



## ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

Probate Status Hearing RE: Receipt of Transfer

<b>Age:</b>	On 7/2/15, this Court ordered proceedings transferred to the Superior Court of California, County of Santa Barbara.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. Need receipt from Santa Barbara County Superior Court showing file received, case created.
<b>DOD:</b>		
<b>Cont. from 090915</b>	Notice of Transfer of Papers and Pleadings indicates mailing on 7/23/15.	
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>	Certified mail return receipt filed 7/30/15 indicates receipt by Santa Barbara Superior Court on 7/27/15; however, no receipt has been received from the Probate Department indicating that the file has been received and a new case created there.	
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
		<b>Reviewed by:</b> skc
		<b>Reviewed on:</b> 9/30/15
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 1 – Chapman</b>

Petitioner Charlotte Bien, Court Investigator  
 Conservator Robin Greatrake, mother

**Petition for Transfer of Venue to San Joaquin County**

		<p><b>ROBIN GREATRAKE</b>, mother, was appointed Conservator of the Person on 8/7/2007.</p> <p><b>Court Investigator Charlotte Bien filed a Petition for Transfer on 8/27/2015</b> requesting this proceeding be transferred to the Superior Court of California, County of San Joaquin, because the Conservatee has resided in Stockton in San Joaquin County for over 1 year, and it is presumed pursuant to Probate Code § 2215 that transfer of the conservatorship case to the county of residence is in the best interest of the Conservatee.</p> <p><b>Petitioner recommends</b> that fees and costs related to this transfer be waived.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>Pursuant to Probate Code § 2217(a), when an order has been made transferring venue to another county, the court transferring the matter shall set a hearing within two months to confirm receipt of the notification described in 2217(b). [[If the notification has not been made, the transferring court shall make reasonable inquiry into the status of the matter.]</li> <li>If the Petition is granted, Court will set a Status Hearing on <b>Monday December 7, 2015, at 9:00 a.m. in Dept. 303</b> for confirmation of receipt of transfer.</li> </ul>
<b>Cont. from</b>			
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<input type="checkbox"/>	<b>FTB Notice</b>		
		<p><b>Reviewed by:</b> LEG</p> <p><b>Reviewed on:</b> 10/1/15</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 3 – Timmerman</b></p>	

Attorney Shepard, Jeff S. (for Conservator Brian Jensen)

Probate Status Hearing Re: Receipt of Transfer

		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><b>OFF CALENDAR</b></p> <p><i>Notice of Receipt of Papers and Pleadings received from Los Angeles County was filed on 6/11/2015.</i></p>
Cont. from		
Aff.Sub.Wit.		
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Objections		
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CI Report		
9202		
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Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: LEG
		Reviewed on: 10/1/15
		Updates:
		Recommendation:
		File 5 – Jensen

Attorney: Linda K. Durost (for Petitioner/Administrator Toni Richardson)

Attorney: Gary Winter (for Objector, Bill Richardson)

**Amended First and Final Report and Account of Administrator; for Allowance of Statutory Attorneys' Fees and Costs; Allowance of Statutory Administrator's Fees and for Final Distribution**

<b>DOD: 6/2/11</b>	<b>TONI RICHARDSON</b> , Administrator, is petitioner.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Continued from 9/9/15.</b> Minute order (Judge Hamilton) states Counsel represents that the parties have reached an agreement, which is being reduced to writing for filing with the Court. Additionally, a new inventory and appraisal will be filed and a creditor's claim paid. The Court orders that the filing fee be paid forthwith and that the clerk's office accept the payment for the initial filing fee. <b>As of 10/1/15 the following issues remain:</b></p> <ol style="list-style-type: none"> <li>1. This estate was opened using a fee waiver. Filing fees are considered costs of administration. Therefore, the filing of the initial petition for probate is due. Filing fee was paid on 9/18/15 however the check was returned for non-sufficient funds. Therefore, the filing fee of \$435.00 is due along with the returned check charge of \$45.00 for a total of \$480.00. It should be noted once a check is returned for non-sufficient funds the form of payment must be either cash, cashier's check or money order.</li> </ol> <p><b>Please see additional page</b></p>
	Account period 2/22/12 – 2/2015	
<b>Cont. from 072215, 090915</b>	Accounting - <b>\$178,548.26</b>	
	Beginning POH - <b>\$177,550.00</b>	
<b>Aff.Sub.Wit.</b>	Ending POH - <b>\$106,186.69</b>	
<input checked="" type="checkbox"/> <b>Verified</b>	Attorney - <b>\$4,562.00</b>	
<input checked="" type="checkbox"/> <b>Inventory</b>	Administrator - <b>\$4,562.00</b>	
<input checked="" type="checkbox"/> <b>PTC</b>	Attorney costs (filing fee) - <b>\$435.00</b>	
<input checked="" type="checkbox"/> <b>Not.Cred.</b>	Reimbursement of costs to Administrator - <b>\$20,488.00</b>	
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>	<b>Distribution, pursuant to intestate succession, is to:</b>	
<b>Pers.Serv.</b>	Toni Richardson - \$36,794.14	
<b>Conf. Screen</b>	Bill Richardson - \$36,794.14	
<input checked="" type="checkbox"/> <b>Letters</b> 2/22/12		
<b>Duties/Supp</b>		
<b>Objections</b>		
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<b>CI Report</b>		
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<b>Reviewed by: KT</b>
<b>Reviewed on: 10/1/15</b>
<b>Updates:</b>
<b>Recommendation:</b>
<b>File 7 - Bonham</b>

2. Inventories and appraisals filed total \$183,050.00 and not \$177,550.00 as stated in the accounting. (Reappraisal for sale is just for the sale of the real property. The inventory and appraisal with the date of death value is the correct inventory to use for account purposes.)
3. Statutory fees are calculated incorrectly. Attorney incorrectly included the mortgage payoff as a loss on sale. The correct statutory fees should be \$6,354.79. Calculated on the fee base as follows:
 

I & A	-	\$183,050.00
Receipts	-	\$ 543.03
Gains on sale	-	\$ 400.00
Less loss on sale of real property-		<u>\$ 5,500.00</u>
Total fee base	-	\$178,493.03
4. Need Allowance or Rejection of Creditor's Claim for the Creditor's Claim of DMC filed on 4/27/12. California Rules of Court, Rule 7.401 states that for each creditor's claim filed the Administrator must (1) Allow or reject the claim (2) serve a copy of the claim on the creditor (3) file a copy with proof of service with the court.
5. Escrow closing statement shows that the Administrator received \$110,594.07 from the sale of the real property. The proceeds were ordered into a blocked account. Receipt for Blocked account shows a deposit of \$105,594.07. A difference of \$5,000. Petitioner states when the sale proceeds were deposited, prior to it being blocked, the bank automatically withdrew \$2,300 to pay the balance of the Decedent's credit card. Petitioner states she paid Sam LaPlaca \$1,000 for roofing work he had done on the residence and another \$1,700.00 for other repairs. Examiner note: The declaration of Petitioner for reimbursement of costs also include a \$1,000 payment to Sam LaPlaca Construction for roofing repairs. Is the \$1000 that petition is asking to be reimbursed in addition to the \$1,000 paid from the proceeds of the real property sale? Court may require receipts for the repairs done from Sam LaPlaca Construction.
6. Warren Felger was the former attorney in this case. Therefore he is entitled to a portion of the statutory attorney fees. Need agreement from the attorneys as to apportionment of the attorney fees. – Attorney Durost states that attempts to discuss the fees with Mr. Felger have gone unanswered. Mr. Felger made numerous errors and failed to communicate with petitioner and advise petitioner properly with respect to the account management. Attorney Durost requests that no part of the statutory fees be attributable to Mr. Felger. – *Declaration of Attorney filed on 7/22/15 states the only response to she received from Mr. Felger was a large hourly billing statement from him at \$340 her pour for a total of \$13,158.00 in fees and \$1,565.68 in costs.*
7. Creditor's claim of Toni Richardson includes an entry on 3/10/13 for \$500 to Warren Felger for filing fees. Petitioner states she paid Mr. Felger \$500 for filing fees that apparently he never paid.
8. Petitioner states she distributed \$5,000 and jewelry valued at \$250.00 to her brother Bill Richardson. Need receipts for preliminary distribution.

**Please see additional page**

**Objections of Bill Richardson filed on 7/21/15 alleges** the inventory and appraisal filed on 2/10/15 is incorrect in that it failed to disclose the proceeds of the trailer that was sold prior to decedent's death with the proceeds received after the decedent's death. Petitioner also alleges that the proceeds of the trailer - \$5,000 - was given directly to objector. However, Objector contends that the trail was not property of the Decedent, but actually belonged to Frances L. Foster, Decedent's long time live-in boyfriend, who died shortly before the Decedent. Therefore, since the trailer was not the Decedent's property it should not have been included in Petitioner's Second Corrected Inventory and Appraisal and therefore the total value of the Second Inventory and Appraisal (\$7,550) should be reduced by \$5,000.

Petitioner alleges to have distributed ½ of Decedent's jewelry, appraised at \$500 total, to Objector. However, Objector contends to have never received any jewelry. Therefore should not be credited with an advance distribution of Decedent's jewelry. Because Objector received no advance distribution from Decedent's estate, Objector contends that not only is Petitioner not entitled to any equalizing distribution, but that Objector should receive an equalizing advance distribution of \$2,950, in light of Petitioner's advance distributions to herself (vehicle valued at \$1,550; jewelry valued at \$500; and \$900 from the sale of Decedent's personal property).

Probate Examiner Notes dated 5/5/15 identify the fact that the Court ordered proceeds from the sale of the Decedent's home into a blocked account, that Petitioner received \$110,594.07 from the property, and deposited only \$105,594.07. In explaining the whereabouts of the missing \$5,000, Petitioner indicates in her Amended Report that (1) EECU deducted \$2,300 for payment in full on Decedent's EECU credit card balance; and (2) she paid Sam Laplaca \$1,000 out of the funds to repair the property's roof, and \$1,700 for other repairs and cleanup on the house. However, Objector contests these claims.

Objector asserts that the Decedent did not owe any balance on an EECU credit card at the time of her death. Additionally, Objector knows Sam Lapaca personally, he is Petitioner's son and Objector's nephew. Objector claims Mr. Laplaca is not a California licensed contractor, and if he performed the services Petitioner claims to have paid him for, he would be in violation of Assembly Bill 2237, which requires anyone working on a construction project worth \$500 or more to be a licensed contractor. Moreover, Petitioner is in violation of Probate Code §1064(a)(4) by not disclosing the familial relationship with Mr. Laplaca in the Amended Report.

Barring satisfactory evidence as to Petitioner's claims regarding the expenditure of the missing \$5,000, Objector requests the amount be charged against the Petitioner's compensation as Administrator, with any remaining charge credited against Petitioner's final distributive share in favor of Objector.

Petitioner seeks \$20,488 in reimbursable administrative costs. Objector specifically contests each and every expense Petitioner has submitted for reimbursement. Objector requests satisfactory evidence to support the correctness of each charge listed in the schedule (explained in greater detail in the objections).

**Please see additional page**

**Objections of Bill Richardson filed on 7/21/15 (Cont.):**

**Wherefore, Objector prays for an order:**

1. Petitioner/Administrator's Second Corrected Inventory and Appraisal be reduced by \$5,000 to reflect the fact that the itemized trailer was not estate property and Objector never received any sale proceeds.
2. Objector be entitled to an equalizing preliminary distribution of \$2,950 to offset the advanced distributions Petitioner/Administrator made to herself.
3. Petitioner produce satisfactory evidence to support her claims regarding the \$5,000 missing from the sale of Decedent's house within 30 days of this Order, or otherwise have that amount charged against her fiduciary compensation and final distributive share if necessary.
4. Petitioner produce satisfactory evidence to support the correctness and legitimacy of each and every charge listed for her reimbursement schedule within 60 days of this Order, or otherwise have any and all unsupported charges disallowed.
5. Costs and attorneys fees as allowable by law and according to proof.

**Order to Show Cause: Why Thomas Bressler Should not be Removed as Executor and Sanctions Imposed for his Failure to Appear**

<b>DOD: 12/7/13</b>	<p><b>THOMAS BRESSLER</b> was appointed executor on 5/22/14 with full IAEA and without bond.</p> <p>Letters issued on 6/3/14;</p> <p>Inventory and appraisal filed on 3/11/14 shows an estate valued at \$206,733.74.</p> <p>Mr. Bressler's Petition for Final Distribution was heard on 7/29/15. At the hearing, Mr. Bressler requested a continuance and the matter was continued to 9/2/15.</p> <p>On 9/2/15 Mr. Bressler did not appear at the continued hearing.</p> <p><b>Minute order dated 9/2/15</b> set this Order to Show Cause for Mr. Bressler to appear and show cause why he should not be removed and executor and sanctions imposed for his failure to appear at the hearing.</p> <p>The Order to Show Cause was mailed to Mr. Bressler at the three addresses listed in the pleadings on 9/4/15.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>An Amended Petition for Final Distribution was filed on 9/29/15 and is set for hearing on 11/5/15.</p> <p><b>Note:</b> Mr. Bressler's address is listed several different ways in the pleadings (4874 Santa Ana, 4847 Santa Ana and 4834 Santa Ana. The publication lists his address as 4832 Santa Ana). The court may wish to clarify with Mr. Bressler which address is his correct address.</p>
<b>Cont. from</b>		
<b>Aff.Sub.Wit.</b>		
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		<p><b>Reviewed by:</b> KT</p> <p><b>Reviewed on:</b> 10/1/15</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 13 – Bressler</b></p>

Thomas J. Davis DOD: 6-5-00	JOSHUA DAVIS, Beneficiary, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>																																																			
Wealthea Davis DOD: 3-25-98																																																					
Cont from 051914, 061814, 071614, 082714, 101414, 121514, 022314, 033015, 052615, 072215, 090215	<p>Petitioner states he is a beneficiary of the Davis 1989 Family Trust dated 11-17-89 (the Trust) (Exhibit A). On or about the same date, Thomas and Wealthea Davis also created the Davis Family 1989 Life Insurance Trust (the Insurance Trust) (Exhibit B). The Family Trust became irrevocable on the settlors' deaths. The Insurance Trust was already irrevocable during their lifetimes. Petitioner states BRUCE NEILSEN is the successor trustee of both trusts.</p> <p>Petitioner states that following the death of Thomas Davis on 6-5-00, Petitioner, by his agent and CPA Tom Bell, inquired of Trustee Neilsen on multiple occasions about the nature of the Trust assets and timetable for distribution. Petitioner was aware that the decedents had owned real property in California, various stocks and bonds, as well as other assets to which Petitioner and the other named in this petition were beneficiaries.</p> <p>Petitioner has requested that Trustee Neilsen provide him with an account of his administration of the Trust, but Trustee Neilsen has not done so. Additionally, Petitioner believes portions of the trust property that were to be held fbo Trust beneficiaries and Insurance Trust beneficiaries have been used to make loans to beneficiaries other than Petitioner, all to the detriment of Petitioner and other beneficiaries who may have lost their share of Trust and Insurance Trust assets as a result of the breach of his duties to the beneficiaries by Trustee Neilsen.</p>	<p><u>Minute Order 9/2/15</u>: Mr. Neilson is admonished that if the accounting is not filed two court days before the next hearing, the Court will be prepared to impose sanctions regardless of whose fault it is, absent extraordinary cause.</p> <p><u>Note</u>: Account and Report filed on 3/26/15 is Page B of this calendar; however the accounting is not provided in the format required by Probate Code §1060.</p> <p><u>Note</u>: On 8-26-14, Joshua Davis, Corey Davis and Brittney Davis filed a separate Petition for Order Compelling Trustee to Account and Report in Case 14CEPR00790, titled "Davis Family 1989 Life Insurance Trust – See Page 13 of this calendar.</p> <p><u>Note</u>: Status report filed 8/28/15 by Trustee Bruce Neilson states due to the time period covered and the lack of familiarity by the accountants of the format for a court accounting, the accounting will not be completed in time. Accordingly, the trustee requests an additional 30 days to complete the account.</p>																																																			
<table border="1"> <tr><td>Aff.Sub.Wit.</td><td></td></tr> <tr><td>✓ Verified</td><td></td></tr> <tr><td>Inventory</td><td></td></tr> <tr><td>PTC</td><td></td></tr> <tr><td>Not.Cred.</td><td></td></tr> <tr><td>✓ Notice of Hrg</td><td></td></tr> <tr><td>✓ Aff.Mail</td><td>W</td></tr> <tr><td>Aff.Pub.</td><td></td></tr> <tr><td>Sp.Ntc.</td><td></td></tr> <tr><td>Pers.Serv.</td><td></td></tr> <tr><td>Conf. Screen</td><td></td></tr> <tr><td>Letters</td><td></td></tr> <tr><td>Duties/Supp</td><td></td></tr> <tr><td>Objections</td><td></td></tr> <tr><td>Video Receipt</td><td></td></tr> <tr><td>CI Report</td><td></td></tr> <tr><td>9202</td><td></td></tr> <tr><td>✓ Order</td><td></td></tr> <tr><td>Aff. Posting</td><td></td></tr> <tr><td>Status Rpt</td><td></td></tr> <tr><td>UCCJEA</td><td></td></tr> <tr><td>Citation</td><td></td></tr> <tr><td>FTB Notice</td><td></td></tr> </table>			Aff.Sub.Wit.		✓ Verified		Inventory		PTC		Not.Cred.		✓ Notice of Hrg		✓ Aff.Mail	W	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		<b>SEE ADDITIONAL PAGES</b>	<p align="center"><b>SEE ADDITIONAL PAGES</b></p> <table border="1"> <tr><td>Reviewed by: skc</td></tr> <tr><td>Reviewed on: 9/30/15</td></tr> <tr><td>Updates:</td></tr> <tr><td>Recommendation:</td></tr> <tr><td>File 16A - Davis</td></tr> </table>	Reviewed by: skc	Reviewed on: 9/30/15	Updates:
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**Petitioner states** moreover, Trustee Neilsen has failed to require the execution of notes requirement repayments by the borrowers of the Trust and Insurance Trust assets, and/or that Trustee Neilsen has failed to require the repayment of principal and interest on the Trust and Insurance Trust monies by the borrowers, all to the detriment of Petitioner and the other beneficiaries.

Petitioner states the Trust estate was to be divided into 12 separate trusts immediately on the death of both settlors. Petitioner made inquiries of Trustee Neilsen as to what is held in the trust created for Petitioner, but Trustee Neilsen has not provided the requested information or any meaningful response. Petitioner is informed and believes that Trustee Neilsen has, without consent or knowledge of several of the beneficiaries, used Trust and/or Insurance Trust assets to fund business transactions initiated by other beneficiaries, all to the detriment of Petitioner and other beneficiaries.

Petitioner has been unable to determine what has been done with what portion of the Insurance Trust assets and the Trust assets which were to have been segregated from the rest of the Trust property and Insurance Trust property for Petitioner's benefit.

**Petitioner requests the Court order as follows:**

1. Directing Trustee Bruce Neilsen to prepare and file a complete account and report of his administration of the Davis 1989 Family Trust and the Davis 1989 Life Insurance Trust for the period of June 6, 2000 through March 31, 2014, inclusive;
2. Directing Trustee Bruce Neilsen to set the Account and Report for hearing and give notice of same pursuant to §17203;
3. Awarding Petitioner reasonable attorneys' fees and costs incurred in this matter; and
4. Granting any and all other relief as the Court deems just and proper.

**SEE ADDITIONAL PAGES**

**NEEDS/PROBLEMS/COMMENTS:**

~~1. This petition requests accountings for two separate trusts. The two separate trusts have separate terms, separate assets, and separate purposes, and as such consideration by the Court requires separate petitions, separate notice, separate files, separate filing fees, and ultimately separate accountings.~~

~~The Court may designate this case number as the Family Trust file and direct Petitioner to initiate a separate proceeding regarding the Life Insurance Trust.~~

**Update: On 8-26-14, Joshua Davis, Corey Davis and Brittney Davis filed a separate Petition for Order Compelling Trustee to Account and Report in Case 14CEPR00790, titled "Davis Family 1989 Life Insurance Trust – See Page 7 of this calendar.**

2. Also, per its terms, the Family Trust was to immediately divide into twelve (12) separate trusts, only one of which was for Petitioner's benefit. Need clarification and authority regarding the scope of the request for accounting(s).

Note: The language in the instruments differentiates between division into separate trusts and into separate shares, as contemplated by the Life Insurance Trust.

3. Notice appears to have been mailed to six people as couples, rather than as individuals entitled to direct notice. The Court may require amended direct service pursuant to Cal. Rules of Court 7.51.

4. Probate Code § 17200(b)(7) provides that the Court can compel the trustee to provide information or account if the trustee has failed to provide the requested information within 60 days after the beneficiary's reasonable written request. Here, Petitioner states that he requested information after the settlors' deaths, which was approx. 14 years ago, but Petitioner does not state if any recent written request was made pursuant to § 17200(b)(7), or what response was received, if any, pursuant to the written request. The Court may require clarification as to whether this petition may be prematurely filed pursuant to § 17200(b)(7) and may require continuance for formal request and response. (Note: The requests should be separated for each trust pursuant to the above items.)

5. Need revised order.

Atty Neilson, Bruce A. (Attorney Trustee – Petitioner)

Account and Report of Trustee and Petition for its Settlement

		<p><b>BRUCE NEILSON</b>, Trustee of the <b>DAVIS 1989 FAMILY TRUST</b>, dated <b>11/17/89</b>, submits the account and report of administration as set forth in Exhibit A.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Minute Order 9/2/15:</b> Mr. Neilson is admonished that if the accounting is not filed two court days before the next hearing, the Court will be prepared to impose sanctions regardless of whose fault it is, absent extraordinary cause.</p> <p>1. This Account is not in the form required by Probate Code §1060 and therefore cannot be reviewed by Examiner.</p>
<p>Cont. from 052615, 072215, 090215</p>			
<input type="checkbox"/>	Aff.Sub.Wit.	Account period: 1/1/04 – 12/31/13	
<input checked="" type="checkbox"/>	Verified	The Trustee declares that he has read the account and report as prepared by Moore, Grider CPAs and knows the contents thereof.	
<input type="checkbox"/>	Inventory	<p><b>Objection to Account was filed 5/21/15 by Joshua Davis, Corey Davis, and Britney Davis. See Objection for details.</b></p>	
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.	<p><b>Objection to Account was filed 5/21/15 by Joshua Davis, Corey Davis, and Britney Davis. See Objection for details.</b></p>	
<input type="checkbox"/>	Notice of Hrg		
<input type="checkbox"/>	Aff.Mail	<p><b>Status report filed 8/28/15 by Trustee Bruce Neilson states</b> due to the time period covered and the lack of familiarity by the accountants of the format for a court accounting, the accounting will not be completed in time. Accordingly, the trustee requests an additional 30 days to complete the account.</p>	
<input type="checkbox"/>	Aff.Pub.		
<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 checked="" type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input 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		
			<p>Reviewed by: skc</p> <p>Reviewed on: 9/30/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 16B - Davis</p>

**Petition for Order Compelling Trustee to Account and Report**

		<b>JOSHUA DAVIS, COREY DAVIS and BRITTNEY DAVIS</b> , beneficiaries, are petitioners.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Please see related case on page 16.</b></p> <p><b>Continued from 9/2/15. Minute order states</b> Mr. Neilson reports that the CPS has finished the accounting through 2014 however, a continuance is needed so it can be submitted in the correct format. Mr. Neilson is admonished that if it is not filed two court days before the next hearing, the Court will be prepared to impose sanctions regardless of whose fault it is, absent extraordinary cause</p> <p>1. Need Order</p>
		Petitioners state Settlor <b>Wealthea Davis</b> died on 3/25/98 and <b>Thomas J. Davis</b> died on 6/5/00 – more than 14 years ago.	
Cont. from 121514, 022315, 033015, 033015, 052615, 072215, 090215		<b>BRUCE NEILSON</b> ("Trustee Neilson") is successor Trustee.	
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	W/	
	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		
<b>Please see additional page.</b>			<p><b>Reviewed by: KT</b></p> <p><b>Reviewed on: 11/1/15</b></p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 18A – Davis Life</b></p>

Moreover, Petitioners believe that Trustee Neilson has failed to require the execution of notes requiring repayment by the borrowers of the Insurance Trust assets, and/or that Trustee Neilson has failed to require repayment of principal and interest on the Insurance Trust monies by the borrowers, all to the detriment of Petitioners and the other Beneficiaries to whom loans were not made.

Petitioners believe that Trustee Neilson has transferred property belonging to the beneficiaries of the Insurance Trust in a manner that diminishes Petitioners' rights as beneficiaries under the Insurance Trust. Petitioners submit Trustee Neilson has refused to share information with Petitioners concerning what has been done with the assets of the Insurance Trust, and that such refusal constitutes a violation of Probate Code §16060 which states the trustee has a duty to keep the beneficiaries "reasonably informed of the trust and its administration."

Further, Petitioners believe that Trustee Neilson has made substantially greater distributions to some beneficiaries than to others, in a manner which is inconsistent with the terms of the Insurance Trust. Some beneficiaries have been distributed or loaned far more than their "share" of the trust assets. Petitioners have been distributed far less than their "shares" and the Insurance Trust does not appear to hold sufficient assets to provide Petitioners with the assets to which they are entitled.

Petitioners request this Court order Trustee Neilson to provide a complete account and report of his administration of the Insurance Trust for the period from June 6, 2000 through the present.

Petitioners allege that Trustee Neilson should be personally surcharged for any damages resulting from his mismanagement of the Insurance Trust and failure to provide the beneficiaries with information as provided by law.

Petitioners allege that Trustee Neilson's failure to segregate the Insurance Trust assets as provided for in the Insurance Trust constitutes a breach of his fiduciary duties as Trustee.

As a proximate result of Trustee Neilson's breach of trust, there has been an extreme depletion of the Insurance Trust assets which would be available for distribution to Petitioners if not for the wrongful distributions and loans made by Trustee Neilson. Petitioners believe that Trustee Neilson's breach of trust has resulted in damages to Petitioners and the Insurance Trust in an amount not less than \$533,000.

**Wherefore, Petitioners request the Court order the following:**

1. Directing Trustee Bruce Neilson to prepare and file a complete account and report of his administration of the Davis Family 1989 Life Insurance Trust for the period of 6/6/2000 through 8/15/2014, inclusive;
2. Directing Trustee Bruce Neilson to set the Account and Report for hearing and give notice of same pursuant to Probate Code §17203;
3. Awarding Petitioners reasonable attorneys' fees and costs incurred in this matter;
4. Surcharging Trustee Bruce Neilson as appropriate according to proof.

