



## 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.

**Status RE: Proof of Funds in Blocked Account**

<b>DOD: 11/27/05</b>	<b>ANITA CHOPERENA</b> is Administrator with bond of \$700,000.00.	<p><b>NEEDS/PROBLEMS/ COMMENTS:</b></p> <p><b>Minute Order 9/6/16:</b> Counsel is requesting to withdraw from this matter; Ms. Choperena has a meeting with Greg Roberts on 9/12/16, who has agreed to substitute into the matter. Mr. Keene represents that Ms. Choperena has possession of all distributions except for the one deposited with Wells Fargo.</p> <p><b>Note:</b> Substitution of Attorney filed 9/21/16 reflects that Ms. Choperena is now represented by Attorney Gregory J. Roberts.</p> <p><b>1. Need receipts for blocked accounts re distribution to minor heir Peter Choperena.</b></p>
	Administrator's First Amended Second and Final Account and Report was settled on 8/2/16 and the Court ordered that the \$280,538.13 distribution to minor heir Peter Choperena be placed into two separate insured blocked accounts (due to FDIC insurance limits).	
<b>Cont. from 083016, 090616</b>	Two Orders to Deposit Money Into Blocked Account were signed along with the final order, one for \$140,000.00 to be deposited with Chase Bank and the other for \$140,538.13 to be deposited with Wells Fargo Bank.	
<b>Aff.Sub.Wit.</b>	On 8/19/16, a "Receipt on Distribution" was filed indicating receipt by the minor heir and his mother of the \$280,564.71. However, Examiner Notes noted that the Court ordered the funds placed into a blocked account for the minor, <u>not</u> distributed to the minor or parent. Therefore, a Receipt and Acknowledgment of Order for the Deposit of Money Into Blocked Account (Mandatory Judicial Council Form MC-356) reflecting deposits as ordered was still needed.	
<b>Verified</b>	On 9/2/16, one receipt was filed (Wells Fargo Bank only); however, the receipt indicates that the title on the account is "Estate of Manuel Choperena" rather than the minor. Examiner notes noted that this is incorrect, as the account should be titled solely in the minor's name. The other receipt (Chase Bank) has not been filed.	
<b>Inventory</b>	Status report filed 9/2/16 detailed the difficulties he has had in opening the accounts and in obtaining the minor's social security number to do so from the mother of the minor. See report for details.	
<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> 9/26/16</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 1 - Choperena</b></p>

Status RE: Filing of the First or Final Account

<b>DOD: 2/27/14</b>	<p><b>IRENE IRLAS and RUBEN IRLAS</b> were appointed Co-Administrators with limited IAEA without bond on 7/14/15. Letters issued 7/14/15.</p> <p>At the hearing on 7/14/15, the Court set this status hearing for the filing of the first or final account.</p> <p><u>Note:</u> I&amp;A filed 12/15/15 indicates real property in Selma, CA, valued at \$115,000 plus misc. furniture and furnishings valued at \$2,000 for a total estate value of \$117,000.00.</p> <p><b>Status Declaration filed 9/6/16</b> states because of the number of heirs and because of the Medi-Cal liens that will need to be paid, the real property asset will need to be sold. While progress has been made cleaning and securing the property, and a real estate broker has been contacted, more time is needed to put the property in a condition to sell and to complete a sale of the real property. Accordingly, it is requested that the status hearing be continued to 10/4/16, since there is another hearing set for that date.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Note:</b> Page B is Co-Administrator Ruben Irlas' Petition to Compel Co-Administrator Irene Irlas to Sell Estate Real Property and to Vacate the Estate Property.</p> <p><b>Minute Order 9/7/16:</b> Mr. Neilson represents that the real property is not in a condition to be sold yet, but it must be sold due to the Medi-Cal liens. Matter continued to meet up with the Petition to Compel.</p> <p>1. Need first account or petition for final distribution pursuant to Probate Code §12200 or current written status report pursuant to Local Rule 7.5.</p>
<b>Cont. from 090716</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>		
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<b>FTB Notice</b>		
		<b>Reviewed by:</b> skc
		<b>Reviewed on:</b> 9/26/16
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 6A- Irlas</b>



## Page 2

Counsel has tried in writing or telephonically to encourage Mr. Neilson to exercise control over his client to abide by agreements and orders of court, but efforts have been in vain, leaving the co-administrator no choice but to file this petition. The bottom line is that there is no cooperation from Irene Irlas in any aspect of administering the estate for the good of the heirs.

Petitioner states the house was appraised per the I&A at \$115,000, and reappraised at \$121,000 (when it was vacant and had been cleaned up). There is no liquidity in the estate. Ms. Irlas disposed of personal property so there is nothing that can be sold, so the only asset is the real property. The sale of the real property is necessary to obtain sufficient assets to pay debts, including the \$20,910.12 Medi-Cal claim.

Despite the above factors, Ms. Irlas has refused to list the property for sale or cooperate in readying the property for sale, and has taken actions to defeat any attempt to list and sell the property.

Since Ms. Irlas and/or her daughter and other unknown persons have moved back into the home, the property again needs to be cleared of trash and junk (see photos at Exhibit 4).

**Petitioner prays for an order requiring Co-Administrator Irene Irlas and whomever she has permitted to live in the house to vacate the house, remove all belongings of whomever is living there, and join her co-administrator to list and sell the property on such terms and conditions and under such procedures as are required by law or as directed by this Court, and for such other orders as the Court deems proper.**