



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: Failure to File a Petition for Final Distribution

DOD: 1-18-06	<p>BETTY MARIE GLOVER, daughter, was appointed as Executor with Full IAEA with bond of \$276,000.00 on 8-28-07. Bond was filed and Letters issued on 11-1-07.</p> <p>The appointment was appealed; however, pursuant to the Opinion entered 5-22-08 by the Fifth Appellate District, the order of the probate court was affirmed and costs were awarded to the Executor. Remittur was filed 7-23-08.</p> <p>On 2-14-14, the Court set this status hearing for failure to file a petition for final distribution.</p> <p>Status Report filed 8-13-14 by Attorney Amador states probate was delayed by objections of the beneficiaries to the Executor's appointment and subsequent appeal of this Court's order. She thereafter had problems obtaining access to the decedent's real and personal property, as this same beneficiary blocked access to the real property. Thereafter, the Executor suffered health problems which prevented her from completing the I&A until recently. She has now engaged new counsel to assist with the ongoing work of the probate. The I&A will be submitted once the Probate Referee completes his work.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: Attorney Fanucchi filed a "Notice of Lien for Attorney's Fees" alleging fees totaling \$1,630.00; however, there does not appear to be any Court order authorizing this sum to this attorney.</p> <p>Note: According to the decedent's will dated 2-20-03 which was admitted to probate on 8-28-07, the heirs to this estate are the decedent's three children: Administrator Betty Glover, Donald Hunt, and Barbara Hunt.</p> <ol style="list-style-type: none"> 1. Need First Account and Petition for Final Distribution verified written status report regarding the status of administration and the estate assets and the estimated time to close the estate. 2. The original petition estimated the value of the estate at \$276,000.00 which included real and personal property and the Executor filed a bond in that amount of 11-1-07. The Inventory and Appraisal filed 9-8-14 indicates real property only valued at \$350,000.00. The Court may require increased bond pursuant to Cal. Rules of Court 7.204.
Cont. from 062014, 081714		
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>Reviewed by: skc</p> <p>Reviewed on: 9-23-14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 1 – Hunt</p>	

3 Virginia Esparza (Estate)

Case No. 13CEPR00398

Atty Wishon, A. Emory (for Executor Diane Esparza)

Amended First and Final Account and Report of the Status of Administration and Petition for Settlement Thereof; For Allowance of Statutory Attorneys' Compensation and for Final Distribution (Probate Code 1060, et seq., 9611, 11640, 10800, 10810, 10900 and 12201)

DOD: 3-2-13		<p>DIANE ESPARZA, Executor with Limited IAEA without bond, is Petitioner.</p> <p>Account period: 3-2-13 through 6-30-14 Accounting: \$175,094.62 Beginning POH: \$164,061.64 Ending POH: \$175,105.87 (\$54,505.87 cash plus real property, personal property, and rent due from Executor Diane Esparza of \$10,400.00)</p> <p>Executor (Statutory): \$6,252.84 Attorney(Statutory): \$6,252.84</p> <p>Petitioner states she advanced estate expenses totaling \$13,868.21 during this account period. Petitioner also resided in the home; therefore, she owes rent of \$650/month from 3-2-13 through 6-30-14 totaling \$10,400.00. Therefore, the balance due Petitioner for unreimbursed expenses is \$3,468.21.</p> <p>Distribution pursuant to Decedent's will:</p> <p>Diane Esparza and Ray A. Esparza, as trustees of the Ray P. and Virgie Esparza Trust dated 11-1-96: \$159,059.08</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> Petitioner does not state whether notice of administration was given to the California Franchise Tax Board pursuant to Probate Code §9202(c). Need clarification as to how the Costco membership purchased 7-19-13 for \$55.00 is an estate expense. There do not appear to be any estate purchases from Costco. The Court may deduct this amount from Petitioner's request for reimbursement. Petitioner includes the \$10,400.00 that she owes the estate for rent as a "receipt" in calculating statutory compensation for herself and her attorney. However, this amount was not received by the estate during this account period. The Court may require authority to include this amount as a "receipt." If not approved, Examiner calculates statutory compensation at \$5,940.84. (Note: This affects the distribution amount as well.) Need order. 	
	Aff.Sub.Wit.			
✓	Verified			
✓	Inventory			
✓	PTC			
✓	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail			W
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
✓	Letters	11-15-13		
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202	X		
	Order	X		
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
✓	FTB Notice			
		<p>Reviewed by: skc</p> <p>Reviewed on: 9-24-14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 3 - Esparza</p>		

Page 2 – NEEDS/PROBLEMS/COMMENTS:

1. Petitioners request a total of \$11,036.40 in reimbursement for expenses paid during the conservatee's lifetime dating back to January 2011. The petition did not provide authority or explanation for this request, so Examiner was tasked with reviewing the Conservatorship Case 08CEPR01182. It appears that the Court's order entered 10-15-13 on the Third and Final Account in Conservatorship Case 08CEPR01182 states: "Upon the presentation and approval by the Court of an accounting, Petitioners and Mary Dauer shall be reimbursed for payments made from their personal funds for the care of the conservator upon the sale of the residence." (This is noted because it would have been helpful if this petition had referred to the Court's authorization of this request.)

The Conservatorship file indicates that Petitioners and their mother, Mary Dauer, deposited \$100/month into an account "held by them" to pay for the conservatee's expenses not covered by the Conservatee's income beginning in January 2011. The narrative described that items paid from this account included Kaiser health insurance, State Farm Homeowner's Insurance, PG&E for the conservatee's residence, Biola Community Service District (water service), and the Probate Bond. However, it appears that this account "held by them" was not considered to be a part of the conservatorship estate, and was not included in the accounts.

Petitioners, in Exhibit "D" to this petition, do not provide an accounting of these funds for reimbursement. Rather, Exhibit "D" only indicates deposits into the account "held by them." It does not provide a schedule of disbursements from that account.

The Court's order authorized reimbursement upon account. Therefore, need accounting for the \$11,036.40 requested.

2. Petitioners also request \$19,795.00 in extraordinary services to the estate as described in Exhibit "C," which includes services rendered during the decedent's lifetime such as caring for the decedent during the conservatorship, paying bills, and later services including cleaning, organizing and maintaining the decedent's residence. Petitioners indicate 1,325 total hours and state that their cleaning and maintenance of the residence (described as sorting "hoarded" possessions) resulted in a \$10,000 gain on the sale as a benefit to the estate.

However, Examiner notes that the Orders entered in the conservatorship matter do not indicate that any request for compensation for services rendered during the conservatee's lifetime was requested or to be expected. They only mention that a request for reimbursement as noted above would be forthcoming.

As such, the Court may require authority for the request for payment for services rendered prior to the conservatee's death as extraordinary expenses of the estate. (It is noted that Petitioner Marjorie Dauer-Piper, who was the sole conservator of the estate, has already been discharged.)

The Court may also require authority for including various tasks relating to final bills and funeral arrangements as extraordinary expenses, since these are typical estate expenses included in the statutory compensation considered by the Probate Code.

The Court may also require clarification regarding the benefit to the estate for the services rendered pursuant to Cal. Rules of Court 7.702. Petitioners request almost double the amount of gain on the sale of the house, so this does not appear to be a benefit to the estate or to the creditor, DHS, which is owed over \$190,000.00 according to the Creditor's Claim.

Lastly, it appears some of the entries/hours may be duplicated, such as entries on 3-9-13 for each petitioner showing six hours each spent on funeral arrangements.

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

DOD: 06/03/2014		<p>IRENE BARAJAS, daughter is petitioner and requests appointment as Administrator without bond.</p> <p>Limited IAEA – o.k.</p> <p>Decedent died intestate</p> <p>Residence: Mendota Publication: The Firebaugh-Mendota Times</p> <p>Estimated value of the Estate:</p> <table> <tr> <td>Personal property -</td> <td>\$100.00</td> </tr> <tr> <td>Real property -</td> <td>\$100,000.00</td> </tr> <tr> <td>Total</td> <td>\$100,100.00</td> </tr> </table> <p>Probate Referee: Steven Diebert</p>	Personal property -	\$100.00	Real property -	\$100,000.00	Total	\$100,100.00	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Competing Petition filed by Yesenia Torres Fajardo on 09/15/2014 is set to be heard on 10/23/2014.</u></p> <p>1. #5a(3) or #5a(4) was not answered regarding a registered domestic partner.</p> <p>Note: If the petition is granted status hearings will be set as follows:</p> <ul style="list-style-type: none"> • Tuesday, 02/03/2015 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal and • Tuesday, 12/01/2015 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution. <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.</p>
Personal property -	\$100.00								
Real property -	\$100,000.00								
Total	\$100,100.00								
Cont. from									
<input type="checkbox"/>	Aff.Sub.Wit.								
<input checked="" type="checkbox"/>	Verified								
<input type="checkbox"/>	Inventory								
<input type="checkbox"/>	PTC								
<input type="checkbox"/>	Not.Cred.								
<input checked="" type="checkbox"/>	Notice of Hrg								
<input checked="" type="checkbox"/>	Aff.Mail								
<input checked="" type="checkbox"/>	Aff.Pub. w/								
<input type="checkbox"/>	Sp.Ntc.								
<input type="checkbox"/>	Pers.Serv.								
<input type="checkbox"/>	Conf. Screen								
<input checked="" type="checkbox"/>	Letters								
<input checked="" type="checkbox"/>	Duties/Supp								
<input type="checkbox"/>	Objections								
<input type="checkbox"/>	Video Receipt								
<input type="checkbox"/>	CI Report								
<input type="checkbox"/>	9202								
<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								
Reviewed by: LV									
Reviewed on: 09/24/2014									
Updates:									
Recommendation:									
File 5 - Gutierrez									

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

DOD: 06/13/2014	DENNIS A. TURMON , son/named executor without bond is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Proposed personal representative is a resident of Oregon. Probate Code 8571 states notwithstanding a waiver of bond, the court in its discretion may require a nonresident personal representative to give a bond in an amount determined by the court.</p> <p>Note: If the petition is granted status hearings will be set as follows:</p> <ul style="list-style-type: none"> • Tuesday, 02/03/2015 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal <u>and</u> • Tuesday, 12/01/2015 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution. <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.</p>	
	Petitioner is a resident of Butte, Oregon.		
Cont. from	Full IAEA – o.k.		
<input type="checkbox"/> Aff.Sub.Wit. s/p	Will dated: 12/20/2007		
<input checked="" type="checkbox"/> Verified	Residence: Selma		
<input type="checkbox"/> Inventory	Publication: Selma Enterprise		
<input type="checkbox"/> PTC			
<input type="checkbox"/> Not.Cred.			
<input checked="" type="checkbox"/> Notice of Hrg	Estimated value of the Estate:		
<input checked="" type="checkbox"/> Aff.Mail w/	Personal property - \$322,000.00		
<input checked="" type="checkbox"/> Aff.Pub.	Real property - \$600,000.00		
<input type="checkbox"/> Sp.Ntc.	Total - \$922,000.00		
<input type="checkbox"/> Pers.Serv.	Probate Referee: Steven Diebert		
<input type="checkbox"/> Conf. Screen			
<input checked="" type="checkbox"/> Letters			
<input checked="" type="checkbox"/> Duties/Supp			
<input type="checkbox"/> Objections			
<input type="checkbox"/> Video Receipt			
<input type="checkbox"/> CI Report			
<input type="checkbox"/> 9202			
<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			
			Reviewed by: LV
			Reviewed on: 09/24/2014
		Updates:	
		Recommendation:	
		File 6 - Turmon	

		NO TEMP REQUESTED	NEEDS/PROBLEMS/COMMENTS:
		ASMAHAN SALAYMEH , Spouse, is Petitioner and requests appointment as Conservator of the Person.	Court Investigator advised rights on 8-1-14. Voting rights affected – need minute order.
Cont. from 081214		Note: The box for conservatorship of the estate is also checked in the title of the petition; however, Section 1.b. which is the request for conservatorship of the estate is blank.	1. Need Notice of Hearing.
<input type="checkbox"/>	Aff.Sub.Wit.		2. Need proof of service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing per Probate Code §1822 on: - Bayan Salaymeh - Rawan Salaymeh - Ibrahim Salaymeh - Mohammad Salaymeh
<input checked="" type="checkbox"/>	Verified		3. Need Citation.
<input type="checkbox"/>	Inventory		4. Need proof of personal service of Citation with a copy of the petition at least 15 days prior to the hearing per Probate Code §1824 on the proposed Conservatee Fawzi Salaymeh.
<input type="checkbox"/>	PTC		5. Need video receipt per Local Rule 7.15.8.
<input type="checkbox"/>	Not.Cred.		6. Petitioner did not check box 1g of the petition, but did file a capacity declaration. Therefore, need clarification: Is Petitioner requesting medical consent powers under Probate Code §2355?
<input type="checkbox"/>	Notice of Hrg	X	7. The petition does not request conservatorship of the estate; however, it appears Petitioner intended to request estate powers also. The Court may require additional information regarding the estate. If estate powers are granted, additional requirements will need to be met and the Court will set status hearings to make sure that the steps are completed.
<input type="checkbox"/>	Aff.Mail	X	8. Need order and Letters.
<input type="checkbox"/>	Aff.Pub.		Note: It appears that Petitioner may have received assistance from a document service to prepare her petitions; however, based on the numerous and continuing deficiencies in the filings, Petitioner may wish to request refund if money was paid, and seek assistance from an attorney.
<input type="checkbox"/>	Sp.Ntc.		Reviewed by: skc
<input type="checkbox"/>	Pers.Serv.	X	Reviewed on: 9-23-14
<input checked="" type="checkbox"/>	Conf. Screen		Updates:
<input checked="" type="checkbox"/>	Letters		Recommendation:
<input checked="" type="checkbox"/>	Duties/Supp		File 13 – Salaymeh
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt	X	
<input checked="" type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation	X	
<input type="checkbox"/>	FTB Notice		