

Probate Status Hearing Re: Failure to File the Inventory and Appraisal and for Failure to File a First Account or Petition for Final Distribution

	<p>WILLIAM R. SHOCKLEY and KATHERINE ROYCE, children, were appointed Co-Administrators with full IAEA without bond on 12/12/2006.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>
<p>Cont. from 030714, 051614, 063014, 081414</p>	<p>Letters issued on 12/14/2006.</p>	<p>Minute Order of 08/14/2014: Attorney Cross represented to the Court that he spoke to his client and he is willing to sign the document.</p>
<p>Aff.Sub.Wit.</p>	<p>Inventory and Appraisal was due on 05/2007.</p>	<p>Minute Order of 06/30/2014: Examiner notes provided to counsel.</p>
<p>Verified</p>	<p>First Account or Petition for Final Distribution was due 02/2008.</p>	
<p>Inventory</p>	<p>Notice of Status Hearing was mailed to Robert W M Cross on 12/18/2013.</p>	
<p>PTC</p>		<p>Minute Order of 05/16/2014: The Court will allow the filing of the document with a Fee Waiver.</p>
<p>Not.Cred.</p>	<p>Former Status Report filed 05/14/2014 states that co-administrator or decedent's estate, Katherine Royce, died on 08/05/2011. Mr. Shockley, co-administrator, has promised to prove a copy of her death certificate. In this case, the sole significant asset was the residence real property commonly known as 2805 B Street, Ca. which was subject to a substantial note secured by the deed of trust on the property. At the time of appointment of the personal representatives it appeared that there was substantial equity in the home. It was listed for sale and a buyer was found for a reasonable price. Unfortunately the buy backed out at the last minute. The value of the property then dropped because of the sharp decline of property values in general, no buyer was found at lower prices, and the property ultimately became worthless than the amount owed on notes secured by a deed of trust. Co-administrator William R. Shockley made the house payments for about a year, but beyond that it was beyond his means, and his co-administrator sister lacked means to contribute significantly to continue payment on the real property. As a consequence the property was ultimately washed in foreclosure. The lender refused to deal with the co-administrators with regard to the property. As a consequence of the above, the remaining administrator, William R. Shockley, has no assets to pay to any of the numerous creditors of decedent. Attorney Cross is requesting that remaining co-administrator supply the attorney with the documentation concerning the foreclosure and his payments. Nothing remains, of course, to reimburse him either.</p>	
<p>Notice of Hrg</p>		<p>Minute Order of 03/07/2014 (Judge Hamlin): No appearances. Counsel to file the required documents or a status report before the next hearing. Failure to file said documents will result in the issuance of an order to show cause regarding contempt. Robert Cross ordered to be personally present on 05/16/2014.</p>
<p>Aff.Mail</p>		
<p>Aff.Pub.</p>		
<p>Sp.Ntc.</p>		
<p>Pers.Serv.</p>		
<p>Conf. Screen</p>		
<p>Letters</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>Copy of Minute Order was mailed to Attorney Robert W. Cross on 03/19/2014.</p>
<p>Status Rpt</p>		
<p>UCCJEA</p>		
<p>Citation</p>		
<p>FTB Notice</p>		
		<p>Reviewed by: LV / SKC / LV</p>
		<p>Reviewed on: 10/09/2014</p>
		<p>Updates:</p>
		<p>Recommendation:</p>
		<p>File 1 – Shockley</p>

Page 2

Former Status report filed 6-26-14 by Attorney Cross (not verified) states he has finally had the opportunity to speak with Mr. Shockley. He stated that his sister (now deceased Co-Administrator) had taken charge of most of the estate since she lived in Selma, and he lives in Oakhurst. Together, they paid about a year of payments on the home and funeral expenses, etc. When the sale of the house fell through, she informed him that she was not going to pay any ore toward the house, so he didn't either. She then cut off contact with him for over three years. She did not supply him with any copies.

Mr. Cross states neither co-administrator sought his advice during that time regarding the sale of the property.

At the hearing on 5-16-14, Judge Oliver ordered a waiver of filing fees based upon the insolvency of the estate and suggested that we could proceed by way of declaration based on information and belief, as had apparently been suggested in other cases. It appears this would take the form of a Petition for Termination of Further Proceedings and Discharge of Personal Representative.

The Surviving Co-Administrator and the attorney would like to proceed in this fashion. However, because the attorney finds paucity of authority as to what would be required, he is requesting guidance from the court and/or Probate Examiners. Is Inventory and Appraisal required? Is an accounting needed? Is notice of hearing required to creditors or any other person or entity? Upon having a better understanding of what is required, the petition will be filed within 30 days.

Examiner's Notes re above questions:

Q: Is Inventory and Appraisal required?

A: Pursuant to Probate Code §8800, inventory and appraisal is required. In this case, there was an estate asset that ultimately foreclosed. If you would like to request that the Court waive the requirement of the Inventory and Appraisal due to the circumstances of this estate, you may wish to include such request in your petition. You may need to provide notice to the Probate Referee. See Probate Code §8900 et seq.

Q: Is notice of hearing required to creditors or any other person or entity?

A: A petition to terminate proceedings requires notice to all persons entitled thereto, which may include relatives, creditors whose claims were allowed but not paid per Probate Code §11000, and those who have requested special notice pursuant to Probate Code §1252. In this case, the California Franchise Tax Board requested special notice. You may also wish to address whether notice to the agencies in Probate Code §9202 is or was required and given. You will also be required to address the creditor's claims individually, in addition to notice of hearing. See Judicial Council Allowance or Rejection of Creditor's Claim and Probate Code §9250.

Q: Is an accounting needed?

A: Please see applicable Probate Code, including §§ 10951, 11000, 12200. Account may be requested by a creditor pursuant to the notice, or may be compelled by the Court, depending on circumstances.

In short, the estate must be properly closed, and how you wish to go about that is up to you as the attorney; however, the above information is provided as a general guideline with reference to Probate Code.

Page 3

Status Report filed 08/13/2014 states Attorney Cross has made several attempts to reach surviving co-administrator, William R. Shockley, but have received no contact from him whatsoever, and have not received any further information or documents from him beyond that attached to Status Report filed 06/226/2014. Mr. Cross asked him to appear with him in Court on 08/14/2014 but has not heard back from him.

Attorney Cross requests that the Court continue this hearing. If William R. Shockley fails to appear in court on August 14 and doesn't by that time have satisfactory contact with Attorney Cross then he thinks it would be appropriate for the court to issue an order calling for personal appearance in court by Mr. Shockley. Continuance should be one to two months depending upon whether it is necessary to have him ordered to appear.

Needs/Problems/Comments continued:

1. Need Inventory and Appraisal and First Account or Petition for Final Distribution 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.

2nd Amended First and Final Account and Report of Executor; Petition for Allowance of Compensation to His Attorney; and Reimbursement to Executor for Funeral Expenses and Closing of Estate Due to Exhaustion of Assets

DOD: 10-29-08	BRIAN FRY , Executor with Full IAEA without bond, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
	Account period: 1-27-09 through 11-30-13	
	Accounting: \$9,607.98	
	Beginning POH: \$9,607.98	
	Ending POH: \$8,211.77	
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified	Executor (Statutory): Waived	
<input checked="" type="checkbox"/> Inventory		
<input checked="" type="checkbox"/> PTC	Executor (Reimburse funeral expenses): \$6,276.77	
<input checked="" type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg	Attorney (Statutory): \$384.32	
<input checked="" type="checkbox"/> Aff.Mail		
<input type="checkbox"/> Aff.Pub.	Attorney (Extraordinary): \$1,115.68 per declaration	
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.	Costs: \$435.00 (filing this petition)	
<input type="checkbox"/> Conf. Screen	Petitioner states creditor's claims have not been paid as there are no funds remaining in the estate. All were given notice of hearing pursuant to §11000.	
<input checked="" type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt	Petitioner requests that:	
<input type="checkbox"/> CI Report	1. The Court approve, allow, and settle the account and report as filed;	
<input checked="" type="checkbox"/> 9202	2. The Court authorize Petitioner to pay his attorney \$1,500.00 as ordinary and extraordinary compensation for her services during the period of this accounting;	
<input checked="" type="checkbox"/> Order	3. The Court authorize partial reimbursement for funeral expenses to Petitioner in the amount of \$6,276.77;	
<input type="checkbox"/> Aff. Posting	4. The Court authorize Petitioner to close this estate due to exhaustion of all assets; and	
<input type="checkbox"/> Status Rpt	5. Any other orders the Court considers proper.	
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input checked="" type="checkbox"/> FTB Notice		
		Reviewed by: skc
		Reviewed on: 10-13-14
		Updates:
		Recommendation:
		File 3 - Fry

(1) Petition for Final Distribution and (2) for Allowance of Compensation for Ordinary Services on Waiver of Accounting

DOD: 3-4-10		<p>MYRA WENZEL and JACKIE CARRELL, Co-Executors with Full IEA without bond, are Petitioners.</p> <p>Accounting is waived.</p> <p>I&A: \$485,000.00 POH: \$277,556.28 (cash)</p> <p>Co-Executors (Statutory): \$8,980.00</p> <p>Attorney (Statutory): \$8,980.00</p> <p>Costs: \$1,618.00 (publication, probate referee, reappraisal, certified letters, filing fee)</p> <p>Myra Wenzel: \$7,976.41 (\$5,731.62 for reimbursement of out-of-pocket expenses incurred in connection with the property plus \$2,244.79, which is the current balance on a charge account opened at Home Depot to pay for carpeting and flooring at the property)</p> <p>Petitioners state that in light of the language of the will Section 4(a) being different than 4(b) through (e), Petitioners propose to distribute as follows:</p> <p>Dale Carrell: \$62,500.47 Jackie Carrell: \$62,500.47 Dean Carrell: \$62,500.47 Myra Wenzel: \$62,500.47</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>See Page 2.</p>
Cont'd from 081214 091614			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input checked="" type="checkbox"/>	Inventory		
<input checked="" type="checkbox"/>	PTC		
<input checked="" 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 checked="" type="checkbox"/>	Letters 5-20-10		
<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 type="checkbox"/>	Order x		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input checked="" type="checkbox"/>	FTB Notice		
		Reviewed by: skc	
		Reviewed on: 10-13-14	
		Updates:	
		Recommendation:	
		File 5 – Carrell-Brockett	

Page 2

1. The Decedent had five children: Dale, Jackie, Dean, Myra, and June.

The Decedent's will divided her estate into 1/5 shares, with each share going to one child, or their issue if they do not survive the Decedent, except for the share that would be June's, at Section 4(a), which instead specifically devises the 1/5 share to June and one of her daughters, Connie, share and share alike, or to the survivor. 4(a) does not include a statement like the other shares at 4(b) through 4(e) that if they do not survive the decedent, their issue would take. 4(a) is silent in that regard.

However, at Section 4(f), the will states: "*In the event any child of mine shall not survive me, and shall leave no issue who survive me, then that share shall pass to my issue who survive me, by right of representation.*"

June, a child of the decedent, did have other issue in addition to Connie: Shonnie, Lonnie, and Tonnie.

Also, the share was devised to both June and Connie. In other words, it wasn't June's share alone. Connie was a devisee in her own right. But it is not known if Connie had issue. Both June's issue and Connie's issue, if any, would be considered issue of the Decedent as well.

Because June and Connie are deceased, and Section 4(a) does not include language re: the share passing to either of their issue like the language included in Sections 4(b) through 4(e), it appears Petitioners assume that Section 4(f) regarding passing the share to surviving issue does not apply to that share, and therefore, that share lapses.

As such, Petitioners propose distribution in 1/4 shares to the Decedent's surviving children: Dale, Jackie, Dean, and Myra.

The Court may wish to discuss Petitioner's interpretation of the will, and may require further notice to June's issue and Connie's issue, if any.

June's daughters Shonnie, Lonnie, and Tonnie were sent notice of the hearing, but the notice did not include a copy of the petition with the proposed distribution. Further, it is not known whether Connie was survived by issue, as this information has never been provided.

If it is determined that the share did lapse, need order.

If it is determined that the share did not lapse, need amended petition.

Minute Order 8-12-14: The Court directs Mr. Gromis to mail the petition for final distribution to all heirs.

Notice of Hearing filed 9-5-14 shows that a copy of the petition was mailed to all heirs on 9-5-14, which is 11 days prior to this hearing.

Minute Order 9-16-14: More noticing required. Matter continued to 10-14-14.

(1) First and Final Report of Executor on Waiver of Account and (2) Petition for Final Distribution and (3) for Allowance of Compensation to Executor and Attorneys for Ordinary Services

DOD: 12/03/11	MICHAEL R. HAYS , Executor, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>CONTINUED FROM 09/24/14</u></p> <p>1. Notice of Hearing filed 09/26/14 indicates that a Notice of Hearing regarding this First and Final Report of Executor was served on the Franchise Tax Board on 09/25/14. It is unclear if this is intended to serve as notice of the administration of the estate as required pursuant to Probate Code § 9202(c). The Court may continue this matter 90 days to allow time for the Franchise Tax Board to file a creditor's claim.</p> <p>Note: All beneficiaries have waived Notice of Hearing.</p> <p>Reviewed by: JF</p> <p>Reviewed on: 10/09/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 6 - Hays</p>
	Accounting is waived.	
	I & A - \$163,372.97	
	POH - \$160,488.01 (\$8,488.01 is cash)	
Cont. from 91014 92414	Executor - \$5,901.19 (statutory)	
<input type="checkbox"/> Aff.Sub.Wit.	Attorney (statutory) - \$634.15 (less than statutory)	
<input checked="" type="checkbox"/> Verified	Costs - \$1,452.67 (filing fees, publication, certified copies, probate referee)	
<input checked="" type="checkbox"/> Inventory	Closing - \$500.00	
<input checked="" type="checkbox"/> PTC	Distribution, pursuant to Decedent's Will, is to:	
<input checked="" type="checkbox"/> Not.Cred.	Christine Louise Hays aka Christine Hays Slater - ¼ undivided interest as a Tenant in Common to a ½ interest in a recreational residence at Huntington Lake (APN: 110-150-48P); ¼ undivided interest in all items of personal property located at the recreational residence; ¼ undivided interest in 1975 16 foot Sailboat; and ¼ undivided interest in 1978 Valco aluminum fishing boat	
Notice of Hrg n/a	Ann Hays Walorinta - ¼ undivided interest as a Tenant in Common to a ½ interest in a recreational residence at Huntington Lake (APN: 110-150-48P); ¼ undivided interest in all items of personal property located at the recreational residence; ¼ undivided interest in 1975 16 foot Sailboat; and ¼ undivided interest in 1978 Valco aluminum fishing boat	
Aff.Mail n/a	Continued on Page 2	
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters 05/17/12		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
<input checked="" type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice x		

Lynn Hays Kyle - $\frac{1}{4}$ undivided interest as a Tenant in Common to a $\frac{1}{2}$ interest in a recreational residence at Huntington Lake (APN: 110-150-48P); $\frac{1}{4}$ undivided interest in all items of personal property located at the recreational residence; $\frac{1}{4}$ undivided interest in 1975 16 foot Sailboat; and $\frac{1}{4}$ undivided interest in 1978 Valco aluminum fishing boat

Michael R. Hays - $\frac{1}{4}$ undivided interest as a Tenant in Common to a $\frac{1}{2}$ interest in a recreational residence at Huntington Lake (APN: 110-150-48P); $\frac{1}{4}$ undivided interest in all items of personal property located at the recreational residence; $\frac{1}{4}$ undivided interest in 1975 16 foot Sailboat; and $\frac{1}{4}$ undivided interest in 1978 Valco aluminum fishing boat; 23 guns; and miscellaneous shop and gardening equipment

(1) First and Final Report of Executor on Waiver of Account and (2) Petition for Final Distribution and (3) for Allowance of Compensation to Executor and Attorneys for Ordinary Services

DOD: 12/23/11	CHRISTINE HAYS , Executor, is Petitioner.		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>CONTINUED FROM 09/24/14</p> <p>2. Notice of Hearing filed 09/26/14 indicates that a Notice of Hearing regarding this First and Final Report of Executor was served on the Franchise Tax Board on 09/25/14. It is unclear if this is intended to serve as notice of the administration of the estate as required pursuant to Probate Code § 9202(c). The Court may continue this matter 90 days to allow time for the Franchise Tax Board to file a creditor's claim.</p> <p>Note: All beneficiaries have waived Notice of Hearing.</p> <p>Note: Consistent with the Court's recent practice, the Court may require a closing reserve greater than \$5,000.00 be subjected to an informal accounting within 6 months after the distribution order. If the Court determines an informal accounting of the closing reserve is warranted, a Status Hearing will be set as follows:</p> <ul style="list-style-type: none"> • Wednesday, March 25, 2015 at 9:00 a.m. in Dept. 303 for an Informal Accounting of the \$25,000.00 Closing Reserve.
	Accounting is waived.		
	I & A - \$1,859,523.73		
	POH - \$1,778,387.56		
	(\$411,213.70 is cash)		
Cont. from 091014 092414	Executor - \$30,246.84 (statutory)		
<input type="checkbox"/> Aff.Sub.Wit.	Attorney - \$30,246.84 (statutory)		
<input checked="" type="checkbox"/> Verified	Costs - \$3,001.76 (filing fee, publication, certified letters, recording fees, probate referee)		
<input checked="" type="checkbox"/> Inventory	Closing - \$25,000.00		
<input checked="" type="checkbox"/> PTC	Distribution, pursuant to Decedent's will and agreement of the beneficiaries, is to:		
<input checked="" type="checkbox"/> Not.Cred.	Christine Louise Hays aka Christine Hays Slater - \$80,679.56 cash, Ladies lapis and cultured pearl necklace, bracelet, ring and earrings; ¼ undivided interest as a Tenant in Common to a ½ interest in a recreational residence at Huntington Lake (APN: 110-150-48P); ¼ undivided interest in all items of personal property located at the recreational residence; and various stocks/funds		
Notice of Hrg	n/a	Ann Hays Walorinta - \$80,679.56 cash, Ladies platinum diamond wedding set and 14K gold omega style necklace; ¼ undivided interest as a Tenant in Common to a ½ interest in a recreational residence at Huntington Lake (APN: 110-150-48P); ¼ undivided interest in all items of personal property located at the recreational residence; and various stocks/funds	
Aff.Mail	n/a		
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters	05/17/12		
Duties/Supp			
Objections			
Video Receipt			
CI Report			
<input checked="" type="checkbox"/> 9202			
<input checked="" type="checkbox"/> Order			
Aff. Posting			
Status Rpt			
UCC/JEA			
Citation			
FTB Notice	X		

Continued on Page 2

Lynn Hays Kyle - \$80,679.56 cash, Ladies 14K yellow gold ladies ruby and diamond ring; $\frac{1}{4}$ undivided interest as a Tenant in Common to a $\frac{1}{2}$ interest in a recreational residence at Huntington Lake (APN: 110-150-48P); $\frac{1}{4}$ undivided interest in all items of personal property located at the recreational residence; and various stocks/funds

Michael R. Hays - \$80,679.56 cash, one share of capital stock in Reeves Lakeland Company, LTD-Duck Club; Ladies 14K yellow gold diamond pendant set with three diamonds; $\frac{1}{4}$ undivided interest as a Tenant in Common to a $\frac{1}{2}$ interest in a recreational residence at Huntington Lake (APN: 110-150-48P); $\frac{1}{4}$ undivided interest in all items of personal property located at the recreational residence; and various stocks/funds

(1) Petition for Final Distribution and (2) for Allowance of Compensation for Ordinary Services on Waiver of Accounting

Age: 10/1/10		RONALD T. OYE , Administrator, is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Please see related case on page 20.</p> <p>Continued from 8/12/14. As of 10/8/14 the following issues remain:</p> <ol style="list-style-type: none"> Need amended petition. Petition requests the ½ share of the decedent's estate that would go to his post deceased spouse, Katharine Kawano, instead pass to the Jim I. Kawano Trust pursuant to Katharine's Will. Katharine's Will is not before the court therefore the court cannot pass her portion of this estate pursuant to her will. Katharine's share of the estate can only pass to her estate. The petition contains a math error in the statutory fees. The correct statutory fees are \$5,989.45. Need proof of service of the Notice of Hearing on: <ol style="list-style-type: none"> Jim Kawano (minor beneficiary) The Personal Representative of the Estate of Katharine Kawano (beneficiary) Need Order <p>Note: The ½ interest in the real property in this estate that passes through intestacy to Katharine must pass to Katharine's estate. Even with the Petition to Determine Succession to Real property proceeding for Katharine's estate (page 20 of this calendar) this estate will require an amended petition asking the property pass to first to Katharine's estate then through her estate to her heirs/devisees pursuant to her Will.</p>
		Accounting is waived.	
Cont. from 081214		I & A - \$166,315.00	
<input type="checkbox"/>	Aff.Sub.Wit.	POH - \$166,315.00	
<input checked="" type="checkbox"/>	Verified	Administrator - waives	
<input checked="" type="checkbox"/>	Inventory	Attorney - \$5,732.19 (less than statutory)	
<input checked="" type="checkbox"/>	PTC	Petitioner requests distribution as follows:	
<input checked="" type="checkbox"/>	Not.Cred.	Ron Oye, as Trustee of the Jim I. Kawano Trust - 50% interest in the real property	
<input checked="" type="checkbox"/>	Notice of Hrg	Ron Oye and Michiko Oye as guardians of the estate of Jim Kawano – 50% interest in the real property.	
<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 checked="" type="checkbox"/>	Letters 2/20/13		
<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 checked="" type="checkbox"/>	FTB Notice		
		Reviewed by: KT	
		Reviewed on: 10/8/14	
		Updates:	
		Recommendation:	
		File 8 – Kawano	

First Account and Report of Trustee of the Michaela Dawn Lozano Special Needs Trust; Petition to Settle Account; and to Fix and Allow Attorney Fees

Age: 9 years	MELISSA LOZANO , Trustee, is petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. Based on the property hand of \$103,501.62, annual income of \$1,250.00 and the cost of recovery on the bond in the amount of \$10,475.16 the bond can be reduced to \$115,227.00 and not \$110,000.00 as prayed. 2. Need Notice of Hearing. 3. Need proof of service of the Notice of Hearing on: a. Michaela Lozano (beneficiary) b. Department of Health Care Services c. Department of Developmental Services d. Department of Mental Health. Note: If the petition is granted, a status hearing will be set as follows: <ul style="list-style-type: none"> Wednesday, September 14, 2016 at 9:00 a.m. in Department 303, for the filing of the second account. Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.
	Account period: 6/15/13 – 7/16/14	
Cont. from	Accounting - \$123,501.62	
<input type="checkbox"/> Aff.Sub.Wit.	Beginning POH - \$0	
<input checked="" type="checkbox"/> Verified	Ending POH - \$103,501.62	
<input type="checkbox"/> Inventory	Trustee - Not requested	
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.	Attorney - \$1,250.00	
<input type="checkbox"/> Notice of Hrg	(per Local Rule)	
<input type="checkbox"/> Aff.Mail	Current bond is \$140,379.50	
<input type="checkbox"/> Aff.Pub.	Petitioner request that based on the property on hand the bond be reduced to \$110,000.00.	
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen	Petitioner prays for an Order:	
<input type="checkbox"/> Letters	4. Approving, allowing and settling the first account:	
<input type="checkbox"/> Duties/Supp	5. Authorizing the attorney fees;	
<input type="checkbox"/> Objections	6. Reducing the bond to \$110,000.00.	
<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 on: 10/9/14
		Updates:
		Recommendation:
		File 9 - Lozano

Petition for Payment of Attorney's Fees

		JENNIFER L. WALTERS, Court appointed attorney for minor, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: Continued from 6-4-14, 8-6-14, 9-10-14. Nothing further has been filed. The following issues remain:
		Petitioner was court-appointed to represent the minor on 8-22-13.	
Cont. from 060414, 080614, 091014		Guardianship was granted after Court Trial on 10-7-13.	<ol style="list-style-type: none"> Need Notice of Hearing. <u>This is the 4th hearing without service.</u> Need proof of service of Notice of Hearing at least 15 days prior to the hearing pursuant to Probate Code §1460 on: - Kimberly Bush (Guardian) - Devin Singleton (Minor) The Court may also require service of Notice of Hearing with a copy of the petition on the parents, who may be required to pay pursuant to Probate Code §1470(c): - LaKeysha Singleton (Mother) - Nancy LeVan (Mother's attorney per Substitution filed 8-6-14) - Detrick Singleton (Father) If the parents are determined to be financially unable to pay, the Court may require application for payment at the Court rate pursuant to applicable procedure. Petitioner requests \$122.50 for 0.5 hours spent as follows: "Enter matter into abacus." This appears to be a task secretarial in nature, which is considered by the Court to be a cost of doing business pursuant to Local Rule 7.17.B.4. Petitioner requests \$147.00 for travel to and from court. Travel to and from court is considered to be a cost of doing business and not reimbursable pursuant to Local Rule 7.17.B.4. (Note: This charge is <u>separate</u> from the 1.3 hours charged for attending the hearing.) Petitioner requests \$24.50 in connection with drafting a hearing memo for the Court file on 10.7.13; however, nothing was filed thereafter by Petitioner. (Note: The <u>declaration</u> previously filed on 10-4-13 appears to be covered by a separate line item.)
	Aff.Sub.Wit.	Petitioner requests fees in connection with the representation of the minor for the petition to appoint guardian as follows:	
✓	Verified	Fees: \$2,958.50 (for 10.3 hours @ \$245/hr) Costs: \$435.00 (filing)	
	Inventory	Services are itemized by date and include review of documents, conferences with parties and minor, travel to and from court, etc.	
	PTC	Petitioner states she has not received compensation and according to her information and belief, the person she represented has had since the day of her appointment and does now have money or property with which to pay the fees and expenses claimed in this petition.	
	Not.Cred.		
	Notice of Hrg	X	
	Aff.Mail	X	
	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: 10-13-14
			Updates:
			Recommendation:
			File 10A – Singleton

Atty **Coleman, William H., of Coleman & Horowitz (Robert D. Burns, Administrator)**

First and Final Report of Administrator on Waiver of Account; Petition for Allowance of Compensation to Administrator and to Attorneys for Ordinary Services and for Final Distribution

DOD: 1/21/2014	ROBERT D. BURNS , spouse of Decedent's niece and Administrator appointed 3/14/2014 with bond of \$78,000.00 , is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
	Accounting is waived.	
Cont. from		
<input type="checkbox"/> Aff.Sub.Wit.	I & A — \$257,561.94	
<input checked="" type="checkbox"/> Verified	POH — \$63,097.62 (\$61,494.54 is cash)	
<input checked="" type="checkbox"/> Inventory		
<input checked="" type="checkbox"/> PTC	Administrator (statutory) — \$8,132.56	
<input checked="" type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg	Attorney (statutory) — \$8,132.56	
<input checked="" type="checkbox"/> Aff.Mail	W /	
Aff.Pub.	Distribution pursuant to intestate succession, and Assignment of Interest of Richard Ehikian in the Estate of Roxy Bryn Watson filed on 3/8/2014, is to:	
Sp.Ntc.		
Pers.Serv.		
Conf. Screen	SANDY CHENHALL – 100% interest in shares of stock and \$45,229.42 cash (\$2,209.00 plus \$43,020.42).	
Letters	031414	
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: LEG
		Reviewed on: 10/9/14
		Updates:
		Recommendation: SUBMITTED
		File 11 - Watson

12A Henry and Margaret Boyajian (Trust)

Case No. 14CEPR00145

Atty Pruet, Barry W. (of Grass Valley, for Phyllis Branche – Petitioner)

Atty Camenson, David M. (for Margaret Courtis – Objector)

Atty Burnside, Leigh W (for Jeffrey L. Boyajian – Trustee)

Petition to Appoint Successor Trustee of Bypass Trust and Grandchildren's Trust and for Instructions, Probate Status Hearing Re: New Petition

<p>Henry Boyajian DOD: 10-18-01</p>	<p>PHYLLIS BRANCHE, daughter of Henry and Margaret Boyajian (trustors) and beneficiary, is Petitioner.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>
<p>Margaret Boyajian DOD: 10-29-13</p>	<p>Petitioner states Henry and Margaret Boyajian established the trust on 4-9-97 and amended and restated the trust on 9-23-99. After Henry's death on 10-18-01, Margaret became the sole trustee and pursuant to the trust created and funded the Survivor's Trust with the surviving trustor's share of the community property and a portion of the deceased trustor's share equal to the minimum necessary to eliminate estate taxes (the marital deduction amount) and the Bypass Trust with the remaining trust property. The Survivor's Trust was then amendable; however, the Bypass trust was irrevocable. After the death of the surviving trustor, the assets of the Survivor's Trust were to be added to the Bypass Trust and distributed as follows:</p>	<p>Minute Order 7-16-14: Counsel reports that the matter was settled last night at mediation. Matter continued to 8-13-14 as a placeholder only.</p>
<p>Cont: 041014, 071614, 081314, 091714</p>	<ol style="list-style-type: none"> 1) Real property on Nebraska Avenue in Selma to Jeffrey Boyajian; 2) \$400,000 in securities or cash to Petitioner in trust for each of the three grandchildren, Andrew Boyajian Branch, Cody Branche Boyajian, and Alan Boyajian Branche, pursuant to a specified formula; and 3) The remainder to Petitioner and Margaret Courtis in equal shares. 	<p>Status Report filed 8-7-14 by Attorney Burnside states the draft petition for settlement, appointment of a successor trustee, and modification of the trusts is expected to be filed by the end of August.</p>
<p>Aff.Sub.Wit.</p>	<p>SEE ADDITIONAL PAGES</p>	<p>Minute Order 8-13-14: Attorney Burnside reports that a new petition will be filed.</p>
<p>✓ Verified</p>		<p>Note: Petition for Order Approving Stipulation for Settlement; for Appointment of Successor Trustee of Bypass Trust (Trust B); and for Order Modifying Terms of Irrevocable Trusts filed 9-15-14 is Page 12B of this calendar.</p>
<p>Inventory</p>		<p>If this petition at 12A goes forward, the following issues may need to be addressed:</p>
<p>PTC</p>		<ol style="list-style-type: none"> 1. Petitioner states the principal place of administration is Fresno County; however, the Successor Trustee, Jeffrey Boyajian, appears to reside in San Leandro, CA, which is Alameda County. Therefore, need clarification re Fresno as proper venue with reference to Probate Code §17005.
<p>Not.Cred.</p>		<ol style="list-style-type: none"> 2. Petitioner states the names and addresses of the beneficiaries or trustees; however, Petitioner does not state that these are all of the persons <u>entitled to notice</u> pursuant to Probate Code §§ 17201, 17203, 851. The Court may require a verified declaration that this list contains all of the persons <u>entitled to notice</u>.
<p>✓ Notice of Hrg</p>		<ol style="list-style-type: none"> 3. Need copies of trust and amendments. Petitioner states copies of the relevant documents are attached; however, there is nothing attached to the petition.
<p>✓ Aff.Mail</p>		<p>Note: Respondent Jeffrey Boyajian provided a copy of the Third Amendment only.</p>
<p>Aff.Pub.</p>		<ol style="list-style-type: none"> 4. Petitioner requests appointment of herself and Margaret Courtis as co-successor trustees of the Bypass Trust. Need consent of Margaret Courtis.
<p>Sp.Ntc.</p>		<p>Reviewed by: skc</p>
<p>✓ Pers.Serv.</p>		<p>Reviewed on: 10-13-14</p>
<p>Conf. Screen</p>		<p>Updates:</p>
<p>Letters</p>		<p>Recommendation:</p>
<p>Duties/Supp</p>		<p>File 12 – Boyajian</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>FTB Notice</p>		

Page 2

Petitioner states on 12-21-07, the Surviving Trustor amended the Restatement as to the Survivor's Trust (the First Amendment). On 8-18-07, the Surviving Trustor again amended the Survivor's Trust (the Second Amendment), which Second Amendment revoked the First Amendment, and also:

- Confirmed the specific bequest of real property to Jeffrey Boyajian;
- Concedes that the \$400,000 specific bequest by the Trustors jointly to the grandchildren is irrevocable; and
- Contrary to the dictates of the trust regarding final distribution and regarding the trustee, and despite conceding the irrevocability of the specific bequests to the grandchildren, Surviving Trustor purports to modify the specific bequests by
 - 1) replacing Petitioner as trustee for the grandchildren with a committee comprised of Petitioner, Margaret Courtis, and Jeffrey Boyajian, and
 - 2) modifying the specified formula for distributions;
- Contrary to the dictates of the trust and despite conceding the irrevocability of the provisions of the restatement, Surviving Trustor purports to revoke the distribution of the remainder of the trust to Petitioner and Margaret Courtis by instead giving them a specific bequest of \$1 million each, with the remainder to Jeffrey Boyajian;
- Surviving Trustor purports to state that the provisions of the Second Amendment control over any conflicts between the language of the Restatement and the Second Amendment.

Petitioner states on 6-25-10, and contrary to the dictates of the trust regarding successor trustees of the Bypass Trust, Surviving Trustor executed a Third Amendment that purports to revoke the nomination of Petitioner and Margaret Courtis as successor co-trustees of the Bypass Trust and replace them with Jeffrey Boyajian.

The Surviving Trustor passed away on 10-29-13 and since her death, Jeffrey Boyajian has been acting as the successor trustee of the Survivor's Trust and the Bypass Trust.

Based on the many inconsistencies among the language of the Restatement and the Second and Third Amendments, Petitioner requests instructions from this Court as follows:

Petitioner states the Surviving Trustor clearly had no authority to modify the provisions of the Restatement as to the successor trustee of the Bypass Trust. As such, Petitioner requests that Jeffrey Boyajian be removed as successor trustee and that Petitioner and Margaret Courtis be appointed as successor co-trustees of the Bypass Trust.

There exists a conflict between the Restatement and the Second Amendment as to the final disposition of the trust corpus. Petitioner states the Deceased Trustor's intent was clear that Jeffrey Boyajian receive the property, the grandchildren receive \$400,000 each, and Petitioner and Margaret Courtis share the remainder. It is Petitioner's position that while the Surviving Trustor had the authority to amend the Survivor's trust, she breached the Restatement and did not have the power to modify the dispositive provisions as to the Deceased Trustor's share of the community property, which became his separate property pursuant to Probate Code §100 by reason of his death. Petitioner states that because the Surviving Trustor concedes that the \$400,000 specific bequest is irrevocable, such irrevocability must also apply to the dispositive provision of such specific bequests.

As such, Petitioner requests that this Court order that Jeffrey Boyajian, as successor trustee of the Survivor's Trust, to return to the Bypass Trust an amount equal to the Deceased Trustor's share of the community property as of his date of death to be distributed pursuant to the Bypass Trust.

SEE ADDITIONAL PAGES

Because the \$400,000 for each of the grandchildren is to be held in trust, the Second Amendment is contrary to the Restatement in wrongfully modifying the trustee of the grandchildren's trusts. While the Surviving Trustor had the ability to modify the Survivor's Trust, she did not have the power or right to modify the dispositive provisions of the Deceased Trustor's share of the community property, including naming the trustee of the grandchildren's trusts. Petitioner again points to the concession that the \$400,000 bequests are irrevocable, and as such, the irrevocability must apply to the appointment of the trustee. Therefore, Petitioner requests that she be appointed as trustee of the grandchildren's trust and to distribute pursuant to the Restatement.

Petitioner prays for an order as follows:

- 1. Finding that all facts stated in the petition are true and all notices required by law have been duly given;**
- 2. Removing Jeffrey L. Boyajian as successor trustee of the Bypass Trust and appointing Petitioner and Margaret Courtis as successor trustees of the Bypass Trust;**
- 3. That Jeffrey L. Boyajian as successor trustee of the Survivor's Trust return to the Bypass Trust an amount equal to the Deceased Trustor's share of the community property as of his date of death to be distributed pursuant to the dictates of the Bypass Trust;**
- 4. That Petitioner be appointed as trustee of the Grandchildren's trust; and**
- 5. For such other orders as the Court considers proper.**

Maggie Courtis' Objection states the amendments are valid and Jeffrey Boyajian is the proper successor trustee of the Bypass Trust and the grandchildren's trusts. The amendments were made with the assistance of legal counsel (Attorney Jeff Wall). The purpose of the amendment was to create a "zero tolerance" threshold for recipients of the grandchildren's gifts to ensure that the recipients have not engaged in substance abuse for at least three years. The Third Amendment appointing Jeffrey Boyajian as successor trustee of both trusts was also made with the assistance of Jeff Wall as counsel, and Jeffrey Boyajian has been serving as such since 10-29-13.

Objector states the Bypass Trust was funded with the Selma Property and about \$656,000 of securities. The specific gift of the property to Jeffrey Boyajian is not at issue. Therefore, the assets of the Bypass Trust are insufficient to gift \$400,000 to each of the three other grandchildren. Plain and simple, Petitioner is attempting to obtain more money than the amendments provide. The money would come from the Survivor's Trust, which is agreed to be amendable/revocable. Margaret Boyajian only amended the Survivor's Trust. Her intent is clear and should not be frustrated. Applying Petitioner's reasoning to the interpretation of the amendments would completely dismiss Margaret Boyajian's intent with respect to the distribution, which is that the balance of the \$400,000 each is subject to the condition of being drug-free, something that Petitioner (their mother) does not deem an appropriate restriction.

No-contest clause: Objector states that if a beneficiary under the Restated Trust shall contest in court the validity or seek adjudication that the Restated Trust or any of its provisions is void or set aside any provisions, then the right of that person shall be determined as if predeceased without leaving issue. Petitioner is seeking to void or set aside the provisions of the Restated Trust as set forth in its amendments; therefore, her right is to be eliminated.

Objector prays for an order that:

- 1. The Restated Trust amendments are valid with respect to Trust A (Survivor's Trust) assets;**
- 2. Only Trust B (Bypass Trust) assets are subject to the irrevocability language of the Restated Trust;**
- 3. Trust B assets consisted only of the Selma Property and 94,406 shares of the Franklin Fund Securities at the death of Margaret Boyajian;**
- 4. Jeffrey Boyajian is the proper successor trustee of all trusts created under the Restated Trust;**
- 5. Petitioner has invoked the "No Contest" provisions of the Restated Trust with the filing of this petition and there is no longer a proper beneficiary of the trusts established pursuant to the Restated Trust.**

SEE ADDITIONAL PAGES

Dept. 303, 9:00 a.m. Tuesday, October 14, 2014

Page 4

Jeffrey Boyajian's Response states Petitioner is seeking instructions regarding who is the proper trustee of the trust shares to be established for her three adult sons. Respondent understood that he had been appointed to serve with Margaret Boyajian as co-trustee and as sole successor trustee pursuant to the Third Amendment (attached). Respondent is uncertain whether the First and Second Amendments validly nominated him as successor trustee of the Bypass Trust; however, is informed and believes that the Bypass Trust was not subject to amendment. As noted; however, pursuant to the Third Amendment, he was nominated and served with Margaret Boyajian as co-trustee.

Respondent states that in the Second Amendment, Margaret Boyajian stated her understanding of the irrevocability of the Bypass Trust, but further stated her intent to modify the dispositive provisions of the Survivor's Trust as to her grandchildren Andrew, Cody, and Alan. It is unclear whether the \$400,000 gift to each of them applied only in the event of the combination of the Survivor's Trust with the Bypass Trust, or if the trusts were not combined, to what extent, if any, would that affect the amount of the bequests/distributions to be made to them.

Mrs. Boyajian was concerned about her grandchildren's ability to responsibly manage their inheritance and instructed her attorney to prepare amendment directing a committee to consider distributions. In doing so, she attempted to modify the formula, which changes pertain to the Survivor's Trust. It is unclear if the \$400,000 gift to each of the three grandchildren applied only in the event assets were combined, etc.

Mrs. Boyajian had the authority to amend the Survivor's Trust such that both Petitioner and Margaret Courtis could potentially receive no assets from the Survivor's Trust if they received from other sources, including, but not limited to the Bypass Trust, life insurance proceeds, or other assets) the sum of \$500,000 each.

Mrs. Boyajian had the authority to amend the Survivor's Trust to name Respondent as beneficiary of said sub-trust.

Mrs. Boyajian intended the provisions of the Second Amendment to apply to the Survivor's Trust and desired to appoint Respondent with her as co-trustee, as she was in need of assistance at that time. Respondent has been administering the assets of the trust as he understood it was his responsibility to marshal and administer the assets for all beneficiaries.

Respondent states instructions would be appropriate as to the administration and disposition of the trust. Petitioner and Margaret Courtis are nominated as successor co-trustees; however, instructions are needed as to whether Mrs. Boyajian had authority to change the nomination with the Amendments.

Respondent states he does not know whether he is required under the Second Amendment to combine the assets of the Survivor's Trust with those of the Bypass Trust prior to final distribution, particularly if the funding of the Survivor's Trust was conducted in accordance with the terms of the Restated Trust and with regard to the amendments. If not combined, to what extent is the amount of the bequests to the grandchildren (\$400,000 each) affected?

Respondent agrees that instructions are needed regarding the application of the Second and Third amendments and their scope and effect on beneficiaries.

Respondent therefore requests that this matter be set for evidentiary hearing to consider all evidence and make any and all further orders the Court may deem just and proper.

Petitioner filed a Response to Ms. Courtis' Objection of on 4-10-14 and requests that the petition be approved as prayed. See Response for details.

Update: Petitioner filed a new Petition for Order Approving Stipulation for Settlement, etc., which is Page 12B of this calendar.

Dept. 303, 9:00 a.m. Tuesday, October 14, 2014

12B
Atty
Atty
Atty

Henry and Margaret Boyajian (Trust)
Pruett, Barry W. (of Grass Valley, for Phyllis Branche – Petitioner)
Camenson, David M. (for Margaret Courtis – Objector)
Burnside, Leigh W (for Jeffrey L. Boyajian – Trustee)

Case No. 14CEPR00145

**Petition to Appoint Successor Trustee of Bypass Trust and Grandchildren's Trust
and for Instructions, Probate Status Hearing Re: New Petition**

Henry Boyajian DOD: 10-18-01	PHYLLIS BRANCHE , daughter of Henry and Margaret Boyajian (trustors) and beneficiary, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
Margaret Boyajian DOD: 10-29-13	Petitioner states the parties participated in mediation with Attorney William H. Coleman. Petitioner was represented by Barry W. Pruett, Respondent was represented by Leigh W. Burnside and Jeffrey L. Wall, Maggie was represented by David M. Camenson, and Andrew, Cody, and Alan were present with their mother, Petitioner, and her counsel. The parties entered into a written settlement agreement at conclusion of the mediation. See Attachment A. The material terms include:	Note: Page 9 of the Petition is missing from the filed document.
	<ul style="list-style-type: none"> • A professional fiduciary will be appointed successor trustee of the bypass trust and of the individual trusts to be established thereunder for Andrew, Cody, and Alan; • Funding and administration details of Andrew's, Cody's, and Alan's trusts; • Petitioner shall keep proceeds on hand in decedent Margaret Boyajian's Bank of America account xx2342; • Petitioner shall cooperate to turn over to Respondent, in his capacity as sole trustee of the survivor's trust, the balance of Bank of America account xx0920; • Respondent will not enforce any debts or other obligations owed, or alleged to be owed, by Petitioner, Maggie, Andrew, Cody, or Alan to Margaret Boyajian or to her Survivor's Trust; • Petitioner, Maggie, Cody, and Alan waive any and all accountings of the Survivor's and Bypass trusts; • Respondent to receive certain real property in Selma free and clear of trust pursuant to the terms of the Restated Trust Agreement and Second Amendment dated 8-18-08; • Distribution of tangible personal property; and • Other stipulations. 	<ol style="list-style-type: none"> 1. The settlement indicates appointment of Marion Austin as sole successor trustee of the various subtrusts. Need consent of Marion Austin to serve.
<input type="checkbox"/> Aff.Sub.Wit.		2. Need order.
<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 checked="" type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		Reviewed by: skc
<input type="checkbox"/> 9202		Reviewed on: 10-13-14
<input type="checkbox"/> Order	x	Updates:
<input type="checkbox"/> Aff. Posting		Recommendation:
<input type="checkbox"/> Status Rpt		File 12 – Boyajian
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		

SEE PAGE 2

12B

Page 2

Petitioner also requests modification of irrevocable bypass trust, survivor's trust and grandchildren's trusts pursuant to §15403(a) as set forth in the petition.

Petitioner prays for an order:

1. Approving the written settlement agreement attached as Attachment A;
2. Accepting the declinations of Phyllis K. Branche and Margaret R. Courtis to serve as successor co-trustees of the bypass trust;
3. Accepting the declination of Phyllis K. Branche to serve as the trustee of the grandchildren's trust shares for her sons Andrew Boyajian Branche, Cody Branche Boyajian, and Alan Boyajian Branche;
4. Appointing Marion Austin as the sole successor trustee of the bypass trust created under the Restatement of the Henry and Margaret Boyajian Trust Agreement dated September 23, 1999;
5. Appointing Marion Austin as the sole trustee of the grandchildren's trusts for Andrew Boyajian Branche, Cody Branche Boyajian, and Alan Boyajian Branche;
6. Approving the modification of the irrevocable bypass trust and survivor's trust as set forth herein;
7. Ordering that the real property located in Selma is distributed to beneficiary Jeffrey L. Boyajian as his sole and separate property; and
8. Awarding any and all other relief as the Court deems just and proper.

Margaret Courtis' Response and Objections filed 10-3-14 states objections, but states that in the spirit of settling, she is willing to forego the issue of Petitioner receiving more than her "fair share" of the life insurance policy and forgive other transgressions. Ms. Courtis is generally in favor of an order approving the Stipulation for Settlement entered into by Petitioner, Courtis, Jeffrey Boyajian, Andrew Boyajian Branche, Cody Branche Boyajian, and Alan Boyajian Branche on 7-15-14 as set forth in the petition, but with a few clarifications. See Response specifically regarding:

- Bank of America Account Balance
- Current Income Distribution
- Personal Property Items
- Family Photographs

Ms. Courtis also states she is not opposed to the appointment of Marion Austin as the sole successor trustee to the bypass trust and as sole trustee of the trust shares to be established for Andrew, Cody, and Alan. Ms. Courtis would like to also include in the Court's order a provision that any successor trustee to Marion Martin (sic) must also be approved by Respondent, Courtis, and Petitioner, if living.

Ms. Courtis is not opposed to an order modifying the trusts as set forth in Petition Line 22, Page 10, through Line 24, Page 11.

Please see Response for the complete prayer for relief.

Jeffrey L. Boyajian, Successor Trustee, filed a Response on 10-8-14. Mr. Boyajian states he joins in the Response filed by Ms. Courtis and prays for an order approving the settlement, but with various modifications. See Response for the complete prayer for relief. (Note: Prayer mirrors Ms. Courtis' prayer.)

Petitioner Phyllis Branche filed a Response to Objection on 10-9-14. Ms. Branche indicates various disagreements with the statements in the responses, but also prays for an order approving the settlement agreement. See pleading for complete prayer for relief.

Report of Sale and Petition for Order Confirming Sale of Real Property

		LINDA CROUCH , is Administrator/Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Conservator's current bond is \$45,000.00. The Petition does not address whether additional bond will be needed or whether the proceeds of the sale will be deposited in a blocked account. Need more information about the sufficiency of the currently posted bond and/or blocked account for the sales proceeds. 2. Neither the Petition nor the Order Confirming Sale of Real Property indicates the manner of vesting in which seller will take title to the property.
		Sale Price - \$81,250.00 (Conservatee's 1/2 interest)(total sale price = \$162,500.00)	
Cont. from		Overbid - \$171,125.00 (based on total sales price)	
<input type="checkbox"/>	Aff.Sub.Wit.	Reappraisal - \$82,500.00	
<input checked="" type="checkbox"/>	Verified	Property - 558 W. Scott Ave. Clovis, CA 93612	
<input type="checkbox"/>	Inventory	Publication - The Business Journal	
<input type="checkbox"/>	PTC	Buyer(s) - Jonathan Baldwin	
<input type="checkbox"/>	Not.Cred.	Broker - \$4,875 (3% - payable to Guarantee Real Estate, 29369 Auberry Road #103, Prather, CA 93651) (total commission is 6% (\$9,750.00) the other 3% will be paid separately by Linda Crouch, Conservator)	
<input checked="" type="checkbox"/>	Notice of Hrg	Bond is currently posted in the amount of \$45,000.00.	
<input checked="" type="checkbox"/>	Aff.Mail w/		
<input checked="" 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 checked="" type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
Reviewed by: JF			
Reviewed on: 10/10/14			
Updates:			
Recommendation:			
File 13A - Welton			

Petition for Authority to Sell One-Half Interest of Conservatee in Conservatee's Residence

Age: 100	LINDA CROUCH , Conservator of the Person and Estate, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: Note: See page 13A for terms of the sale.
Cont. from	<p>Petitioner states:</p> <ol style="list-style-type: none"> Among the conservatee's assets is a ½ interest in real property located at 558 W. Scott, Clovis, CA, which was the personal residence of the conservatee until she was moved to the conservator's home in January 2014 due to a fire at the conservatee's residence while the conservatee was cooking; Petitioner is the daughter and sole heir of conservatee. On 04/04/05, the conservatee transferred title on the subject property to herself and petitioner as joint tenants; Petitioner wishes to sell the conservatee's one-half interest in the residence because the conservatee has dementia and requires 24 hour care. She has been moved to a board and care home and the funds from the conservatee's ½ interest is needed for the monthly cost of the board and care facility. The conservatee is unable to return to her residence due to her medical condition and the conservatee cannot afford the costs of maintaining the residence and the expense of the board and care facility. The sale is to the advantage and benefit of the conservatee. Petitioner has discussed the proposed sale with the conservatee and she agrees that the sale is necessary, is happy that a young, expectant couple has offered to purchase the residence and consents that her ½ interest be sold. <p>Petitioner requests an Order authorizing Conservator to sell Conservatee's ½ interest in the real property.</p>	
<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		
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<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		

14 Davis 1989 Family Trust (Trust)

Case No. 14CEPR00298

Atty Burnside, Leigh W. (for Petitioner Joshua Davis – Beneficiary)

Petition for Order Compelling Trustee to Account and Report

<table border="1"> <tr><td>Thomas J. Davis DOD: 6-5-00</td></tr> <tr><td>Wealthea Davis DOD: 3-25-98</td></tr> <tr><td> </td></tr> <tr><td> </td></tr> <tr><td>Cont from 051914, 061814, 071614, 082714</td></tr> <tr><td><input type="checkbox"/> Aff.Sub.Wit.</td></tr> <tr><td><input checked="" type="checkbox"/> Verified</td></tr> <tr><td><input type="checkbox"/> Inventory</td></tr> <tr><td><input type="checkbox"/> PTC</td></tr> <tr><td><input type="checkbox"/> Not.Cred.</td></tr> <tr><td><input checked="" type="checkbox"/> Notice of Hrg</td></tr> <tr><td><input checked="" type="checkbox"/> Aff.Mail w</td></tr> <tr><td><input type="checkbox"/> Aff.Pub.</td></tr> <tr><td><input type="checkbox"/> Sp.Ntc.</td></tr> <tr><td><input type="checkbox"/> Pers.Serv.</td></tr> <tr><td><input type="checkbox"/> Conf. Screen</td></tr> <tr><td><input type="checkbox"/> Letters</td></tr> <tr><td><input type="checkbox"/> Duties/Supp</td></tr> <tr><td><input type="checkbox"/> Objections</td></tr> <tr><td><input type="checkbox"/> Video Receipt</td></tr> <tr><td><input type="checkbox"/> CI Report</td></tr> <tr><td><input type="checkbox"/> 9202</td></tr> <tr><td><input checked="" type="checkbox"/> Order</td></tr> <tr><td><input type="checkbox"/> Aff. Posting</td></tr> <tr><td><input type="checkbox"/> Status Rpt</td></tr> <tr><td><input type="checkbox"/> UCCJEA</td></tr> <tr><td><input type="checkbox"/> Citation</td></tr> <tr><td><input type="checkbox"/> FTB Notice</td></tr> </table>	Thomas J. Davis DOD: 6-5-00	Wealthea Davis DOD: 3-25-98			Cont from 051914, 061814, 071614, 082714	<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	<p>JOSHUA DAVIS, Beneficiary, is Petitioner.</p> <p>Petitioner states he is a beneficiary of the Davis 1989 Family Trust dated 11-17-89 (the Trust) (Exhibit A). On or about the same date, Thomas and Wealthea Davis also created the Davis Family 1989 Life Insurance Trust (the Insurance Trust) (Exhibit B). The Family Trust became irrevocable on the settlors' deaths. The Insurance Trust was already irrevocable during their lifetimes. Petitioner states BRUCE NEILSEN is the successor trustee of both trusts.</p> <p>Petitioner states that following the death of Thomas Davis on 6-5-00, Petitioner, by his agent and CPA Tom Bell, inquired of Trustee Neilsen on multiple occasions about the nature of the Trust assets and timetable for distribution. Petitioner was aware that the decedents had owned real property in California, various stocks and bonds, as well as other assets to which Petitioner and the other named in this petition were beneficiaries.</p> <p>Petitioner has requested that Trustee Neilsen provide him with an account of his administration of the Trust, but Trustee Neilsen has not done so. Additionally, Petitioner believes portions of the trust property that were to be held fbo Trust beneficiaries and Insurance Trust beneficiaries have been used to make loans to beneficiaries other than Petitioner, all to the detriment of Petitioner and other beneficiaries who may have lost their share of Trust and Insurance Trust assets as a result of the breach of his duties to the beneficiaries by Trustee Neilsen.</p> <p style="text-align:center">SEE ADDITIONAL PAGES</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 5-19-14, 6-18-14, 7-16-14, 8-27-14</p> <p>Note: 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 18 of this calendar.</p> <p style="text-align:center">SEE ADDITIONAL PAGES</p> <table border="1"> <tr><td>Reviewed by: skc</td></tr> <tr><td>Reviewed on: 10-13-14</td></tr> <tr><td>Updates:</td></tr> <tr><td>Recommendation:</td></tr> <tr><td>File 14 - Davis</td></tr> </table>	Reviewed by: skc	Reviewed on: 10-13-14	Updates:	Recommendation:	File 14 - Davis
Thomas J. Davis DOD: 6-5-00																																			
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Recommendation:																																			
File 14 - 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 18 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.

Petition for Probate of Will and for Letters Testamentary; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

DOD: 05/08/2014		KENNETH HEARST , spouse/named executor without bond, is petitioner. Full IAEA – o.k. Will dated: 06/15/1979 Residence: Fresno Publication: The Fresno Bee Estimated value of the Estate: Personal property - \$10640.00 Real property - \$372,000.00 Total - \$382,640.00 Probate Referee: Rick Smith	NEEDS/PROBLEMS/COMMENTS: Note: If the petition is granted status hearings will be set as follows: <ul style="list-style-type: none"> • Tuesday, 02/10/2015 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal and • Wednesday, 12/08/2015 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution. 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.
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<input type="checkbox"/>	Status Rpt		
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<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		Reviewed by: LV	
		Reviewed on: 10/09/2014	
		Updates:	
		Recommendation: Submitted	
		File 15 - Hearst	

Petition for Probate of Will and for Letters Testamentary; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

DOD: 07/22/2014		MARGARET J. BERLESE , daughter/named executor without bond, is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> #5a(3) or #5a(4) was not answered regarding a registered domestic partner. Need date of death of the deceased spouse pursuant to Local Rule 7.1.1D. <p>Note: If the petition is granted status hearings will be set as follows:</p> <ul style="list-style-type: none"> Tuesday, 02/10/2015 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal and Wednesday, 12/08/2015 at 9:00a.m. in Dept. 303 for the filing of the first account and 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>								
		Full IAEA – o.k.									
		Will dated: 01/29/2001									
Cont. from 091114		Residence: Fresno Publication: The Fresno Bee									
<input type="checkbox"/>	Aff.Sub.Wit.	s/p									
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<input type="checkbox"/>	Citation										
<input type="checkbox"/>	FTB Notice										
<p>Estimated value of the Estate:</p> <table> <tr> <td>Personal property</td> <td>-</td> <td>\$1,000,000.00</td> </tr> <tr> <td>Real property</td> <td>-</td> <td>\$250,000.00</td> </tr> <tr> <td>Total</td> <td>-</td> <td>\$1,250,000.00</td> </tr> </table>				Personal property	-	\$1,000,000.00	Real property	-	\$250,000.00	Total	-
Personal property	-	\$1,000,000.00									
Real property	-	\$250,000.00									
Total	-	\$1,250,000.00									
<p>Probate Referee: Rick Smith</p>											
<p>Reviewed by: LV</p>											
<p>Reviewed on: 10/09/2014</p>											
<p>Updates:</p>											
<p>Recommendation:</p>											
<p>File 16 - Berlese</p>											

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Age: 4		<p align="center"><u>NO TEMPORARY REQUESTED</u></p> <p>JENNIE RODRIGUEZ, maternal grandmother, is petitioner.</p> <p>Father: JACOB JOSEPH VARA, consents and waives notice</p> <p>Mother: RAYANN RODRIGUEZ, consents and waives notice</p> <p>Paternal Grandfather: Jose Luis Vara, served by mail on 08/18/2014</p> <p>Paternal Grandmother: Amanda Gonzalez, served by mail on 08/18/2014</p> <p>Maternal Grandfather: Ray Rodriguez, served by mail on 08/18/2014</p> <p>Petitioner states: the minor child has residing with the petitioner since birth. Both parents are currently incarcerated. The minor's father is due to be released in January 2016 and the mother is due to be released in August 2016. Both parents were 19 when the minor was born and lived with the petitioner and the minor until their incarceration. The minor's father has a history of substance abuse and incarceration. Both parents agree that the guardianship is in the best interest of the child. Petitioner works in the medical field and may want to put the minor under her current health insurance policy. Additionally, while the parents are still incarcerated the minor should begin his formal education and petitioner needs guardianship in order to enroll the minor in school and care for all of his medical needs.</p> <p>Court Investigator Charlotte Bien's report filed 09/23/2014.</p>	NEEDS/PROBLEMS/COMMENTS:	
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<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
				Reviewed by: LV
				Reviewed on: 10/09/2014
		Updates:		
		Recommendation:		
		File 17 - Vara		

Petition for Order Compelling Trustee to Account and Report

		<p>JOSHUA DAVIS, COREY DAVIS and BRITNEY DAVIS, beneficiaries, are petitioners.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>
		<p>Petitioners state Settlers Wealtha Davis died on 3/25/98 and Thomas J. Davis died on 6/5/00 – more than 14 years ago.</p>	<p>1. Need Order</p>
Cont. from		<p>BRUCE NEILSON ("Trustee Neilson") is successor Trustee.</p>	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified	<p>Petitioners state following the death of settlor Thomas J. Davis, by their agent and their CPA, Tom Bell, inquired on multiple occasions of Trustee Neilson about the nature of the Trust assets and the timetable for distribution. Petitioners believe that the Insurance Trust at its inception was funded with approximately \$2,370,000.</p>	
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC	<p>Petitioners have requested that Trustee Neilson provide them with an account of his administration of the Insurance Trust, but Trustee Neilson has not yet done so.</p>	
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg	<p>Additionally, Petitioners believe that portions of the Insurance Trust property that was to be held by Trustee Neilson for the benefit of the Insurance Trust beneficiaries has been used to make loans or excessive distributions to beneficiaries other than Petitioners, all to the detriment of Petitioners and other beneficiaries whose share of Insurance Trust assets have been improperly loaned or otherwise transferred to beneficiaries who were not entitled to receive what was loaned or otherwise transferred to them as a result of the breach by Trustee Neilson of his duties to the beneficiaries.</p>	
<input checked="" type="checkbox"/>	Aff.Mail W/		
<input type="checkbox"/>	Aff.Pub.	<p>Please see additional page.</p>	
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		<p>Reviewed by: KT</p>
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		<p>Reviewed on: 10/9/14</p>
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<input type="checkbox"/>	Objections		<p>Updates:</p>
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<input type="checkbox"/>	CI Report		<p>Recommendation:</p>
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<input type="checkbox"/>	Order X		<p>File 18 – Davis Life</p>
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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.

Petition for Probate of Will and for Letters Testamentary; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

DOD: 08/20/2014		<p>STEVE RONTELL, decedent's son, and NICHOLAS LUCICH, JR, decedent's attorney, and named executors without bond, are petitioners.</p> <p>Full IAEA – o.k.</p> <p>Will dated: 07/09/2009</p> <p>Residence: Fresno Publication: The Business Journal</p> <p>Estimated value of the Estate: Personal property - \$4,096,000.00</p> <p>Probate Referee: Steven Diebert</p>	<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"> • Tuesday, 02/10/2015 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal and • Wednesday, 12/08/2015 at 9:00a.m. in Dept. 303 for the filing of the first account and 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>
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<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		Reviewed by: LV	
		Reviewed on: 10/09/2014	
		Updates:	
		Recommendation: Submitted	
		File 19 - Rontell	

Petition to Determine Succession to Real Property (Prob. C. 13151)

DOD: 6/29/2011		RONALD T. OYE, Personal Representative of the Pour Over Will of Katharine Kawano and Trustee of the Jim I. Kawano Trust, dated 6/29/2011, is petitioner. 40 days since DOD. I & A - NEED. Petitioner requests ?	NEEDS/PROBLEMS/COMMENTS: 1. Ronald T. Oye, as Personal Representative of the Pour Over Will of Katharine Kawano and Trustee of the Jim I. Kawano Trust, dated 6/29/2011 does not have standing to bring this petition. Decedent's Will devised the entire estate to the Katharine Kawano 2011 Trust. Probate Code §13151 states the successor in interest is to bring the petition. The successor in interest to this estate is the Katharine Kawano 2001 Trust. Therefore the Trustee of the Katharine Kawano 2011 Trust must be the petitioner. Note: Ronald T. Oye was nominated in the decedent's will as executor; however, it doesn't appear that Ronald T. Oye has been appointed by the court as the personal representative of the estate of Katharine S. Kawano. 2. Need Inventory and Appraisal. Note: an inventory and appraisal for the estate of Bruce Kawano is attached to the petition however this procedure requires the specific property of this decedent to be appraised as of her date of death. <p style="text-align: center;">Please see additional page</p>	
Cont. from				
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Reviewed by: KT				
Reviewed on: 10/9/14				
Updates:				
Recommendation:				
File 20 - Kawano				

NEEDS/PROBLEMS/COMMENTS (continued):

3. Need attachment 11 showing the legal description of the real property, its Assessor's Parcel Number (APN) and the decedent's interest in the property.
4. Need attachment 13 stating the specific property interest claimed by each petitioner.
5. Need Notice of Hearing.
6. Need proof of service of the Notice of Hearing on:
 - a. Bruce I. Kawano – minor beneficiary
 - b. Guardians of Bruce I. Kawano.
7. Need Order.

DOD: 10-28-04 	LEON Y. GEORGE , father, and ARMEN L. GEORGE , brother, were appointed as Co-Administrators with Full IAEA without bond and Letters issued on 1-25-05.	NEEDS/PROBLEMS/COMMENTS: <u>Cont'd from 2-14-14, 3-14-14, 5-16-14, 7-15-14</u>
Cont. from 021414, 031414, 051614, 071514	Leon Y. George is a resident of Fresno, CA. Armen L. George is a resident of Sammamish, WA.	Minute Order 2-14-14: Counsel informs the Court that he is waiting on a copy of the brokerage account.
<input type="checkbox"/> Aff.Sub.Wit.	The original petition alleged \$200,000.00 in personal property, annual income from personal property of \$5,000.00, and real property valued at \$150,000.00. However, no Inventory and Appraisal was ever filed pursuant to Probate Code §8800.	Minute Order 3-14-14: Partial Inventory and Appraisal submitted to Mr. Diebert. Waiting on brokerage account.
<input type="checkbox"/> Verified		Minute Order 5-16-14: Partial Inventory and Appraisal submitted to Mr. Diebert.
<input type="checkbox"/> Inventory		<u>As of 10-13-14, nothing further has been filed. The following issues remain:</u>
<input type="checkbox"/> PTC		<ol style="list-style-type: none"> 1. Need Inventory and Appraisal pursuant to Probate Code §8800.
<input type="checkbox"/> Not.Cred.		<ol style="list-style-type: none"> 2. Need accounting and petition for final distribution pursuant to Probate Code §12200.
<input type="checkbox"/> Notice of Hrg	Three Creditor's Claims have been filed totaling \$28,426.95, and a Request for Special Notice was filed by the State of California Franchise Tax Board on 11-6-06.	Note: Decedent's heirs pursuant to intestate succession would be his parents, Leon Y. George and Louise K. George.
<input type="checkbox"/> Aff.Mail		Reviewed by: skc
<input type="checkbox"/> Aff.Pub.		Reviewed on: 10-13-14
<input type="checkbox"/> Sp.Ntc.		Updates:
<input type="checkbox"/> Pers.Serv.	No accounting or petition for final distribution was ever filed pursuant to Probate Code §12200.	Recommendation:
<input type="checkbox"/> Conf. Screen		File 21 – George
<input type="checkbox"/> Letters	The Court set this status hearing for failure to file Inventory and Appraisal and failure to file accounting or petition for final distribution. Both attorney and personal representative(s) are ordered to appear.	
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report	Notice of Status Hearing was mailed to Attorney Jeffrey D. Simonian and to Administrators Leon Y. George and Armen L. George on 11-21-13.	
<input type="checkbox"/> 9202 Order	Status Report filed 7-14-14 by Attorney Simonian states the Co-Administrators have collected and marshaled the assets of the estate; however, the estate is not presently in a position to be closed. A partial inventory of the real property has been completed and returned by the probate Referee. A Change in Ownership Statement and Claim for Reassessment Exclusion needs to be signed by the appropriate parties before filing. Additional information concerning securities held by the decedent at the date of death is needed from ETrade Securities to file the final inventory. A second request has been sent to ETrade. The FTB Claim relates to an unfiled California personal income tax return for the decedent for 2003. The Co-Administrators are searching records to determine whether a return was filed and gathering information to complete if not. In addition, they are gathering the information needed for state and federal returns for 2004. Additional time is therefore needed. The sole heirs are the decedent's parents, both of whom are still living. Attorney Simonian will address any questions at the hearing.	
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		

Pro Per Valdez, Olga (Pro Per Petitioner, sister)

Petition for Appointment of Successor Probate Conservator of the Person (Prob. C. 1820, 1821, 2680-2682)

Age: 53 years		<p>NO TEMPORARY REQUESTED</p> <p>OLGA VALDEZ, sister, is Petitioner and requests appointment as Successor Conservator of the Person with medical consent powers.</p> <p>Capacity Declaration of Dolores Leon, M.D., filed 6/1/1984 supports request for medical consent powers; the Conservatee's incapacity to consent to any form of medical treatment was determined by order filed in this matter on 7/5/1984.</p> <p>Voting Rights Affected.</p> <p>Petitioner states the Conservatee was born physically handicapped and mentally retarded.</p> <p>Court Investigator Julie Negrete's Report was filed on 8/20/2014.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Court Investigator Advised Rights on 8/18/2014.</p> <p>Voting Rights Affected – Need Minute Order.</p> <p>Continued from 8/26/2014. Minute Order states Petitioner is informed that the Court needs consent from current conservator. Examiner notes given.</p> <p>The following issues from the last hearing remain:</p> <ol style="list-style-type: none"> <i>Petition</i> requests successor conservatorship; however, there is no vacancy for Conservator, as IMELDA GARCIA, mother, was appointed Conservator of the Person on 7/5/1984, and the <i>Petition</i> does not indicate whether she wishes to resign as Conservator. If the current Conservator wishes to resign, need petition tendering the resignation of IMELDA GARCIA as the current Conservator of the person pursuant to Probate Code § 2660. If the current Conservator wishes the Petitioner to be added as <u>Co-Conservator</u>, Petitioner must file a signed consent from IMELDA GARCIA indicating that she consents to the appointment of Petitioner as Co-Conservator. Need proof of 15 days' mailed service prior to hearing of the <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Successor Conservator</i> to the following persons pursuant to Probate Code §§ 2683, 1460(b)(2), and 1821(b): <ul style="list-style-type: none"> Lilia Garcia, Conservatee; Imelda Garcia, Conservator and mother; Maria De La Cruz Licon, sister; Roger Garcia, brother; Eusebio Garcia, brother; John Garcia, brother. <p align="center">~Please see additional page~</p>
Cont. from 082614			
Aff.Sub.Wit.			
✓ Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg	X		
Aff.Mail	X		
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
✓ Conf. Screen			
✓ Letters			
✓ Duties/Supp			
Objections			
Video Receipt	X		
✓ CI Report			
9202			
✓ Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
Reviewed by: LEG			
Reviewed on: 10/9/14			
Updates:			
Recommendation:			
File 22 – Garcia			

NEEDS/PROBLEMS/COMMENTS, continued:

3. Need *Conservatorship Video Viewing Certificate* pursuant to Local Rule 7.15.9(A).
4. *Order Appointing Conservator* of the person filed **7/5/1984** finds that the Conservator was granted powers relating to the capacity of the Conservatee to enter into a valid marriage under Probate Code § 1901. *Petition* does not request those powers be granted to the proposed Successor Conservator (or Co-Conservator, as the case may be.) Need information as to whether Petitioner would seek the same order regarding capacity to marry under Probate Code § 1901, and if so, such request must be made in the *Petition*.
5. *Confidential Supplemental Information* filed 7/22/2014 is incomplete at most items, providing only Conservatee's residence address and the dated signature of the Petitioner.
6. *Confidential Conservator Screening Form* filed 7/22/2014 contains the same date of birth listed in Item 1 (b) as the date of birth of the Conservatee. Need clarification as to whether the information provided on the *Confidential Conservator Screening Form* relates to the proposed Conservator, or relates to the Conservatee, and if to the latter, need revised *Confidential Conservator Screening Form* containing the information relating to the proposed Conservator.

Pro Per Rodriguez, Christina (Pro Per Petitioner, mother)

Petition for Termination of Guardianship

Age: 8 years	CHRISTINA RODRIGUEZ , 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 service by mail of the <i>Notice of Hearing</i> with a copy of the <i>Petition for Termination of Guardianship</i>, or <i>Consent to Termination and Waiver of Notice</i>, or a <i>Declaration of Due Diligence</i>, for: <ul style="list-style-type: none"> • Reed Bissegger, Guardian; • Gracie Bissegger, Guardian; • Damyen Lopez, father; • Paternal grandparents.
Cont. from	REED BISSEGGER and GRACIE BISSEGGER , maternal grandparents, were appointed Guardians on 11/5/2007.	
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified	Father: DAMYEN LOPEZ	
<input type="checkbox"/> Inventory	Paternal grandfather: <i>Not listed</i>	
<input type="checkbox"/> PTC	Paternal grandmother: <i>Not listed</i>	
<input type="checkbox"/> Not.Cred.		
<input type="checkbox"/> Notice of Hrg	Petitioner states the Guardian is continuously violating the Court order for visitation and something needs to be done about it. Petitioner states the guardianship should be terminated for the child's safety and welfare and he needs to come home because there is an unsafe person in the Guardian's home.	
<input 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		
<input type="checkbox"/> Video Receipt	Court Investigator Jennifer Young's Report was filed on 10/6/2014.	
<input checked="" type="checkbox"/> CI Report		
<input checked="" type="checkbox"/> Clearances		
<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: 10/9/14
		Updates:
		Recommendation:
		File 23 - Lopez

(1) Request for Waiver of Account and Report of Personal Representative and (2) Petition for Final Distribution

DOD: 09/24/12		STEPHANIE N. ROMANS, Administrator, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>CONTINUED FROM 09/25/14</p> <ol style="list-style-type: none"> The petitioner states that Jacob Oh, Nicholas Oh and herself are the heirs of the estate and have waived an accounting; however, the initial Petition for Probate indicates that the decedent was also survived by a minor grandson, Richie Oh (approximately 9 at this time) who is the son of decedent's deceased son, Richard Oh. The initial petition states that Richard Oh predeceased the decedent, but did not indicate his date of death. Need date of death of Richard Oh. If Richard Oh did indeed predecease the decedent, his minor son, Richie Oh, is also a beneficiary of this estate pursuant to intestate succession. As a minor, he is not able to waive an accounting. If Richard Oh died after the decedent then his estate is a beneficiary of the estate and a waiver of accounting would be needed from the personal representative of his estate. Petitioner also indicates that the assets of the estate pass to her because Nicholas and James Oh have filed Disclaimers disclaiming their share of the estate, however, disclaimers, pursuant to Probate Code 282, have the effect as if the person disclaiming interest had predeceased the decedent. The Petition does not state whether Nicholas or James Oh have issue. If they do have issue, their issue then is entitled to their portions of the estate. Further, the minor heir, Richie Oh, cannot disclaim his interest (due to his being a minor and lacking capacity). Need <i>Notice of Hearing</i>. Need proof of service by mail at least 15 days before the hearing of <i>Notice of Hearing</i> for: James Oh, Nicholas Oh, and Richie Oh (minor).
		Accounting is waived.	
Cont. from 092514		I & A - \$310,000.00	
<input type="checkbox"/>	Aff.Sub.Wit.	POH - \$310,000.00	
<input checked="" type="checkbox"/>	Verified	Administrator - waived	
<input checked="" type="checkbox"/>	Inventory	Attorney - n/a	
<input checked="" type="checkbox"/>	PTC		
<input checked="" type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg	x Petitioner states that the other heirs of the estate, Nicholas Oh and Jacob Oh, have disclaimed their interests in the estate leaving her as the sole heir of the estate.	
<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	Distribution, pursuant to intestate succession and subject to the Disclaimer of Nicholas and Jacob Oh, is to:	
<input type="checkbox"/>	Letters	04/30/13	
<input type="checkbox"/>	Duties/Supp	Stephanie Romans - 100%	
<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		
Reviewed by: JF			
Reviewed on: 10/10/14			
Updates:			
Recommendation:			
File 24 - Oh			

Atty Alegria, Eddie (Pro Per – Petitioner – Cousin)

Atty Dominguez, Pablo III (Pro Per – Father of Nevaeh – Objector)

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Josiah Age: 2mos		<p align="center"><u>NO TEMPORARY REQUESTED</u></p> <p>EDDIE ALEGRIA, cousin, is petitioner.</p> <p>Father of Josiah (per CI Report): ADRIAN GAYTON</p> <p>Father of Neveah: PABLO DOMINGUEZ, III, Objection filed 08/08/2014</p> <p>Mother: CHRISSEY QUAIR, Declaration of Due Diligence filed 06/09/2014</p> <p>Paternal Grandfather of Josiah: Not Listed Paternal Grandfather of Nevaeh: Not Listed</p> <p>Paternal Grandmother: Maylou Dick (Listed for each child)</p> <p>Maternal Grandfather: Not Listed Maternal Grandmother: Not Listed</p> <p>Petitioner states: Neveah has been with the petitioner for 12 months and Josiah was tested positive for meth when he was born, CPS was involved and the children were given to the petitioner by the mother.</p> <p>Objection filed by Pablo Dominguez, father of Nevaeh, on 08/08/2014 states he feels that his daughter should reside with him. He was not informed that the child's mother left the child with strangers. He states he can provide a stable home, love, time and affection. He states he was not given the opportunity to be in his daughter's life, but now he can. He also states that the petitioner is not a relative to him, his family, or the mother.</p> <p align="center"><u>Please see additional page</u></p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 08/14/2014 for ICWA Notice.</p> <p>The following issues remain:</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of personal service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for: <ul style="list-style-type: none"> • Adrian Gayton (Father of Josiah) <p>Note: Pursuant to the CI Report, the father, Adrian Gayton, is currently incarcerated in the Kings County Jail.</p> <ul style="list-style-type: none"> • Pablo Dominguez, III (Father of Nevaeh) • Chrissy Quair (Mother)- Unless the Court dispenses with notice. <p>Note: Declaration of Due Diligence is incomplete. It does not provide any information regarding petitioner's last contact nor the results of her search for the mother.</p> <p align="center"><u>Please see additional page</u></p>
Neveah Age: 1 yr			
Cont. from 081414			
<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 <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 checked="" type="checkbox"/>		
<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		
<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 checked="" type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		<p>Reviewed by: LV</p> <p>Reviewed on: 08/13/2014</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 25 – Gayten & Dominguez</p>	

Court Investigator Samantha D. Henson's report filed 08/06/2014.

NEEDS/PROBLEMS/COMMENTS continued:

3. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for:
 - **Paternal Grandfather of Josiah (Not Listed)**
 - **Paternal Grandmother of Nevaeh (Not Listed)**
 - **Maylou Dick (Paternal Grandmother)**
 - **Maternal Grandfather (Not Listed)**
 - **Maternal Grandmother (Not Listed)**

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Age: 16	TEMPORARY EXPIRES 10/14/2014	NEEDS/PROBLEMS/COMMENTS:
	MARIA GUADALUPE MANRIQUEZ , maternal grandmother, is Petitioner.	Minute Order of 08/20/2014: Petitioner is informed that Maxine Williamson needs to be served.
Cont. from	Father: JOE GULLEY – Consent & Waiver of Notice filed 08/14/14	1. Need proof of personal service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for: <ul style="list-style-type: none"> • Maxine Williamson (Mother) – Unless the Court dispenses with Notice.
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified	Mother: MAXINE WILLIAMSON , Declaration filed 08/21/2014, Declaration of Due Diligence filed 10/10/2014	
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg	Paternal grandfather: JOE GULLEY , deceased	
<input checked="" type="checkbox"/> Aff.Mail	Paternal grandmother: FLORENCE LOWE - deceased	
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.	Maternal grandfather: CLARENCE WILLIAMSON , served by mail on 08/13/2014	
<input type="checkbox"/> Pers.Serv.		
<input checked="" type="checkbox"/> Conf. Screen	Minor: Karie Lovie Williamson , consents and waives notice	
<input checked="" type="checkbox"/> Letters		
<input checked="" type="checkbox"/> Duties/Supp	Petitioner alleges that the minor was kicked out by her mother and has no place to go. Petitioner alleges that the minor's mother has pushed the minor to become sexually active and has exposed the minor to inappropriate behavior. Further, Petitioner alleges that the minor often has to miss school to care for her younger siblings. Temporary guardianship is needed because the mother is threatening to report the minor as a runaway causing stress to the minor.	Note: Declaration of Attempts of Service on Minor's Mother filed 08/21/2014: attached is a Declaration of Due Diligence from Search & Serve listing attempts at service for the mother at 825 S. Adler Ave #102 Fresno, Ca. The attempts at service are as follows: two attempts at service on 08/14/2014 at 1:30pm and 6:40 pm; one attempt on 08/15/2014 at 11:30am, and on attempt on 08/16/2014 at 9:25am, each with no response.
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input checked="" type="checkbox"/> CI Report		Declaration of Due Diligence filed 10/10/2014 states when the mother finds out that the petitioner is trying to locate her she moves. Petitioner last saw the mother in April 2014. She has tried calling the mother as well. Petitioner also tried to locate the mother at several different addresses that the mother has used but has been unable to make contact.
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order	Court Investigator Samantha D. Henson's report filed 10/06/2014.	
<input type="checkbox"/> Aff. Posting		Reviewed by: LV
<input type="checkbox"/> Status Rpt		Reviewed on: 10/10/2014
<input checked="" type="checkbox"/> UCCJEA		Updates:
<input type="checkbox"/> Citation		Recommendation:
<input type="checkbox"/> FTB Notice		File 26 - Williamson

Petition to Determine Succession to Real Property (Prob. C. 13151)

DOD: 06/01/2011	JOHN I. CHAGOYA , son, and PHILLIP CHAGOYA , grandson, are petitioners.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>The deficiencies with the pleadings include, but are not limited to, the following:</p> <ol style="list-style-type: none"> Attachment 11 does not provide the decedent's interest in the real property. #9a(1) or #9a(2) of the petition was not answered regarding spouse. #9a(3) or #9a(4) of the petition was not answered regarding registered domestic partner. #9a(7) or #9a(8) of the issue of predeceased child. #5(a) or #5(b) of the Inventory and Appraisal was not marked regarding the property tax certificate. Need Notice of Hearing. Need proof of service on Petition to Determine Succession to Real Property on: <ul style="list-style-type: none"> Helen Neufield (Daughter) Edward I. Chagoya (Son) Doris Contreras (Alternate Executor) Joseph Contreras (Executor) Attachment 14 does not list the names and relationships of the heirs of the decedent, nor all the devisees of the decedent. Order does not include the legal description of the real property. Need new order. <p>Note: A Request for Special Notice was filed on 09/15/2014 by the Department of Health Care Services and a creditors claim was filed in the amount of \$54,062.20. However this does not affect this proceeding.</p> <p>Reviewed by: LV</p> <p>Reviewed on: 10/10/2014</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 27 - Chagoya</p>
	40 days since DOD	
Cont. from	No other proceedings	
<input type="checkbox"/> Aff.Sub.Wit.	I&A - \$60,000.00	
<input checked="" type="checkbox"/> Verified	Will dated: 01/29/1999 devises all property, both real and personal, to John I Chagoya and Phillip Chagoya in equal shares.	
<input checked="" type="checkbox"/> Inventory	Petitioners request Court determination that decedent's interest in real property located at 1085 South Hope Reedley, California pass to John I Chagoya and Phillip Chagoya in equal shares pursuant to decedent's will.	
<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 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		

Pro Per Baldazo, Imelda G. (Pro Per Petitioner, daughter)
 Atty LeVan, Nancy J., sole practitioner (Court-appointed for Conservatee)

**Petition for Appointment of Probate Conservator of the Person
 (Prob. C. 1820, 1821, 2680-2682)**

Age: 73 years	NO TEMPORARY REQUESTED	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Court Investigator Advised Rights on 9/16/2014.</p> <p>Voting Rights Affected – Need Minute Order.</p> <ol style="list-style-type: none"> 1. Need <i>Citation for Conservatorship</i> pursuant to Probate Code § 1823, and proof of personal service of the <i>Citation</i> on the proposed Conservatee with a copy of the <i>Petition for Appointment of Probate Conservator</i> pursuant to Probate Code § 1824. 2. <i>Petition</i> requests medical consent and dementia powers. Need <i>Medical Capacity Declaration</i> (Judicial Council form GC-335) in support of Petitioner's request pursuant to Probate Code § 1890(c). <p>~Please see additional page~</p>
	<p>IMELDA G. BALDAZO, daughter, is Petitioner and requests appointment as Conservator of the Person with medical consent and dementia powers to administer dementia medications, and for placement in a secured-perimeter facility.</p> <p>Need Capacity Declaration</p> <p>Voting Rights Affected</p> <p>Petitioner states the proposed Conservatee suffers from dementia and Alzheimer's. Petitioner includes a list of tasks the proposed Conservatee is unable to do on her own, including make decisions about her residence, make medical decisions or take medications, unable to be left alone, to prepare meals and eat without assistance, unable to bathe and groom, unable to appreciate danger, including financial or personal abuse, and is unable to recognize familiar people. Petitioner states at the end of the list in the space for anything else Petitioner would like to make the Court aware of that the proposed Conservatee always ends up giving into her spouse, who always has controlled and abused her physically, mentally and financially.</p> <p>Court Investigator Dina Calvillo's Report was filed on 9/30/2014.</p>	
Cont. from		
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
Inventory		
Cap Dec	X	
Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail	W/	
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.	X	
<input checked="" type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters		
<input checked="" type="checkbox"/> Duties/Supp		
Objections		
<input checked="" type="checkbox"/> Video Receipt		
<input checked="" type="checkbox"/> CI Report		
9202		
<input checked="" type="checkbox"/> Order		
Aff. Posting Status Rpt		
UCCJEA		
Citation	X	
FTB Notice		
		<p>Reviewed by: LEG</p> <p>Reviewed on: 10/13/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 28 - Baldazo</p>

NEEDS/PROBLEMS/COMMENTS, continued:

3. *Proof of Service by Mail of the Notice of Hearing* filed on 9/15/2014 shows notice to **JUAN V. BALDAZO**, spouse, was made care of another person. Pursuant to CA Rule of Court 7.51 (a)(1) and (2), notice sent by mail must be mailed individually and directly to the person entitled to notice and mailing to a person in care of another person is insufficient unless the person entitled to notice is an adult and has directed the party giving notice in writing to send the notice in care of the second person. Court may require direct notice to be served to Juan V. Baldazo.

Petition for Appointment of Temporary Guardianship of the Person (Prob. C. 2250)

Age: 1	TEMPORARY GRANTED EX PARTE: EXPIRES 10/14/14	NEEDS/PROBLEMS/COMMENTS: 1. Need proof of personal service at least 5 court days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Temporary Guardian of the Person</i> <u>or</u> Consent & Waiver of Notice <u>or</u> Declaration of Due Diligence for: a. David Rubio (father)
	GENERAL HEARING: 12/03/14	
Cont. from	VIOLET ALCANTAR , maternal grandmother, is Petitioner.	
<input type="checkbox"/> Aff.Sub.Wit.	Father: DAVID RUBIO	
<input checked="" type="checkbox"/> Verified	Mother: MONICA RUBIO – <i>Personally served on 10/03/14</i>	
<input type="checkbox"/> Inventory	Paternal grandfather: UNKNOWN Paternal grandmother: LYNDA RUBIO	
<input type="checkbox"/> PTC	Maternal grandfather: FRANCISCO HERNANDEZ	
<input type="checkbox"/> Not.Cred.	Petitioner alleges that the father has a long history of substance abuse, incarceration, domestic violence and gang affiliation. The father is very abusive to the mother and the mother does not protect the minor, continuing to take the minor around her father even though she has been told not to expose the minor to her father's violence. Petitioner states that the father's probation officer advised Petitioner to seek guardianship of the minor because of the mother's refusal to stop exposing the minor to the father's violence. Petitioner states that temporary guardianship is necessary in order to keep the minor safe. The mother has threatened to take the minor with her to be with the father who is currently on the run from law enforcement.	
<input checked="" type="checkbox"/> Notice of Hrg		
<input type="checkbox"/> Aff.Mail		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input checked="" type="checkbox"/> Pers.Serv. w/		
<input checked="" type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters x		
<input checked="" 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 checked="" type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: JF
		Reviewed on: 10/10/14
		Updates: 10/13/14
		Recommendation:
		File 29 - Rubio

Petition for Appointment of Temporary Guardian of the Person (Prob. C. 2250)

Raquel, 13	<u>GENERAL HEARING: 12/08/14</u>		<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need <i>Notice of Hearing</i>. 2. Need proof of personal service at least 5 court days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Temporary Guardian of the Person</i> <u>or</u> <i>Consent & Waiver of Notice</i> for Raquel Avila De Gonzalez (minor). 	
Daniel, 11	<p>ANGEL GONZALEZ MARTINEZ and RAQUEL AVILA DE GONZALEZ, maternal uncle and aunt, are Petitioners.</p>			
	<p>Father: JESUS DANIEL REGALADO – <i>Consent & Waiver of Notice filed 09/30/14</i></p>			
Cont. from	<p>Mother: CECILIA AVILA MADUENA – <i>deceased</i></p>			
<input type="checkbox"/> Aff.Sub.Wit.	<p>Paternal grandfather: JESUS REGALADO Paternal grandmother: GUADALUPE BANUELOS</p>			
<input checked="" type="checkbox"/> Verified	<p>Maternal grandfather: HERIBERTO AVILA Maternal grandmother: MARIA MADUENA – <i>deceased</i></p>			
<input type="checkbox"/> Inventory	<p>Petitioners alleges that temporary guardianship is necessary for medical and education purposes. Daniel is in need of therapy to help him deal with his mother's death and that his father wants to take him to Kansas. He is having behavioral issues and doesn't want to eat. Raquel is showing no emotions regarding the death of her mother and has resentment toward her father. She refuses to go to Kansas to live with her father.</p>			
<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 checked="" 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				
			<p>Reviewed by: JF</p> <p>Reviewed on: 10/10/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 30 – Regalado-Avila & Regalado</p>	