



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

Age:	On 7/2/15, this Court ordered proceedings transferred to the Superior Court of California, County of Santa Barbara.	NEEDS/PROBLEMS/COMMENTS:
DOD:		
Cont. from 090915	Notice of Transfer of Papers and Pleadings indicates mailing on 7/23/15.	1. Need receipt from Santa Barbara County Superior Court showing file received, case created.
Aff.Sub.Wit.		
Verified	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.	
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
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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: skc
		Reviewed on: 9/30/15
		Updates:
		Recommendation:
		File 1 – Chapman

Petition for Visitation

		CHRISTINA RODRIGUEZ , mother, is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>This Petition is for JUSTIN, MATTHEW and JAZLIN ONLY.</p> <p>Continued from 9/23/15. Minute order states Ms. Rodriguez provides proof of drug tests, however the Court finds that she is not testing often enough, therefore the Court orders that Ms. Rodriguez must test weekly on random days. The Court further orders that Ms. Rodriguez shall have phone contact every Tuesday and Friday at 6:30 p.m. Additionally, Mary Johnston is to attend Spirit of Woman orientation on 10/3/15 and arrange weekly visitation at the program, with Ms. Johnston supervising the visits at the facility.</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of service of the Notice of Hearing on Guardian, Mary Johnston.
		MARY JOHNSTON , paternal grandmother, was appointed guardian of Justin, Matthew and Jazlin on 7/22/13.	
Cont. from 092315		Please see petition for details.	
<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 type="checkbox"/>	Notice of Hrg	X	
<input type="checkbox"/>	Aff.Mail	X	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
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<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input 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		
Reviewed by: KT			
Reviewed on: 10/1/15			
Updates:			
Recommendation:			
File 2A – Levato & Quintero			

Petition for Visitation Modification

	MARY JOHNSTON , paternal grandmother/guardian of Justin, Matthew and Jazlin, is petitioner.		NEEDS/PROBLEMS/COMMENTS:
	MARY JOHNSTON , paternal grandmother, was appointed guardian of Justin, Matthew and Jazlin on 7/22/13.		This Petition is for JUSTIN, MATTHEW and JAZLIN ONLY.
	Cont. from 092315		Continued from 9/23/15. Minute order states Ms. Rodriguez provides proof of drug tests, however the Court finds that she is not testing often enough, therefore the Court orders that Ms. Rodriguez must test weekly on random days. The Court further orders that Ms. Rodriguez shall have phone contact every Tuesday and Friday at 6:30 p.m. Additionally, Mary Johnston is to attend Spirit of Woman orientation on 10/3/15 and arrange weekly visitation at the program, with Ms. Johnston supervising the visits at the facility.
	<input type="checkbox"/> Aff.Sub.Wit.		
	<input checked="" type="checkbox"/> Verified		3. Need Notice of Hearing.
	<input type="checkbox"/> Inventory		
	<input type="checkbox"/> PTC		4. Need proof of service of the Notice of Hearing on mother, Christina Rodriguez.
	<input type="checkbox"/> Not.Cred.		
	<input type="checkbox"/> Notice of Hrg	<input checked="" type="checkbox"/>	
	<input type="checkbox"/> Aff.Mail	<input checked="" type="checkbox"/>	
	<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 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		
	Please see petition for details.		Reviewed by: KT
			Reviewed on: 10/1/15
			Updates:
			Recommendation:
			File 2B – Levato & Quintero

Petitioner Charlotte Bien, Court Investigator
 Conservator Robin Greatrake, mother

Petition for Transfer of Venue to San Joaquin County

		<p>ROBIN GREATRAKE, mother, was appointed Conservator of the Person on 8/7/2007.</p> <p>Court Investigator Charlotte Bien filed a Petition for Transfer on 8/27/2015 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>Petitioner recommends that fees and costs related to this transfer be waived.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Notes:</p> <ul style="list-style-type: none"> 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.] If the Petition is granted, Court will set a Status Hearing on Monday December 7, 2015, at 9:00 a.m. in Dept. 303 for confirmation of receipt of transfer.
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 W/		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
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<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
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<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		
		<p>Reviewed by: LEG</p> <p>Reviewed on: 10/1/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 3 – Timmerman</p>	

4 Ariel Golden, Dallas Kerns, Dylan Kerns & Dewayne McCoy (GUARD/P)

Case No. 09CEPR00065

Guardian Crawford, Angelita C. (Pro Per – Guardian)

Petitioner English, Anita (Pro Per – Mother)

Order to Show Cause

Dallas age: 10	<p>ANGELITA CRAWFORD, maternal grandmother, was appointed guardian of Ariel on 4/22/2009 and was appointed guardian of Dallas, Dylan and Dwayne on 1/12/13.</p> <p>ANITA ENGLISH, mother, filed a Petition for Visitation and the matter was heard on 06/03/2015. The minute order states: Anita English states that her petition for visitation only pertains to Dwayne; she does not want to visit with the other minors at this time. The Court orders supervised visitation for Ms. English for 2 hours per week at CYS; Ms. English is to pay 100% of the cost of said visits.</p> <p>The Court set a Status Hearing for Review of Visitation on 09/09/2015.</p> <p>Minute Order of 09/09/2015 (Judge Hamilton) set this Order to Show Cause. Minute Order states: Ms. English reports that the Guardian did not appear at the correct time for the first visit to CYS, and the CYS is now not allowing visits to occur due to the restraining order not indicating that peaceful contact is allowed. The Court orders that CYS shall allow visits for Ms. English as previously ordered with the minor Dwayne despite box 6 of the restraining order not being checked, because there is no contact between Ms. English and the Guardian at said visits. Furthermore, the Court issues an Order to Show Cause to Angelita Crawford as to why she should not be sanctioned for failure to appear today and failure to follow the Court's order for visits. Ms. Crawford is ordered to be personally present in Court on 10/07/2015.</p> <p>Clerk's Certificate of Mailing indicates that a copy of the minute order dated 09/09/2015 was mailed to Angelita Crawford on 09/21/2015.</p> <p style="text-align: center;"><u>Please see additional page</u></p>	NEEDS/PROBLEMS/COMMENTS:
Dylan age: 6		
Dewayne age: 3		
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
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Objections		
Video Receipt		
CI Report		
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Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
	<p>Reviewed by: LV</p> <p>Reviewed on: 10/02/2015</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 4 – Golden/Kerns/McCoy</p>	

4 Ariel Golden, Dallas Kerns, Dylan Kerns & Dewayne McCoy (GUARD/P)

Case No. 09CEPR00065

Declaration filed by Guardian, Angelita Crawford, on 10/05/2015 states she apologizes for missing the court date, it was not her intention. She states she was at work and has a letter from work verifying that she was there. She states it will not happen again. Ms. Crawford states she works for Fresno Unified School District as a cook and baker, she also works part time in the evenings for 3 hours for four days a week. On top of that she raises all four of her grandchildren. Ms. Crawford states she apologizes again and will do everything in her power to never let it happen again.

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

Probate Status Hearing Re: Receipt of Transfer

		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p style="text-align: center;">OFF CALENDAR</p> <p style="text-align: center;"><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.		
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: LEG
		Reviewed on: 10/1/15
		Updates:
		Recommendation:
		File 5 – Jensen

Petitioner Peggy L. Miles (Pro Per Petitioner, Guardian)
 Attorney Nancy J. Stegall (for Petitioner Zadok Nelson, father)

Petition to Fix Residence Outside the State of California

		<p>PEGGY L. MILES, maternal great grandmother and Guardian of the Person appointed on 6/9/2010, is Petitioner.</p> <p>Father: ZADOK NELSON</p> <p>Mother: MICHELLE PETERSON</p> <p style="text-align: center;"><i>~Please see Petition for details~</i></p> <p>Objection to Guardian's Petition to Fix residence Outside the State of California was filed by ZADOK NELSON, father, on 9/28/2015.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: <i>Petition for Termination of Guardianship</i> filed on 10/1/2015 by ZADOK NELSON, father, is set for hearing on 12/1/2015.</p> <p>Note: If the Petition is granted:</p> <ul style="list-style-type: none"> • Within 30 days of the move to Arkansas, Petitioner must file with the Court and serve on all interested parties a <i>Post-Move Notice of Change of Residence of Ward</i> [GC-080]. File contains a blank form for Petitioner's use. • Petitioner must establish a guardianship or its equivalent in Arkansas pursuant to Probate Code 2352(d). • A Status Hearing will be set on Wednesday, April 6, 2016, at 9:00 a.m. in Department 303 for filing proof of the establishment of a guardianship in Arkansas. Upon filing with the Court satisfactory proof of establishment, the status hearing will come off calendar and no appearance will be required.
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 W/		
<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 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: LEG	
		Reviewed on: 10/1/15	
		Updates: 10/5/15	
		Recommendation:	
		File 6 – Nelson	

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

DOD: 6/2/11	TONI RICHARDSON , Administrator, is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 9/9/15. 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. As of 10/1/15 the following issues remain:</p> <ol style="list-style-type: none"> 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. <p style="text-align: center;">Please see additional page</p> <p>Reviewed by: KT</p> <p>Reviewed on: 10/1/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 7 - Bonham</p>
	Account period 2/22/12 – 2/2015	
	Accounting - \$178,548.26	
	Beginning POH - \$177,550.00	
	Ending POH - \$106,186.69	
Cont. from 072215, 090915	Attorney - \$4,562.00	
<input type="checkbox"/> Aff.Sub.Wit.	Administrator - \$4,562.00	
<input checked="" type="checkbox"/> Verified	Attorney costs (filing fee) - \$435.00	
<input checked="" type="checkbox"/> Inventory	Reimbursement of costs to Administrator - \$20,488.00	
<input checked="" type="checkbox"/> PTC		
<input checked="" type="checkbox"/> Not.Cred.		
Notice of Hrg		
<input type="checkbox"/> Aff.Mail		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.	Distribution, pursuant to intestate succession, is to:	
<input type="checkbox"/> Pers.Serv.	Toni Richardson - \$36,794.14	
<input type="checkbox"/> Conf. Screen	Bill Richardson - \$36,794.14	
<input checked="" type="checkbox"/> Letters 2/22/12		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input checked="" 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 checked="" type="checkbox"/> FTB Notice		

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.

8 Robert J. Johansen (CONS/PE) Case No. 11CEPR01121

Attorney Amador, Catherine A (for Sharon Shields and Linda K. Babcock – Conservators)

Probate Status Hearing Termination of proceeding for deceased conservatee

DOD: 02/22/2014	<p>SHARON SHIELDS, was appointed Conservator of the Person with medical consent powers and dementia medication and placement powers on 02/21/2012. LINDA K. BABCOCK, Step-Daughter, was appointed Conservator of the Estate with bond set at \$127,600.00 on 02/21/2012.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need Petition for Termination of Proceedings of Deceased Conservatee 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		
Aff.Sub.Wit.	<p>Letters issued on 09/10/2012.</p>	
Verified		
Inventory	<p>Notice of Status Hearing filed 08/24/2015 set this Status Hearing for Termination of Proceeding for Deceased Conservatee.</p>	
PTC		
Not.Cred.	<p>Notice of Status Hearing filed 08/24/2015 shows notice was mailed to Sharon Shields, Linda K. Babcock, Catherine Amador and Curtis Rindlisbacher on 08/24/2015.</p>	
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: 10/02/2015
		Updates:
		Recommendation:
		File 8 – Johansen

First Amended First and Final Account and Report of Personal Representative, Petition for Settlement, for Allowance of Attorneys' Fees for Ordinary Services, Costs, and for (4) Final Distribution

DOD: 4/14/12	SANTOS PEREZ , Administrator, is petitioner.		<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> Statutory fees are calculated incorrectly. Fee base fails to include the loss of the vehicle. The correct statutory fee is \$3,808.00. A difference of \$48.00. – Examiner has interlineated the order. Petition states petitioner and the attorney have made arrangements for payment of the statutory attorney fees and costs. The court may require details of the arrangements made for payment of the attorney fees and costs. Local Rule 7.12.4 states the court will not order distribution of real property in undivided interests absent the written consent of all beneficiaries. Need written consent of all beneficiaries.
	Current bond: \$78,000.00		
	Account period: 4/14/12 – 8/21/14		
Cont. from	Accounting - \$96,400.00		
<input type="checkbox"/> Aff.Sub.Wit.	Beginning POH - \$96,400.00		
<input checked="" type="checkbox"/> Verified	Ending POH - \$95,000.00		
<input checked="" type="checkbox"/> Inventory	Administrator - waives		
<input checked="" type="checkbox"/> PTC	Attorney - \$3,856.00 (greater than statutory)		
<input checked="" type="checkbox"/> Not.Cred.	Costs - \$1,524.70 (filing fees, publication, probate referee, bond, recorder fees and certified copies)		
<input checked="" type="checkbox"/> Notice of Hrg	Creditor: Department of Health Care Services - \$30,826.13		
<input checked="" type="checkbox"/> Aff.Mail	W/	Petitioner states the creditor claims of the Department of Health Care Services (DHCS) have not been paid because there are no funds in the estate to pay said claims. DHCS claims a lien in the amount of \$30,826.13, against the real property, with interest at 7% interest per annum for from the date of recording of the order. The claim shall become due and payable upon the sale of the real property. Beneficiaries will attempt to get financing to pay the claim in full; if financing is denied then beneficiaries will sign a voluntary lien and, if able, will set up a payment plan with DHCS.	
<input type="checkbox"/> Aff.Pub.			
<input type="checkbox"/> Sp.Ntc.			
<input type="checkbox"/> Pers.Serv.			
<input type="checkbox"/> Conf. Screen			
<input checked="" type="checkbox"/> Letters	6/18/13		
<input type="checkbox"/> Duties/Supp			
<input type="checkbox"/> Objections			
<input type="checkbox"/> Video Receipt			
<input type="checkbox"/> CI Report			
<input checked="" 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 checked="" type="checkbox"/> FTB Notice			
Please see additional page			
Reviewed by: KT			
Reviewed on: 10/5/15			
Updates:			
Recommendation:			
File 9 – Gonzalez			

Proposed distribution is to:

- Mike Chavez (son) - 1/4th Interest in the real property, subject to a lien in favor of DHCS.
- Isabel Alvarez (daughter) - 1/4th Interest in the real property, subject to a lien in favor of DHCS.
- Richard Flores, Jr. (son) - 1/4th Interest in the real property, subject to a lien in favor of DHCS.
- Sylvia Alaniz (daughter) - 1/4th Interest in the real property, subject to a lien in favor of DHCS.

10 Drake Hoffman & Kingston Hoffman (GUARD/P) Case No. 12CEPR01101

Petitioner Crist, Emilie Megan (Pro Per – Mother)

Petition for Visitation

Age: 13 years	EMILIE CRIST, mother, is Petitioner.		<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need <i>Notice of Hearing</i>. 2. Need proof of mailed service of the <i>Notice of Hearing</i> with a copy of the petition pursuant to Probate Code §§ 1460 and 1511 for the following persons: <ul style="list-style-type: none"> • Jonathan Crist, Guardian; • Ed Hoffman, father; • Paternal grandfather; • Donna Satterlee, paternal grandmother; • Gayle Jamerson, maternal grandmother; • Collin Hoffman, sibling, if age 12 or over; • Ella Austin, sibling, if age 12 or over.
Age: 11 years	<u>Please see petition for details</u>		
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 type="checkbox"/> Notice of Hrg		x	
<input type="checkbox"/> Aff.Mail		x	
<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 type="checkbox"/> Objections			
<input type="checkbox"/> Video Receipt			
<input type="checkbox"/> CI Report			
<input type="checkbox"/> 9202			
<input type="checkbox"/> Order		n/a	
<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: 10/02/2015			
Updates:			
Recommendation:			
File 10 – Hoffman			

11 Donald Robert Hall (Estate) Case No. 13CEPR00072

Attorney Lucich, Nicholas L, JR (for Steven D. Hall – Petitioner - Executor)

Second and Final Account and Report of Executor and

Petition for Allowance of Statutory Executor's and Attorney's Fees and for Final Distribution

DOD: 11/22/2012	STEVEN D. HALL , Executor, is petitioner.		NEEDS/PROBLEMS/COMMENTS:
	Account Period: 11/02/2014 – 08/20/2015		
	Accounting	- \$214,600.85	
	Beginning POH	- \$214,571.16	
	Ending POH	- \$97,757.33	
	(Cash)		
Cont. from	Executor	- \$12,045.57	
	(less statutory)		
<input checked="" type="checkbox"/> Aff.Sub.Wit.	Attorney	- \$12,124.18	
	(Statutory)		
<input checked="" type="checkbox"/> Verified	Costs	- \$870.00 (Filing	
	fees)		
<input checked="" type="checkbox"/> Inventory	Closing	- \$2,217.58	
<input checked="" type="checkbox"/> PTC	Distribution, pursuant to decedent's will, is to:		
<input checked="" type="checkbox"/> Not.Cred.	Steven D. Hall	- \$14,100.00	
<input checked="" type="checkbox"/> Notice of Hrg	Melinda Zavala	- \$14,100.00	
<input checked="" type="checkbox"/> Aff.Mail	Douglas M. Hall	- \$14,100.00	
	Jeffrey L. Ruebel	- \$141,00.00	
	Sarah Gameros	- \$7,050.00	
Aff.Pub.	Anne Hinojosa	- \$7,050.00	
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
<input checked="" type="checkbox"/> Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
<input checked="" type="checkbox"/> 9202			
<input checked="" type="checkbox"/> Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
<input checked="" type="checkbox"/> FTB Notice			
			Reviewed by: LV
			Reviewed on: 10/02/2015
			Updates:
			Recommendation: Submitted
			File 11 – Hall

12 Edward Hawkins, III, Emmanuel Hawkins, John Hawkins, and Adam Hawkins (GUARD/P) Case No. 13CEPR00624
Atty Manjarrez, Yvette (Pro Per – Mother – Petitioner)
Petition for Visitation

Emmanuel, age 6	YVETTE MANJARREZ, Mother, is Petitioner. <u>Please see petition for details</u>	NEEDS/PROBLEMS/COMMENTS: 1. Need Notice of Hearing. 2. Need proof of service of Notice of Hearing at least 15 days prior to the hearing on all relatives pursuant to Probate Code §1460, including: <ul style="list-style-type: none"> • April Flores (Guardian) • Jacinto Sarabia (Guardian) • Edward Hawkins (Father) • Maternal Grandfather • Jackie Navarra
Edward, age 7		
John, age 4		
Adam, age 3		
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 type="checkbox"/> Notice of Hrg x		
<input type="checkbox"/> Aff.Mail x		
<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 type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input type="checkbox"/> Order n/a		
<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: 10/05/2015		
Updates:		
Recommendation:		
File 12 – Hawkins		

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

DOD: 12/7/13	<p>THOMAS BRESSLER 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>Minute order dated 9/2/15 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>NEEDS/PROBLEMS/COMMENTS:</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>Note: 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>
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: KT	
	Reviewed on: 10/1/15	
	Updates:	
	Recommendation:	
	File 13 – Bressler	

Age: 101	LINDA CROUCH, daughter, was appointed Conservator of the Person and Estate on 06/04/14. Letters of Conservatorship were issued on 07/21/14.	NEEDS/PROBLEMS/COMMENTS: <u>OFF CALENDAR</u> First and Final Account filed 10/05/15 and set for hearing on 11/12/15
Cont. from 080515, 090215	Inventory & Appraisal, Final , filed 08/06/14 - \$82,500.00	
Aff.Sub.Wit.		
Verified	Inventory & Appraisal, Supplemental, filed 10/22/14- \$8,927.19	
Inventory		
PTC		
Not.Cred.	Minute Order from 06/04/14 set this matter for status regarding filing of the First Account.	
Notice of Hrg		
Aff.Mail	Status Report for Filing of First Account Current filed 07/31/15 states: The first account is currently being prepared and will be filed soon. If the accounting is not filed before the 08/05 hearing, a 30 day continuance is requested.	
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: 10/05/15
		Updates:
		Recommendation:
		File 14 – Welton

15 Mary Louise Bandy (CONS/PE) Case No. 14CEPR00295

Attorney Standard, Donna M

Probate Status Hearing Re: First Account

		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>OFF CALENDAR.</u> <u>Case dismissed pursuant to</u> <u>minute order of 12/18/2014</u></p>
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: 10/02/2015
		Updates:
		Recommendation:
		File 15 – Bandy

Petition for Order Compelling Trustee to Account and Report

Thomas J. Davis DOD: 6-5-00	JOSHUA DAVIS, Beneficiary, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
Wealthea Davis DOD: 3-25-98	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.	
Cont from 051914, 061814, 071614, 082714, 101414, 121514, 022314, 033015, 052615, 072215, 090215		<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.
<input type="checkbox"/> Aff.Sub.Wit.		<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.
<input checked="" type="checkbox"/> Verified		<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.
<input type="checkbox"/> Inventory	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.	<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.
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail		
<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 type="checkbox"/> Objections	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.	
<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		
SEE ADDITIONAL PAGES		SEE ADDITIONAL PAGES
		Reviewed by: skc
		Reviewed on: 9/30/15
		Updates:
		Recommendation:
		File 16A - Davis

Page 2

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>BRUCE NEILSON, Trustee of the DAVIS 1989 FAMILY TRUST, dated 11/17/89, submits the account and report of administration as set forth in Exhibit A.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Minute Order 9/2/15: 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.	<p>Account period: 1/1/04 – 12/31/13</p>	
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory	<p>The Trustee declares that he has read the account and report as prepared by Moore, Grider CPAs and knows the contents thereof.</p>	
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.	<p>Objection to Account was filed 5/21/15 by Joshua Davis, Corey Davis, and Britney Davis. See Objection for details.</p>	
<input type="checkbox"/>	Notice of Hrg		
<input type="checkbox"/>	Aff.Mail	<p>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>	
<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		
<input type="checkbox"/>			
			<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

		JOSHUA DAVIS, COREY DAVIS and BRITTNEY DAVIS , beneficiaries, are petitioners.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Please see related case on page 16.</p> <p>Continued from 9/2/15. Minute order states 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 Wealthea Davis died on 3/25/98 and Thomas J. Davis died on 6/5/00 – more than 14 years ago.	
Cont. from 121514, 022315, 033015, 033015, 052615, 072215, 090215		BRUCE NEILSON ("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		
Please see additional page.			<p>Reviewed by: KT</p> <p>Reviewed on: 11/1/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 18A – Davis Life</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.

Petitioner: Bruce Neilson (pro per)

Attorney: Leigh W. Burnside (for Objectors Joshua Davis, Corey Davis, Brittany Davis)

Account and Report of Trustee and Petition for Its Settlement

	BRUCE A. NEILSON , Trustee, is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 9/2/15. Minute order states 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>Please see related case on page 16.</p> <p>2. This Account does not comply with Probate Code §1060 and therefore has not been reviewed by Examiner.</p>
	Objections to Account and Report of Trustee and Petition for Its Settlement; and Request for Surcharge of Trustee filed on 5/21/15.	
	Minute Order from 5/26/15 states Mr. Neilson is admonished that the accounting needs to be in the proper format. Additionally, he is to report back to the Court regarding the status of the tax extension at the 7/22/15 hearing.	
	Status Declaration filed 7/20/15 states Mr. Neilson received communication from Julie Filmore of Moore Gider, the CPA firm for the trust, advising that she had been unavailable to provide accounting due to a death in her family, and that the other CPA with knowledge of the trust, Tom Bell, had been on vacation. She requested an additional 30 days to complete the accounting. Mr. Neilson contacted Mr. Klassen attorney for objecting parties, who advised that he did not have an objection to the continuance. Accordingly, Mr. Neilson requests a continuance to a date after 8/22/15.	
	Status Declaration filed 8/28/15 states although it was anticipated that the accounting could be completed by the time of this hearing, due to the time period covered by the accounting and the lack of familiarity by the accountants of the format for court accountings, the accounting will not be completed in time. Accordingly the trustee requests an additional 30 days for the accountants to complete the accounting.	
Cont. from 052615, 072215, 090215		
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: KT		
Reviewed on: 10/1/15		
Updates:		
Recommendation:		
File 18B – Davis		

Petitioner: Manuel Gonzalez (pro per)

Petitioner: Paula Magana (pro per)

Petition for Appointment of Probate Conservator

		<p>THERE IS NO TEMPORARY. No temporary was requested.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>
		<p>MANUEL GONZALEZ and PAULA MAGANA, Parents, are Petitioners.</p>	<p>Court Investigator advised rights on 9/24/15</p>
Cont. from		<p>Please see petition for details.</p>	<p>Voting rights affected, need minute order</p>
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified	<p>Court Investigator filed a report on 9/29/15.</p>	<p>1. Need video receipt pursuant to Local Rule 7.15.8.A.</p>
<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	W/	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input checked="" type="checkbox"/>	Pers.Serv.	W/	
<input checked="" type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
<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 checked="" type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: KT
			Reviewed on: 10/5/15
			Updates:
			Recommendation:
			File 20 – Cortez

Petitioner: Maria Alegre Nunuz (pro per)

Petition for Appointment of Guardian of the Person

		TEMPORARY EXPIRES 10/7/15	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 8/26/15. As of 10/1/15 the following issues remain:</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of personal service of the Notice of Hearing along with a copy of the petition or Consent and Waiver of Notice on: <ol style="list-style-type: none"> a. Eron Nunez (father) – unless the court dispenses with notice. b. Perla Napoles (mother) – unless the court dispenses with notice. 3. Need proof of service of the Notice of Hearing along with a copy of the petition or Consent and Waiver of Notice on: <ol style="list-style-type: none"> a. Benito Nunez (paternal grandfather) b. Martina Morales (paternal grandmother) c. Maternal grandparents. 4. UCCJEA is incomplete. Need the minor's residence information from 2010 – 8/2014. 5. Petition does not include the names and current addresses of the maternal grandparents.
		MARIA ALEGRE NUNEZ , cousin, is petitioner.	
		Please see petition for details.	
Cont. from 082615		Court Investigator Report filed on 8/20/15	
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg	X	
	Aff.Mail	X	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.	X	
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
✓	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: KT
			Reviewed on: 10/1/15
			Updates:
			Recommendation:
			File 21 – Nunez

Attorney Janian, Paulette (for Petitioner Jaime Morita)

Petition for Probate of Will and for Letters Testamentary; Authorization to Administer Under the Independent Administration of Estates Act

DOD: 5/3/2015	JAIME MORITA , daughter-in-law and named alternate Executor without bond, is Petitioner. <i>(First named Executor declines to act per Declination dated 8/20/2015.)</i>	NEEDS/PROBLEMS/COMMENTS:
		Note: Court will set Status Hearings as follows:
Cont. from		<ul style="list-style-type: none"> • Monday, March 7, 2016 at 9:00 a.m. in Dept. 303 for the filing of final inventory and appraisal; and • Wednesday, December 7, 2016 at 9:00 a.m. in Dept. 303 for the filing of first account and/or petition for final distribution.
<input type="checkbox"/> Aff.Sub.Wit. S/P	Full IAEA: OK	
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory	Will Dated: 4/10/2015	
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.	Residence: Fresno	
<input checked="" type="checkbox"/> Notice of Hrg	Publication: Business Journal	
<input checked="" type="checkbox"/> Aff.Mail W/		
<input checked="" type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.	Estimated value of the Estate:	
<input type="checkbox"/> Conf. Screen	Real property - \$105,000.00	
<input checked="" type="checkbox"/> Letters	Personal property - \$ 1,000.00	
<input checked="" type="checkbox"/> Duties/Supp	Total - \$106,000.00	
<input type="checkbox"/> Objections	Probate Referee: Steven Diebert	
<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: LEG
		Reviewed on: 10/5/15
		Updates:
		Recommendation: SUBMITTED
		File 23 – Janian

Attorney Istanbulian, Flora (for Petitioner Shawmiel A. Tingle)

Petition for Letters of Administration; Authorization to Administer Under the Independent Administration of Estates Act

DOD: 5/20/2015	SHAWMIEL A. TINGLE , daughter, is Petitioner and requests appointment as Administrator without bond (<i>All heirs waive bond.</i>)		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: Court will set Status Hearings as follows:</p> <ul style="list-style-type: none"> • Monday, March 7, 2016 at 9:00 a.m. in Dept. 303 for the filing of final inventory and appraisal; and • Wednesday, December 7, 2016 at 9:00 a.m. in Dept. 303 for the filing of first account and/or petition for final distribution. <p>Pursuant Local Rule 7.5, if the documents noted above are filed 10 days prior to the dates listed, the hearings will be taken off calendar and no appearance will be required.</p>									
Cont. from	Full IAEA — OK											
<input type="checkbox"/> Aff.Sub.Wit.												
<input checked="" type="checkbox"/> Verified	Decedent died intestate.											
<input type="checkbox"/> Inventory												
<input type="checkbox"/> PTC												
<input type="checkbox"/> Not.Cred.	Residence — Fresno Publication — Business Journal											
<input checked="" type="checkbox"/> Notice of Hrg												
<input checked="" type="checkbox"/> Aff.Mail	W/	<p>Estimated value of the Estate:</p> <table> <tr> <td>Personal property</td> <td>-</td> <td>\$25,264.13</td> </tr> <tr> <td>Real property</td> <td>-</td> <td>\$68,000.00</td> </tr> <tr> <td>Total</td> <td>-</td> <td>\$93,264.13</td> </tr> </table>		Personal property	-	\$25,264.13	Real property	-	\$68,000.00	Total	-	\$93,264.13
Personal property	-			\$25,264.13								
Real property	-			\$68,000.00								
Total	-			\$93,264.13								
<input checked="" type="checkbox"/> Aff.Pub.												
<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		<p>Probate Referee: Rick Smith</p>										
<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: LEG												
Reviewed on: 10/5/15												
Updates:												
Recommendation: SUBMITTED												
File 24 – Tingle												

Attorney Palmer, Charles (for Petitioner Houa Yang, spouse)

Petition for Appointment of Probate Conservator of the Person and Estate

		NO TEMPORARY REQUESTED	<p>HOUA YANG, spouse, is Petitioner and requests appointment as Conservator of the Person; and of the Estate with bond.</p> <p style="text-align: center;">~Please see Petition for details~</p> <p>Court Investigator's Report was filed on 9/30/2015.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Court Investigator Advised Rights on 9/18/2015.</p> <ol style="list-style-type: none"> Item 1(c) of Petition requests bond be fixed at \$20,744.00 based on estimated value of personal property and annual income. Bond is required in the sum of \$22,818.40 pursuant to Probate Code § 2320 and CA Rule of Court 7.207. Petition does not address whether bond will be increased upon receipt by Conservator of insurance benefit funds, or whether the \$50,000.00 in funds will be placed into a blocked account for the conservatorship estate. If the funds will be in a blocked account, need mandatory-use Judicial Council form <i>Order to Deposit Money Into Blocked Account</i> (Judicial Council form MC-355) for the Court's signature. <p style="text-align: center;">~Please see additional page~</p>
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	W/		
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input checked="" type="checkbox"/>	Pers.Serv.			
<input checked="" type="checkbox"/>	Conf. Screen			
<input type="checkbox"/>	Letters	X		
<input checked="" type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input checked="" type="checkbox"/>	Video Receipt			
<input checked="" type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input type="checkbox"/>	Order	X		
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input checked="" type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
			Reviewed by: LEG	
			Reviewed on: 10/5/15	
			Updates:	
			Recommendation:	
			File 25 – Lor	

NEEDS/PROBLEMS/COMMENTS, continued:

3. Petitioner requests at Item 1 (f) of the *Petition* orders relating to duties of conservator of the person granted under Probate Code § 2351 – 2358, including establishment of residence, consent to medical treatment of proposed Conservatee; and exclusive authority to make health care decisions. However, *Petition* is not marked at Item 1 (g) and Item 9 for the Court to consider granting medical consent powers. Attachment 1 (f) to the *Petition* sets forth powers and duties of a proposed Conservator requested by Petitioner, some of which are powers and duties of general conservators as a matter of course. However, the following powers and duties are **not** authorized as a matter of course: Consent to medical treatment for Conservatee; and exclusive authority to make health care decisions for Conservatee. To be granted these powers, Petitioner must file a satisfactorily completed physician's *Capacity Declaration* in support of medical consent powers pursuant to Probate Code § 1890(c). Petitioner has the option of coming back to Court in the future to file a petition requesting medical consent powers under Probate Code § 1890, following the completion by a physician of a *Capacity Declaration* pursuant to Probate Code § 1890(c).
4. Need proposed *Order Appointing Probate Conservator* [Judicial Council GC- 340], and proposed *Letters of Conservatorship* [Judicial Council GC-350] signed by the Petitioner to be submitted to the Court.

Note: If *Petition* is granted, Court will set status hearings as follows:

- **Monday, November 9, 2015 at 9:00 a.m. in Dept. 303** for filing proof of bond and/or receipt of funds in blocked account;
- **Monday, February 8, 2016 at 9:00 a.m. in Dept. 303** for filing of inventory and appraisal; and
- **Monday, December 12, 2016 at 9:00 a.m. in Dept. 303** for filing of first account of the conservatorship.

Pursuant Local Rule 7.5, if the documents noted above are filed 10 days prior to the dates listed, the hearings will be taken off calendar and no appearance will be required.

Petitioner: Vicki Long (pro per)

Petition for Appointment of Temporary Guardian

		GENERAL HEARING 12/2/15	NEEDS/PROBLEMS/COMMENTS:
		VICKI LONG , maternal grandmother, is petitioner.	
		Please see petition for details.	<ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of personal service of the Notice of Hearing along with a copy of the temporary petition, or Consent and Waiver of Notice or Declaration of Due Diligence on: <ol style="list-style-type: none"> a. Darren Lee Pool (father) b. Kristi Long (mother)
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 type="checkbox"/>	Notice of Hrg	X	
<input type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.	X	
<input checked="" type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input 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 checked="" type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: KT
			Reviewed on: 10/5/15
			Updates:
			Recommendation:
			File 26 – Pool