006	<p><b>BARBARA L. PEARSON</b>, Trustor's daughter, Trust Beneficiary and Successor Trustee of the <b>FRANK H. LABREE IRREVOCABLE TRUST</b>, filed on 10/5/2012 a <i>Petition for Settlement of First Account and Report of Trustee of the Frank H. LaBree Irrevocable Trust</i>, which was set for hearing on 11/29/2012.</p> <p><b>TRACY SPREIER</b>, Trustor's daughter and Trust Beneficiary, filed on 11/16/2012 an <i>Objection to the Petition for Settlement of First Account and Report of Trustee</i>, alleging self-dealing and breach of fiduciary duties by the Trustee.</p> <p><b>Joint Status Report filed by Attorneys for Objector on 8/23/2013 states:</b></p> <ul style="list-style-type: none"> <li>This joint status report is submitted by and through the respective attorneys for Petitioner Barbara Pearson and Objector Tracy Spreier;</li> <li>In response to Ms. Spreier's <i>Objection</i>, Ms. Pearson provided on an informal basis some information to resolve 2 of the 3 issues raised by the <i>Objection</i>;</li> <li>The third issue, apparent self-dealing by the Trustee by modifying the interest rate of two different promissory notes owed to the Trust, remained unresolved until recently;</li> <li>Written discovery in the form of a request for production of documents, requests for admissions, special interrogatories, and form interrogatories, were propounded by Objector to [Ms. Pearson] on 3/6/2013, and timely responses were received;</li> <li>After recent discussions between the parties' attorneys, it appears that the dispute as to the remaining issue can be resolved as a part of the resolution of the other related case before this Court, the LaBree Family Trust, Case 12CEPR00628;</li> <li>While an <i>Objection</i> is also currently pending with regard to the Accounting in the related case, it is expected to be resolved in conjunction with the resolution of this matter.</li> </ul>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Page 6B</b> is the <i>Petition for Settlement of First Account and Report of Trustee of the LaBree Family Trust</i>.</p> <p><b>Pages 8A and 8B</b> are the related matters in the <i>LaBree Family Trust</i> (12CEPR00628).</p> <p><b>Continued from 8/30/2013.</b> Minute Order states Mr. Werner is appearing via Courtcall. Ms. Burnside advises the Court that they may have an agreement, but it hasn't been reduced to writing. Counsel is directed to file a joint status report before the next hearing [9/26/2013.]</p> <p>1. Need joint status report for 9/26/2013 hearing.</p>
Roberta DOD: 3/25/2012		
Cont. from 011813, 032213, 051013, 062813, 083013		
Aff.Sub.Wit.		
✓ Verified		
Inventory		
PTC		
✓ Status Rep		
Notc of Hrg		
✓ Aff.Mail W /		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/S		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
	<p><b>Reviewed by:</b> LEG</p> <p><b>Reviewed on:</b> 9/20/13</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 6A - LaBree</b></p>	

Atty Dowling, Michael; Burnside, Leigh; Matlak, Steven; of Dowling Aaron (for Petitioner Barbara L. Pearson, Successor Trustee)

Atty Werner, David D., Field, Stefanie; of Gresham Savage Nolan & Tilden, Riverside (for Objector Tracy Spreier, Beneficiary)

Petition for Settlement of First Account and Report of Trustee of the Frank H. LaBree Irrevocable Trust Dated March 26, 1992 [Cal. Prob. C. 1064(a), 17200, 17200(b)(5), CRC., Rule 7.902]

Frank DOD: 8/15/2006	<p><b>BARBARA L. PEARSON</b>, Trustor's daughter, Trust Beneficiary and Successor Trustee of the <b>FRANK H. LABREE IRREVOCABLE TRUST</b>, is Petitioner.</p> <p>Account period: 10/10/2008 – 12/31/2011</p> <p>Accounting - <b>\$456,694.10</b>                  Beginning POH - <b>\$421,894.79</b>                  Ending POH - <b>\$423,435.60</b>                  (\$334,115.35 is cash)</p> <p>Trustee (Initial) - <b>\$3,510.00</b>  <i>(services prior to 10/10/2008 for initial Trustee, paid to Law Offices of Earl O. Bender)</i></p> <p>Trustee (Current) - <b>\$600.00 (paid)</b></p> <p>Trustee Costs - <b>\$1,379.84 (paid)</b>  <i>(reimbursement of 2010 travel expense)</i></p> <p>Attorney - <i>Not requested</i></p> <p>Accountant - <b>\$615.00 (paid)</b>  <i>(to Erickson &amp; Assoc., CPAs, as itemized in Disbursements schedule; Petitioner is employed by Erickson &amp; Assoc.)</i></p> <p><b>Petitioner states:</b></p> <ul style="list-style-type: none"> <li>• <b>FRANK H. LABREE, Jr.</b>, created the <b>FRANK H. LABREE IRREVOCABLE TRUST</b> on 3/26/1992, which was funded initially by a life insurance policy on Frank <i>(copy of Trust Agreement attached as Exhibit A)</i>;</li> <li>• The initial Trustee was <b>EARL O. BENDER</b>, who resigned on 10/9/2008, and Petitioner succeeded as trustee; Petitioner is a resident of Auberry, California;</li> <li>• ....</li> </ul>	<p><b>NEEDS/PROBLEMS/ COMMENTS:</b></p> <p><b>Continued from 8/30/2013.</b> Minute Order states Mr. Werner is appearing via Courtcall.</p> <p><b>Note:</b> Additional notes pages originally prepared for this Petition have been omitted.</p>
Roberta DOD: 3/25/2012		
Cont. from 112912, 011813, 032213, 051013, 062813, 083013		
Aff.Sub.Wit.		
✓ Verified		
Inventory		
PTC		
Not.Cred.		
✓ Notice of Hrg		
✓ Aff.Mail <sup>W</sup> / <sub>I</sub>		
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		
		<p><b>Reviewed by:</b> LEG</p> <p><b>Reviewed on:</b> 9/20/13</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 6B – Labree</b></p>

Atty Dowling, Michael; Burnside, Leigh; Matlak, Steven; of Dowling Aaron (for Petitioner Barbara L. Pearson, Successor Trustee)

Atty Werner, David D., Field, Stefanie; of Gresham Savage Nolan & Tilden, Riverside (for Objector Tracy Spreier, Beneficiary)

## Status Conference

Frank DOD: 8/15/2006	BARBARA L. PEARSON, Trustors' daughter, Trust Beneficiary and Successor Trustee of the <b>LABREE FAMILY TRUST</b> dated 4/13/1981, filed on 10/5/2012 a <b>Petition for Settlement of First Account and Report of Trustee of the LaBree Family Trust</b> , which was set for hearing on 11/29/2012.	NEEDS/PROBLEMS/COMMENTS:  <b>Page 8B</b> is the <i>Petition for Settlement of First Account and Report of Trustee of the LaBree Family Trust</i> .  <b>Pages 6A and 6B</b> are the related matters in the <i>Frank H. LaBree Irrevocable Trust</i> (12CEPR00893.)  <b>Continued from 8/30/2013.</b> <i>Minute Order</i> states Mr. Werner is appearing via Courtcall. Ms. Burnside advises the Court that they may have an agreement, but it hasn't been reduced to writing. Counsel is directed to file a joint status report before the next hearing [9/26/2013.]  1. Need joint status report for 9/26/2013 hearing.
Roberta DOD: 3/25/2012		
Cont. from 011813, 032213, 051013, 062813, 083013	TRACY SPREIER, Trustors' daughter and Trust Beneficiary, filed on 11/16/2012 <b>Objections to the Petition for Settlement of First Account and Report of Trustee of the LaBree Family Trust</b> , alleging self-dealing and breach of fiduciary duties by the Trustee.	
Aff.Sub.Wit.	<p><b>Joint Status Report filed by Attorneys for Objector on 8/23/2013 states:</b></p> <ul style="list-style-type: none"> <li>This joint status report is submitted by and through the respective attorneys for Petitioner Barbara Pearson and Objector Tracy Spreier;</li> <li>In response to Ms. Spreier's <i>Objection</i>, Ms. Pearson provided on an informal basis some information to resolve some of the issues raised by the <i>Objection</i>; several issues remain to be resolved, as follows: (a) whether a certain ring that was owned by the Decedent Roberta LaBree that Ms. Spreier received from Ms. LaBree prior to Ms. LaBree's death, is appropriately included in the accounting, regardless of what its actual value may be; (b) whether Ms. Pearson's payment, from Trust funds, can be included in the accounting (the appraisal was of certain real property that had been gifted by Roberta LaBree to her three daughters in 2010;) (c) Ms. Pearson's failure to state the appraised date of death value for certain real property owned by the Trust; and (d) certain expenses paid from the Trust's funds;</li> </ul> <p style="text-align: center;">~Please see additional page~</p>	
Verified		
Inventory		
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Status Rep		
Notice of Hrg		
Aff.Mail		W /
Aff.Pub.		
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Letters		
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Objections		
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Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: LEG
		Reviewed on: 9/20/13
		Updates:
		Recommendation:
		File 8A - LaBree

**Joint Status Report filed 8/23/2013, continued:**

- Written discovery in the form of a request for production of documents, requests for admissions, special interrogatories, and form interrogatories, were propounded by Objector to the Petitioner on 3/6/2013, and timely responses were received thereto;
- On 7/26/2013, the deposition of a former caregiver of Decedent, **DONNA PAYNE**, was taken in Bullhead City, Arizona, with regard to her knowledge of various facts, including those relating to the ring;
- Objector will need to conduct ~4 more depositions if the litigation regarding the inclusion of the ring in the Decedent's Trust is to continue;
- No further discovery is needed with regard to the other issues that were in dispute;
- It does not appear at this time, however, that there will be a need to proceed with any further discovery with regard to any aspect of the disputes relating to the accounting, as it appears at the time of the submission of this joint status report that the parties have been able to reach an agreement in principle for the final resolution of the matters at issue;
- It is expected that the parties will be able to provide further details as to the status of the settlement at the time of the hearing;
- While an Objection is also currently pending with regard to the Accounting in the other related case before the Court, The Frank H. LaBree Irrevocable Trust, Case 12CEPR00893, it is also expected to be resolved by the parties in conjunction with the resolution of this matter.

Atty Dowling, Michael; Burnside, Leigh; Matlak, Steven; of Dowling Aaron (for Petitioner Barbara L. Pearson, Successor Trustee)  
 Atty Werner, David D., Field, Stefanie; of Gresham Savage Nolan & Tilden, Riverside (for Objector Tracy Spreier, Beneficiary)

Petition for Settlement of First Account and Report of Trustee of the LaBree Family Trust; and Approval of Trustee Fees [Cal. Prob. C. 1064(a), 17200, 17200(b)(5), CRC., Rule 7.902]

Frank DOD: 8/15/2006	<b>BARBARA L. PEARSON</b> , Trustors' daughter, Trust Beneficiary and Successor Trustee of the <b>LABREE FAMILY TRUST</b> , is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
Roberta DOD: 3/25/2012		
Cont. from 112912, 011813, 032213, 051013, 062813, 083013	Account period: 3/25/2011 – 2/29/2012	<p><b>Continued from 8/30/2013.</b>  <i>Minute Order</i> states Mr. Werner is appearing via Courtcall.</p> <p><b>Note:</b> Additional notes pages originally prepared for this Petition have been omitted.</p>
Aff.Sub.Wit.	Accounting - <b>\$1,735,662.68</b>	
✓ Verified	Beginning POH - <b>\$1,627,499.40</b>	
Inventory	Ending POH - <b>\$1,563,236.09</b>	
PTC	(\$1,899,065.77 is cash; cash balance exceeds ending property on hand balance due to negative \$518,182.00 amount held in constructive trust by Trustee for the benefit of the Frank H. LaBree Exemption Trust.)	
Not.Cred.	Trustee - <b>\$25,066.50</b>	
✓ Notice of Hrg	(per Declaration filed 11/14/2012 containing itemization for 294.90 hours @ \$85.00/hour. NOTE: Trustee has previously been paid compensation of <b>\$14,302.50</b> (not itemized) from the Trust for this account period without court order per Trust terms entitling Trustee to reasonable compensation for services rendered as Trustee; )	
✓ Aff.Mail	Attorney - <b>\$53,312.30</b> (paid)	
Aff.Pub.	(to Dowling Aaron & Keeler/Dowling Aaron, as listed in Disbursements schedule; not itemized other than for legal fees)	
Sp.Ntc.	Accountant - <b>\$1,405.00</b> (paid)	
Pers.Serv.	(to Erickson & Assoc., CPAs, as itemized in Disbursements schedule; Petitioner is employed by Erickson & Assoc.)	
Conf. Screen	<b>Petitioner states:</b>	
Letters	<ul style="list-style-type: none"> <li>• <b>ROBERTA LABREE</b> and <b>FRANK H. LABREE, Jr.</b>, created the <b>LABREE FAMILY TRUST</b> on 4/13/1981, as amended on 5/2/1984, and as amended in full on 12/20/1991, and were the original co-trustees until Frank's death on 8/15/2006, when Roberta became the sole Trustee, and the Trust served as the Survivor's Trust for Roberta;</li> <li>• ....</li> </ul>	
Duties/Supp		
✓ Objections		
Video Receipt		
CI Report		
9202		
Order	X	
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: LEG
		Reviewed on: 9/20/13
		Updates:
		Recommendation:
		File 8B - LaBree