



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.

DOD: 07/03/2011	BARBARA R. MORGAN , mother is petitioner and requests appointment as Administrator without bond.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: If the petition is granted status hearings will be set as follows:</p> <ul style="list-style-type: none"> ● Friday, 3/15/2013 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal and ● Friday, 12/13/2013 at 9:00a.m. in Dept. 303 for the filing of the first account or final distribution. <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.</p>
	Petitioner is sole heir & waives bond.	
	Full IAEA –o.k.	
Cont. from 090612	Decedent died intestate	
<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	Residence: Clovis Publication: The Fresno Bee	
<input checked="" type="checkbox"/> Aff.Mail	w/	
<input checked="" type="checkbox"/> Aff.Pub.	Estimated value of the estate: Personal property - \$225,000.00	
<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	Probate Referee: Steven Diebert	
<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: KT
		Reviewed on: 10/4/12
		Updates:
		Recommendation: SUBMITTED
		File 7 - Shaver

Attys **Magness, Marcus D. (for Anna Foster, Administrator, daughter)**

Foster, Kenneth R. (pro per, Guardian of Estate of Bruce K. Foster, Jr., adoptive son)

<p>Probate Status Hearing Re: Status of Administration and Retaining Home as Part of Probate Estate for Benefit of Minor (Bruce Foster, Jr.) OD: 2/26/2001</p>	<p>ANNA N. FOSTER, daughter/Administrator with limited IAEA with bond of \$100,000, is petitioner. Letters issued 5/11/2007.</p> <p>Background:</p> <ul style="list-style-type: none"> • Sole asset of estate is real property located in Fresno. The value of the real property at the date of death was \$65,000.00. • Decedent died intestate, survived by five children who are now living, and the living issue of two children who are now deceased. • Since decedent's death, Petitioner has advanced funds for property taxes and homeowner's insurance. • Department of Health Services filed a creditor's claim for \$17,181.64, which was allowed by Petitioner on 10/30/07. <p>There is no cash in estate to pay creditor's claim or to reimburse Petitioner for advanced funds.</p> <p>Status Conference Statement filed on 6/24/11 states during the pendency of this Probate, Kenneth R. Foster was appointed as the Guardian of the Person and Estate of Bruce K. Foster. Bruce lived in the home the majority of his life. Kenneth filed a Petition for Order Setting Aside Probate Homestead in this action to allow Bruce to continue to reside in the home until he turns 18. Also during the pendency of this action Petitioner sought instructions from this Court to approve the sale of the real property to petitioner. On 5/15/08, these petitions came before this court for hearing. At the hearing, the Court granted Petitioner's Petition for Instructions and denied the Petition for Order Setting Aside Probate Homestead because the terms of the instructions effectively granted the relief sought by Bruce Foster.</p> <p style="text-align: center;">Please see additional page</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need current status report.</p>
<p>Cont. from 031110, 063011, 071212</p>		
<p>Aff.Sub.Wit.</p>		
<p>Verified</p>		
<p>Inventory</p>		
<p>PTC</p>		
<p>Not.Cred.</p>		
<p>Notice of Hrg</p>		
<p>Aff.Mail</p>		
<p>Aff.Pub.</p>		
<p>Sp.Ntc.</p>		
<p>Pers.Serv.</p>		
<p>Conf. Screen</p>		
<p>Letters</p>		
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<p>Order</p>		
<p>Aff. Posting</p>		
<p>Status Rpt</p>		
<p>UCCJEA</p>		
<p>Citation</p>		
<p>FTB Notice</p>		
		<p>Reviewed by: KT</p>
		<p>Reviewed on: 10/4/12</p>
		<p>Updates:</p>
		<p>Recommendation:</p>
		<p>File 11 - Foster</p>

Unfortunately, Petitioner was unable to obtain financing to purchase the Home. Petitioner reported this event to the Court, and on March 26, 2009, this Court entered its Order vacating Prior Instructions; Denying Probate Homestead and Further Instructing Administrator. In this order, the Court denied the probate homestead and further instructed the petitioner to retain the Home as part of the probate estate pending further orders of the Court. Petitioner was further ordered to continue paying any mortgage and maintenance costs and the Court reserved jurisdiction over whether any of these costs would be reimbursed upon the close of the probate. The Order allowed the minor, Bruce to continue to reside in the Home.

Petitioner does not reside in the Home. Following the decedent's death, Petitioner's daughter (and her family) moved into the Home to care for Bruce. Petitioner's daughter's children are close in age to Bruce and they were helpful in assisting Bruce deal with the loss of his mother (grandmother).

Bruce graduated high school this month and plans to attend Fresno City College in the fall. Bruce is currently 17 years old and will not turn 18 until April 4, 2012.

While Bruce may be able to move in with other family members, he has not attempted to find another place to live at this time. The Administrator would like some guidance from the Court on how to proceed in light of Bruce's graduation from High School and the fact that he remains a minor.

The Administrator believes there are two options: (1) proceed as they have for the past 5 years, allowing Bruce to live in the home pending his 18th birthday; or (2) sell the Home, pay the creditor's claim filed by DHS, reimburse Petitioner for sums advanced to protect the estate pending sale of the Home, and to pay costs of administration of the probate estate. Said petition would request that all sums remaining be distributed to the heirs of the decedent, pursuant to the laws of intestacy. Unfortunately, the second option would also require the establishment of a guardianship of the estate of Bruce, as he is still a minor.