



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.

1) First Account of Administrator, and 2) Petition for Its Settlement

DOD: 5-22-13	TERRI JEAN , Surviving Spouse and Administrator with Limited IAEA with bond of \$64,400, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
Conf. from 031516, 061416, 072616	Account period: 5-22-13 through 12-31-14	Note: On 8/6/15, Petitioner filed an I&A reinstating the Selma property as an asset of this estate and it is scheduled to be sold on 10/6/16.
<input type="checkbox"/> Aff.Sub.Wit.	Accounting: \$195,517.83	As such, need amended account, as this account does not include the Selma real property that is now inventoried as an asset of the estate.
<input checked="" type="checkbox"/> Verified	Beginning POH: \$195,517.83	
<input checked="" type="checkbox"/> Inventory	Ending POH: \$195,517.83	
<input checked="" type="checkbox"/> PTC	(Cash of \$1,277.83 plus personal business property valued at \$185,740.00 and personal misc. musical instruments/gear valued at \$8,500.00)	
<input checked="" type="checkbox"/> Not.Cred.	Petitioner states the real property originally inventoried was found to have been owned in joint tenancy with Petitioner and thus was removed from Probate administration. See Quit Claim Deed attached to Corrected Inventory and Appraisal Partial No. 1 filed 2-18-15.	
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.	Petitioner states the decedent executed the Quit Claim Deed on 10-6-08 transferring title to the real property located at 9077 E. Mountain View Ave., in Selma to: Randy A. Jean, an unmarried man, and Terri Lynn Wekseth, an unmarried woman, as joint tenants with rights of survivorship. Subsequent to execution, the decedent and Petitioner were married. The deed was recorded on 8-23-13. Prior to filing her petition for probate, Petitioner notified her attorney, Joanne Sanoian, about the quitclaim deed and was informed that because it was recorded after the decedent's death, the property had to be part of the estate. In January 2015, Petitioner contacted a realtor to list the property as ordered by the Court. The realtor informed current counsel Gregory J. Roberts of the Quit Claim Deed, which resulted in the corrected Inventory and Appraisal removing the real property from the estate.	
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters	11-20-13	
<input type="checkbox"/> Duties/Supp		
<input checked="" 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	Petitioner states two creditor's claims have been filed, but remain unpaid.	
	Petitioner prays for an order that:	
	1) The first account of Petitioner as Administrator be settled, allowed and approved as filed;	
	2) All acts and proceedings of Petitioner as Administrator relating to the matters set forth in the petition be confirmed and approved; and	
	3) Such further orders as the Court considers proper.	
	SEE ADDITIONAL PAGES	
		Reviewed by: skc
		Reviewed on: 9/28/16
		Updates:
		Recommendation:
		File 2A- Jean

Page 2**Objection to First Account of Administrator and Petition for 1) Surcharge; 2) Removal of Administrator; and 3) for Attorney Fees and Costs Advanced filed 4-3-15 by Randi Poe, Daughter states:**

- The real property was removed from the estate, but should be included in the accounting.
- Rental receipts for the taco truck owned by Ramiro Navarro that has been parked on the property (that has been removed from the estate) since 2004 are not included in the accounting. Obejctor believes receipts should reflect approx. \$16,830, which represents \$630/month from the taco truck per the agreement.
- Income from the sale of various personal property, which the administrator sold without notice, totaling approx. \$2,352.65 should be included in the accounting.
- Income from the rental of the real property should be included in the accounting. Objector states Terri Jean has not filed any petition for Probate Homestead and would only be entitled to remain in temporary possession until the inventory is filed and for a period of up to 60 days afterward without further order of this Court. Probate Code §6500. Administrator has been solely in control of the timing and filing of the inventory in this estate and it has taken her nearly two years to sort out what should have been a simple inventory.

See also Declaration of Randi Jean in Support of Objection.**Objector requests an order that:**

- 1. Administrator be determined to be liable for rental income from the taco truck at \$630/month from 5-22-13 plus interest until recovered to the estate as set forth in the Objection;**
- 2. Administrator be determined to be liable for undisclosed income from the sale of various personal property in the amount of \$2,352.65 plus interest until recovered to the estate as set forth in the Objection;**
- 3. Administrator be determined to be liable for rental income from the property from 5-20-14 (60 days after filing I&A Partial #1) plus interest as set forth in the Objection;**
- 4. Monetary liability for the taco truck rents, property rent, and the undisclosed sale of the personal property be charged against the Administrator ordinary and any extraordinary fees;**
- 5. The Administrator be removed;**
- 6. Objector recover costs and attorney fees; and**
- 7. Such other and further orders be made as this Court may deem proper under the circumstances.**

SEE ADDITIONAL PAGES

NEEDS/PROBLEMS/COMMENTS (PETITIONER): The following issues remain noted for reference:

1. **As noted above, need amended account, as this account does not include the Selma real property that is now inventoried as an asset of the estate.**
2. In her Objection to Appointment of Randi Poe as Special Administrator filed 9-17-13, Petitioner describes various actions that she took with regard to Decedent's assets, including collection of rents, payment of expenses, transfer of title of various assets, theft of an asset, etc.

However, this First Account indicates no actions were taken at all since Decedent's death. Need clarification.

3. Bond of \$64,400.00 does not appear sufficient. The Court may require an increase to at least \$195,517.83 (plus additional bond if real property is sold). See Cal. Rule of Court 7.204 (Duty to apply for order increasing bond).
4. Petitioner does not provide the reasons why the estate cannot be distributed and closed and an estimate of time needed to close administration pursuant to Probate Code §12200(a).
Note: The Court will set a status hearing for the filing of the Final account as appropriate.

NEEDS/PROBLEMS/COMMENTS (OBJECTOR):

1. Objector requests removal of the Administrator in her objection to the Accounting; however, separate noticed petition may be required pursuant to Probate Code §8500.

Objection to Inventory; Petition to Establish Estate's Ownership of Real Property, and for Order Directing its Transfer to Estate

DOD: 5-22-13	<p>RANDI POE, Daughter and interested person within the meaning of Probate Code §850(a)(2), is Petitioner.</p> <p>Petitioner states on 10-6-08, Decedent executed a document titled "In case of death his will to protect people he had to" and had the same acknowledged by Sarbjeet Kaur, a licensed notary public, commission #2097311 (the "Will"). A copy of entry number 8 in the journal of notarial acts of Sarbjeet Kaur dated 10-6-08 is attached to this petition as Exhibit A. See also Exhibit B, which is a certification of notary journal entry executed 2-23-15 by Sarbjeet Kaur.</p> <p>On numerous occasions prior to his death, Decedent told Petitioner and her brother that "he would take care of them" if he died. In all conversations Petitioner had with Decedent from 2008 until he died, Decedent never once mentioned that his single most valuable asset, the real property located at 9077 E. Mountain View Ave., in Selma, had already been quitclaimed to himself and Terri Jean as joint tenants with rights of survivorship, and would therefore eventually be the sole property of Terri after his death.</p> <p>Decedent died 5-22-13 in possession of and holding record title to the property.</p> <p>On 8-23-13, a document purporting to be a Quit Claim Deed was recorded against the property in Official Records of Fresno County as Doc #2013-0121190 (Exhibit C). The Quit Claim Deed purports to be executed on 10-6-08, but was not recorded until 8-23-13, nearly five years later.</p> <p>Page 4 of the Quit Claim Deed, the signature page of Decedent, is in a different font than pages 1-3, and includes entirely inappropriate text for a quitclaim deed as follows: "After my Will or (Estate Plan) this statement of my last wishes shall be voided."</p> <p>Petitioner states the Quit Claim Deed is fraudulent because the signature page from the Quit Claim Deed is from the Will, acknowledged by notary Sarbjeet Kaur, and the notarial journal and certification of Sarbjeet Kaur provide evidence of this.</p>	NEEDS/PROBLEMS/ COMMENTS:
Cont. from 031516, 061416, 072616		<u>Minute Order 6/14/16: Report of Sale will be filed soon.</u>
<input type="checkbox"/> Aff.Sub.Wit.		Note: On 8/6/15, Petitioner filed an I&A reinstating the Selma property as an asset of this estate as well as a reappraisal for sale. As such, it appears this petition may be moot.
<input checked="" type="checkbox"/> Verified		<u>SEE ADDITIONAL PAGES</u>
<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 type="checkbox"/> Order	x	
<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	Reviewed by: skc
		Reviewed: 9/28/16
		Updates:
		Recommendation:
		File – 2B Jean

Page 2

Petitioner states (Continued): The recording caption of the Quit Claim Deed provides that Decedent himself requested recording and that after recording it should be returned to the property. Terri Jean resides at the property.

Petitioner was unaware of the Quit Claim Deed and only became aware of it on 2-18-15 when served with a copy of Inventory and Appraisal No. 1 Corrected Final filed 2-9-15 by Terri Jean, which removes the property from the estate. Petitioner states Terri Jean filed her petition for Letters of Administration on 9-17-13 and indicated the property was part of the estate and that Decedent died intestate. Until 2-9-15, Terri Jean had not disclosed the existence or produced a copy of the Quit Claim Deed or the Will.

Petitioner states Terri Jean did not investigate the validity of the Quit Claim Deed or did not do so thoroughly enough to look up the notary Sarbjeet Kaur and obtain copies of the notarial journal. Terri Jean is the only person that would benefit if the Quit Claim Deed were valid because the property would pass directly to her and would not be divided equally between her and the decedent's two children.

Petitioner states jurisdiction under Probate Code §850(a)(2) to resolve disputed property claims for estate property is concurrent and not exclusive. Authority provided.

Petitioner requests that:

- 1. Finding that all facts stated in the Petition are true and that all notices required by law have been duly given;**
- 2. The Court find and direct Terri Lynn Wekseth (Jean) to transfer and quitclaim any and all interest in the property to the Administrator of the Estate of Randy A. Jean;**
- 3. Such other and further orders be made as this Court may deem proper under the circumstances.**

SEE ADDITIONAL PAGES

NEEDS/PROBLEMS/COMMENTS:

1. The Notary Journal Entry at Exhibit A does not indicate a document type. The certification of notary journal entry referenced as Exhibit B verifies that the attached photocopies of the journal entry are true and correct; however, her statement as to the document type: "The Document type... Randy A Jean- In Case of Death. (His will to protect people he need to)" does not appear to be a verified statement, and this information is not reflected in the journal entry. The Court may require a verified declaration from the notary as to the specific nature of the document type that was notarized, or further documentation.
2. Petitioner appears to allege that this document dated 10-6-08 was the decedent's will, as set forth in the notary's declaration referenced in #1 above. The Court may require clarification as to why this document was never requested to be admitted to probate as a will, either previously, or now, with reference to Probate Code §8504. (Note: Admission would require production and proving. The original document has never been deposited with the Court pursuant to Probate Code §8200.)
3. Petitioner was originally granted a fee waiver in connection with her petition for appointment as special administrator, ex parte request for order shortening time, and petition for probate, which filing fees would total \$695.00. The filing fee for this petition (\$435) was paid. Examiner notes that outstanding filing fees will be due upon any distribution to Petitioner. Alternatively, as it appears Petitioner's circumstances may have changed, or her attorney may now be advancing fees, the Court may require further application pursuant to Government Code 68636(a).
4. Need order.

Supplemental Report of Status filed 7/5/2016, continued:

- In the event that **JASON YANG** is unable to obtain financing to purchase the property, the parties agreed to arrange for sale of the property to another buyer;
- Proceeds from the sale of the property will be placed in a blocked account, pending the Court's order for distribution, following petition by the Administrator;
- The parties agreed that a continuance of the status hearing for a **90-day** period would allow sufficient time for the purchase and sale of the property from the Decedent's estate to **JASON YANG**; in the event that the property was not sold within the 90-day period, the parties would agree to request additional time as needed for the purpose of concluding a sale of the property;
- Since the 7/12/2016 status hearing, the Administrator obtained a reappraisal for sale [*Reappraisal for Sale filed 10/3/2016 shows a value of \$345,000.00*];
- The Administrator negotiated with **JASON YANG** regarding purchase and sale of the property, but **JASON YANG** declined to purchase the property;
- After **JASON YANG** declined to purchase the property, the Administrator sought another prospective buyer, who has submitted documentation to obtain financing, and the loan officer anticipates approval of the loan application prior to the date set for the status hearing;
- The Administrator has been advised that assuming financing approval as expected, escrow for the sale of the property should close prior to the end of October 2016;
- Upon close of escrow, proceeds from the sale of the property will be placed in a blocked account, pending the Court's order for distribution, following petition by the Administrator;
- The estate will then be in a position to be closed; Administrator requests the Court continue the status conference for **60 days**.

Probate Status Hearing RE: Filing of the Final Account

DOD: 3/11/16	<p>SHARON SHRIVES is conservator.</p> <p>The conservatee is deceased.</p> <p>The First Account was approved on 4/12/16 showing the balance of the estate on 12/28/15 as \$6,509.77.</p> <p>Minute order dated 4/12/16 set this status hearing for the filing of the final account.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need final account 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.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
	<p>Reviewed by: KT</p> <p>Reviewed on: 10/3/16</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 4- Mardis</p>	

Petition for Appointment of Guardian of the Person

		See petition for details.	NEEDS/PROBLEMS/COMMENTS:	
Cont. from 063016, 081116				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail			W
	Aff.Pub.			
	Sp.Ntc.			
✓	Pers.Serv.			W
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
✓	CI Report			
✓	Clearances			
✓	Order			
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			
		Reviewed by: skc		
		Reviewed on: 9/28/16		
		Updates:		
		Recommendation:		
		File 11- Ysais		

Petition for Appointment of Guardian of the Person

		See petition for details.	NEEDS/PROBLEMS/COMMENTS:
			<u>Continued from 8/24/16. As of 9/28/16, nothing further has been filed.</u>
Cont. from 082416			1. Need Consent of Proposed Guardian (Form GC-211). (Note: Proposed Guardian Juan Aleman Medina may also wish to consent and waive notice of hearing at #4 of the form in addition to consenting to serve as guardian at #1. If not, service is required.)
<input type="checkbox"/>	Aff.Sub.Wit.		2. Need Notice of Hearing.
<input checked="" type="checkbox"/>	Verified		3. Need proof of personal service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing per Probate Code §1511 <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence on: - Isidro Aleman Menera (Father) - Adolfinia Medina Gaona (Mother)
<input type="checkbox"/>	Inventory		4. Need proof of service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing per Probate Code §1511 <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence on: - Paternal Grandfather Luciano Aleman Villaloboa - Paternal Grandmother Maria de la Luz Menera - Maternal Grandmother Francisca Gaona - Siblings ages 12 and older
<input type="checkbox"/>	PTC		5. Need new Order and Letters, which forms were updated by the Judicial Council on 7/1/16.
<input type="checkbox"/>	Not.Cred.		Reviewed by: skc
<input type="checkbox"/>	Notice of Hrg	X	Reviewed on: 9/28/16
<input type="checkbox"/>	Aff.Mail	X	Updates:
<input type="checkbox"/>	Aff.Pub.		Recommendation:
<input type="checkbox"/>	Sp.Ntc.		File 13A- Medina
<input type="checkbox"/>	Pers.Serv.	X	
<input checked="" type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters	X	
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input checked="" type="checkbox"/>	CI Report		
<input checked="" type="checkbox"/>	Clearances		
<input checked="" type="checkbox"/>	Order	X	
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input checked="" type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

Petition for Special Immigrant Juvenile Findings

		See petition for details.	NEEDS/PROBLEMS/COMMENTS:
Cont. from 082416			
	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: skc	
		Reviewed on: 9/28/16	
		Updates:	
		Recommendation:	
		File 13B- Medina	

Status RE: Proof of Bond

Age:			NEEDS/PROBLEMS/COMMENTS:
DOD:			
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		
			<u>OFF CALENDAR</u>
			Bond filed 9/21/16; Letters issued 9/21/16.
			Reviewed by:
			Reviewed on:
			Updates:
			Recommendation:
			File 14- Smith

Second Account and Report of Administrator and Report of Status of Administration

<p>DOD: 11/23/06</p>	<p>PAUL A. DICTOS, Administrator with Limited IAEA with bond of \$100,000.00, is Petitioner.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>
<p>Cont. from 090716</p>	<p>First Account for period 1/31/07 through 10/31/08 was settled 3/2/09; Ending POH: \$326,760.35.</p>	<p>Note: This matter is set for 8:30am in Dept. 54.</p>
<p>Aff.Sub.Wit.</p>	<p>Second Account 11/1/08 – 11/14/13:</p>	<p>Continued from 9/7/16. As of 9/28/16, nothing further has been filed. The following issues remain noted:</p>
<p>✓ Verified</p>	<p>Accounting: \$327,304.15</p>	<p>SEE ADDITIONAL PAGES</p>
<p>✓ Inventory</p>	<p>Beginning POH: \$306,760.35</p>	
<p>✓ PTC</p>	<p>Ending POH: \$279,305.00</p>	
<p>✓ Not.Cred.</p>	<p>(\$305.00 cash plus real property, vehicle, misc. household furnishings)</p>	
<p>✓ Notice of Hrg</p>	<p>Petitioner states various creditor's claims have been filed totaling \$2,015,678.15. All except for the claim of the decedent's widow resulted from the decedent's garlic farming and contract dealings.</p>	
<p>✓ Aff.Mail W</p>	<p>(The decedent's widow's claim for \$1,250,000 filed 5/23/07 is for community property of gifts/other transfers.) Prior to the hearing on this petition, all of the foregoing claims, except for that of the decedent's widow, will be rejected.</p>	
<p>Aff.Pub.</p>	<p>Petitioner states the I&A Partial No. 1 filed 9/18/07 should be deemed a Final I&A. <u>Note:</u> Assets include cash of \$19,348.70 (community property, including spouse's interest) residential real property in Fresno (decedent's separate property), and a vehicle and misc. personal property (community property, including spouse's interest), total original estate value \$318,348.70.)</p>	
<p>Sp.Ntc.</p>	<p>Additional Assets (Judgment): Following a three-week trial, the estate obtained judgments against Marjorie Petrogonas Esparza, Maria Brar Petrogonas, Amerimex Chili Products, Inc., and Gurpinder Singh Brar, jointly and severally, as described in the petition, plus interest. (Note: Judgment appears to total \$1,475,342.90.)</p>	
<p>Pers.Serv.</p>	<p>Petitioner states the judgment was entered 11/20/09. Even though the judgment is an asset of the estate, Petitioner has not inventoried same. Petitioner has investigated the collectability of these sums and is still pursuing efforts to collect on the judgments; however, lack of funds has precluded enforcement action. Petitioner prefers to inventory any collections and/or the judgment on a supplemental inventory when likelihood of collection has become more ascertainable.</p>	
<p>Conf. Screen</p>	<p>SEE ADDITIONAL PAGES</p>	
<p>✓ Letters 1/30/07</p>		
<p>Duties/Supp</p>		
<p>Objections</p>		
<p>Video Receipt</p>		
<p>CI Report</p>		
<p>✓ 9202</p>		
<p>✓ Order</p>		
<p>Aff. Posting</p>		
<p>Status Rpt</p>		
<p>UCCJEA</p>		
<p>Citation</p>		
<p>N/A FTB Notice</p>		

Page 2

Foreign Real Property: The decedent had interest in real property located in Greece and Argentina, as set forth in prior orders of this court. Petitioner is still making efforts to collect and realize value on those assets, which will become assets of the estate.

Petitioner states he has been stalemated in trying to recover the decedent's interest in real property in Argentina. Lack of funds precludes retention of counsel, and counsel previously retained there has not been helpful.

Petitioner has obtained offers from the court to take appropriate actions necessary to consummate the sale of the estate's real property in Greece and Argentina according to local law, with provisions to give notice to beneficiaries. Petitioner is informed and believes that the sale of property in Greece has been thwarted because Greek law requires that the heirs personally appear to acquire the property; however, if they have not appeared within 10 years after the date of death, the property may be sold without their participation by the administrator. Petitioner anticipates that following 11/26/16, he will be able to consummate a sale of the estate's interest in real property in Greece.

Fresno Residence: In 2012, Bank of America initiated foreclosure on the real property located at 4086 W. San Jose in Fresno. Petitioner obtained a TRO pending hearing, and by stipulation, the property was eventually sold with proceeds divided pursuant to stipulation of the parties subsequent to the cutoff date of this account period. Petitioner will file a separate schedule and amend the accounting to show details of the sale, which closed in August 2015.

Statutory compensation: Administrator and Attorney were both previously awarded \$4,500 as partial compensation for statutory compensation in this matter, which was paid following the sale of the real property.

Bond: Bond is currently \$100,000. As a result of the sale of the residence, the remaining assets are substantially below that amount. Petitioner will file separate application for reduction of bond with detail of the sale.

Petitioner prays for an order:

1. That the Second Account and Report of Status of Administration be settled, allowed and approved as filed;
2. That all actions of Petitioner as administrator of the estate be ratified, confirmed and approved;
3. That Petitioner be authorized and directed to continue administration of the estate, specifically to recover the estate's interest in any assets held in foreign jurisdictions and, in the Administrator's discretion, to pursue collection efforts on the judgment entered herein; and
4. For such other and further orders as the Court may deem proper.

SEE ADDITIONAL PAGES

Page 3 – NEEDS/PROBLEMS/COMMENTS:

1. This file is voluminous and contains extensive documentation re various matters throughout the estate's continuing administration, including litigation resulting in judgment against certain beneficiaries as well as homestead and community property confirmation to the decedent's surviving spouse. Because this petition does not necessarily describe if these various matters affected the ultimate distribution scheme of the estate, need simple clarification: Are the intestate heirs pursuant to Probate Code §6401 (the decedent's surviving spouse and three children) still expected to be the beneficiaries of this estate?
2. Surviving spouse Maria Raquel Petrogonas was not given direct notice of this hearing pursuant to Probate Code §§ 11000, 1214, and Cal. Rule of Court 7.51. Note: It appears she remains represented by Attorney Lucich, who was given notice; however, direct notice is still required. The Court may require continuance for proper notice to Maria Raquel Petrogonas.
3. I&A filed 9/18/07 reflects a value for the residence of \$275,000, not \$255,000. Therefore, using the correct carry value, the beginning POH is actually \$326,760.35, as reflected in the First Account per Probate Code §1061(a)(1) (not \$306,760.35), and the Ending POH at the close of this account is \$299,305 (not \$279,305). Note: The proposed order on this petition should reflect the correct amount pursuant to Local Rule 7.6.1.C. when submitted pursuant to Local Rule 7.1.1.F.
4. Need Allowance or Rejection of each creditor's claim per Probate Code §9250. (At the first account, allowance or rejection was pending the outcome of the ongoing litigation. At this time, it appears appropriate for allowance or rejection to be filed as stated in order for this second account to be settled.)
5. Need clarification re background and current status of foreign estate assets: It appears from the file that no ancillary probate administrations have been established in the foreign jurisdictions (Greece and Argentina), but rather that the Administrator received authorization from this Court, pursuant to advice or request of foreign counsel, to deal with the various foreign real property. Need clarification if this remains the case – have any ancillary administrations been opened? Although the real property in foreign jurisdictions are not technically assets of this estate, it would be appropriate that they be identified in a schedule to the periodic accountings, since the Administrator is actively acting on the estate's behalf in dealing with them. In addition, the Court may require clarification regarding their values, and may require bond, as it appears from this petition that the Administrator may be able to sell them in the near future.
6. The Court entered judgment in favor of the estate against various parties in the total amount of \$1,475,342.90 on 11/20/09. Such judgment should be included as an asset received during this Second Account period and as an asset on hand at the close of this Second Account period. Petitioner indicates at Paragraph 8 on Page 3 that he has not inventoried the judgment as an asset due to ongoing investigation of collectability; however, collectability does not affect the existence of the judgment. It appears that, rather than filing supplemental inventory based on the judgment amount or some other amount as deemed collectable by the Administrator, this account should be revised to reflect the judgment in favor of the estate as ordered by the Court during the account period.

Note: Pursuant to the 2009 Judgment, which adopts the Tentative Ruling issued 9/9/09, it appears that at least some of the sums awarded are community property. The Court may require a declaration or schedule clarifying or allocating the various awarded amounts within the estate as community or separate property pursuant to Probate Code §8850(c).

SEE ADDITIONAL PAGES

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7. In 2010, during this account period (see Order filed 7/27/10), the Court authorized the Administrator to, among other things, a) encumber the residential real property for \$106,767 and b) execute a promissory note to himself for \$7,650 plus interest, which amounts appear to have been used to fund the litigation resulting in the above-referenced judgment. This accounting does not provide specific information or a clear picture of the total amount expended for this purpose. In addition, the disbursements schedule indicates various additional payments for legal expenses without explanation, so it is unclear if they are for the litigation or in connection with the foreign properties.

It appears the home was later foreclosed, and a stipulation was approved in 2014 with regard to allocation of proceeds, which will be addressed in further accounts for subsequent periods; however, at this time, need clarification and schedules re these liabilities pursuant to Probate Code §§ 1063(g) and 1064. The Court may also require complete itemization re legal fees.

8. Pursuant to Probate Code §1063(a), there shall be an additional schedule showing the estimated market value of all assets on hand at the end of the account period. Need market value schedule. (It would appear that this should include the house, the vehicle, the personal property, the judgment, and possibly the foreign properties, per above.)
9. It appears the vehicle and personal property were community property assets, of which the surviving spouse opted to include her community property interest with the administration of the estate. Ultimately, as community property, these assets will be distributable to her pursuant to §6401(a). These assets remain listed as POH in this account. Need clarification: Are they (or were they at the close of this account period) in the Administrator's possession? Are they being stored? Used by the spouse? (Although there is no market value schedule, it is likely that these assets are depreciating in value while administration continues. Has the Administrator considered preliminary distribution to mitigate depreciation?)
10. Pursuant to Probate Code §12200, a report of status of administration that is not a final account shall show the condition of the estate and an estimate of the time needed to close administration. This Second Account covers through November 2013, almost three years ago. Therefore, the Court may require clarification re: the current status of the estate, including estimated time to close.
11. Need proposed order per Local Rule 7.1.1.F. Note: Order should reflect correct POH figure per above.

Note: If granted, the Court will set a status hearing for the filing of the Third Account as appropriate.