



ATTENTION

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

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

Thank you for your patience.

Petition for Appointment of Successor Probate Conservator of the Person and Estate

Age: 60		<p>NORMAN WILSON and PENNY WILSON, brother and sister-in-law, are Petitioners and request appointment as successor Conservators of the Person with medical consent powers and as Conservators of the Estate without bond.</p> <p>NOMA WILSON, mother, was appointed as Conservator of the Person with medical consent powers on 09/29/88. Nomination by Noma Wilson of Petitioner's as successor conservators attached to Petition.</p> <p>Estimated Value of the Estate: Annual income - \$21,406.80</p> <p>Petitioners state that the current conservator requires 24 hour care and is now in a nursing home, therefore she is no longer able to act as conservator. The conservatee suffers from disabilities as a result of a motorcycle accident in 1988. Since the accident, he has had assistance in caring for his physical needs. The conservatee suffers from short term memory loss and is not able to remember to pay his bills on his own. Further he has made imprudent decisions about money in the past.</p> <p>Court Investigator Julie Negrete filed a report on 10/02/14.</p>	<p>NEEDS/PROBLEMS/COMMENTS: Investigator advised rights on 09/25/14.</p> <ol style="list-style-type: none"> 1. Need receipt for viewing conservatorship video for both petitioners. 2. All relatives have waived bond and Petitioners are requesting appointment without bond; however, effective 1/1/2008, pursuant to CRC 7.207, except as otherwise provided by statute, every conservator or guardian of the estate appointed after 12/31/2007, must furnish a bond, including a reasonable amount for the cost of recovery to collect the bond under Probate Code 2320(c)(4)). Based on the assets of the estate as stated in the Petition, bond should be set at \$23,547.48. 3. The Court may require an updated capacity declaration regarding medical consent powers.
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		<p>Reviewed by: JF</p> <p>Reviewed on: 10/13/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 1 – Wilson</p>	

Notice of Motion and Motion for Order to Correct Clerical Error in Judgment and Amend Judgment Nunc Pro Tunc and Alternatively to Modify Void Judgment

DOD: 7/13/1991		<p>MARY S. WATSON is petitioner.</p> <p>Petitioner states she completed the probate of the decedent in pro per, enlisting the assistance of a paralegal to prepare the petition for final distribution.</p> <p>An error occurred in the language of the testamentary trust. The paralegal failed to include language in the testamentary trust that identified the decedent's children.</p> <p>Decedent died survived by his wife, Mary S. Watson, his child, Cynthia D. Knott, who is the issue of a prior marriage, and his two stepchildren, Martin R. Claborn and Kimberly Claborn Miller (who was referred to in the Will as Kimberly D. Garrett), who are the children of Mary S. Watson.</p> <p>Article Second of Decedent's Will identifies his children to include his natural born child and his stepchildren.</p> <p>Decedent's Will gives all of his personal property to his wife and Decedent's other assets consisting primarily of Decedent's ½ community property interest in certain farmland in trust for the benefit of his wife during her lifetime, and upon the death of Petitioner, to be divided into "as many equal shares as there are children of mine then living and children of mine then deceased leaving issue."</p> <p style="text-align: center;">Please see additional page</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 8/11/14.</p> <p>1. Order does not comply with Local Rule 7.6.1B – No riders or exhibits may be attached to any order, except as may be otherwise provided on Judicial Council forms. Need new order.</p>
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		<p>Reviewed by: KT</p> <p>Reviewed on: 10/13/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 2A - Watson</p>	

Given the language in Article Two of the Will which provides that stepchildren are to be treated as children, upon the death of Petitioner, the Will provides that the assets in the testamentary trust are to be distributed in equal shares to **Cynthia D. Knott, Martin R. Claborn and Kimberly Claborn Miller.**

On April 11, 2014 Petitioner met with an estate planning attorney and was advised that the language of the order provided that **Cynthia D. Knott** was the sole remainderman beneficiary of the trust due to the omission of the language that the term "child" or "children" also refer to the Decedent's stepchildren. Petitioner took prompt action to cause this petition to be filed.

The error in the language of the judgment is readily apparent from the judgment roll consisting of the original will, the petition for probate, the order for probate and the judgment of final distribution which clearly does not conform to Decedent's wishes as expressed in the Will.

Alternatively, the Judgment of Final Distribution to Testamentary Trust is a void judgment and is subject to modification because the omission in the language of the judgment resulted in the court exceeding its authority, however unintentionally by rendering a judgment for distribution which was contrary to the intent of the Decedent as expressed in his Will.

Granting modification of the judgment nunc pro tunc is appropriate because Petitioner is still alive and the interests of any remainderman of the testamentary trust have not yet ripened into current interests.

Wherefore Petitioner prays for an order that the following language erroneously and mistakenly omitted for the judgment shall be added to the end of the judgment to conform to the Decedent's intent as expressed in his will: "The terms 'Decedent's child', 'Decedent's children', 'child of Decedent' and 'children of Decedent' as used in this Judgment of Final Distribution and Final Distribution to Testamentary Trust and in the testamentary trust set forth herein shall include Decedent's child Cynthia D. Knott, and step-children Martin R. Claborn and Kimberly Claborn Miller."

Points and Authorities attached to the Petition.

Response of Cynthia D. Watson to Petition for Order to Correct Clerical Error filed on 6/19/14.

Respondent alleges the omission was not clerical and the Judgment is not void. The petition is not timely because the time to challenge a Judgment on direct appeal has passed. Respondent further alleges that the Petitioner does not have standing to prosecute this petition. The petition and each and every claim therein fails to state facts sufficient to constitute a cause of action or basis for relief. Petitioner is estopped by her own conduct from obtaining any relief under her Petition. Petitioner's acts, conduct and/or omissions were the proximate cause of Petitioner's alleged damages.

Respondent prays as follows:

1. Petitioner take nothing by way of the Petition;
2. That the Petition be dismissed with prejudice;
3. For costs of suit.

Please see additional page

Points and Authorities in Support of Opposition to Petition to Correct Clerical Error filed on 6/19/14.

Petitioner's Reply to Verified Response of Respondent Cynthia D. Watson filed on 6/20/14. Petitioner alleges Respondent has failed to file her opposition on a timely basis and the result is that she has waived any opportunity to oppose the Motion and has consented to the entry of the order requested in the motion. This is a motion to correct a clerical error in a judgment. The requirement for filing of papers opposing a motion are set forth in CCP 1005(b) which provides that all papers opposing a motion shall be filed with the court and a copy served on each party at least nine court days before the hearing. Respondent did not comply with this requirement. In fact, Respondent did not come close to complying with this requirement. It appears that Respondent's opposition was filed either Wednesday, June 18, 2014 or on Thursday June 19, 2014. Petitioner's attorney received a faxed copy of the response at 4:48 p.m. on Wednesday. In order for this response to be timely, it should have been filed at least by Tuesday, June 10, 2014, more than a week before it was filed. Opposing Counsel's late filing is prejudicial to Petitioner and other interested parties.

Petitioner further alleges that the cases cited by Respondent do not apply to an action to correct a clerical error pursuant to CCP §473(d). Respondent has misstated and misapplied the law. The case cited makes a clear distinction between the correction of a clerical error and the correction of a judicial error. The Court may correct by a nunc pro tunc order an inadvertent or clerical error. The distinction between a clerical error and a judicial error does not depend so much on the person making as it does on whether it was the deliberate result of judicial reasoning and determination. A clerical error in the judgment includes inadvertent errors made by the court which cannot be reasonably attributed to the exercise of judicial consideration or discretion. Clerical error is to be distinguished from judicial error which cannot be corrected by amendment.

Petitioner should be permitted to modify the order for Final Distribution to conform to the will because the order incorporates the terms of the will by reference.

Respondent's argument that the existence of Article Thirteenth B in the Will indicates that there is a different interpretation of the Decedent's intent is without merit.

In summary, it is clear from the evidence presented as well as the record in the court file that there was an error in the order which has an inadvertent mistake, not the result of judicial deliberation, but the result of an oversight. The law gives the court broad power to determine that an error was clerical rather than judicial, and therefore, this court has the opportunity to correct its error.

Petitioner has estimated that the property in trust has a value of approximately \$1,750,000.00. Obviously Decedent's daughter, Respondent, would like to receive those assets. However, her father clearly and expressed his intent that these assets be divided three ways among his daughter and step-children. Under the current order the assets will go entirely to Decedent's daughter completely in contravention of Decedent's intent as expressed in his Will. The Court has an opportunity and authority to prevent a great injustice.

Please see additional page

Petitioner's Supplemental Reply to Verified Response filed on 7/2/14 states the court may upon motion of the injured party correct clerical errors to cause a decree of distribution to conform to decedent's Will. Petitioner should be permitted to modify the Order for Final Distribution to conform to the Will because the order incorporates the terms of the Will by reference. (Cases cited in support of argument)

Respondent's Additional Memorandum of Points and Authorities in Opposition to Petition filed on 7/1/14. Respondent states in this case, the decedent's Will provides in Article SECOND "that the terms, "my child" and "my children" as used in this Will shall include my child and stepchildren . . ." and also includes Article THIRTEENTH B., which provides in part as follows: ""Issue" of a person means of such person's lawful descendants of every degree . . . However, nothing in this Will shall include foster children or step-children in the term "issue" "lineal descendant," or "ancestor.""

Neither Article SECOND nor Article THIRTEENTH B., are included in the Petition for Distribution or in the Judgment of Final Distribution. The two articles conflict and provide different definitions for "child" and "children."

Petitioner contends that the provisions of Article SECOND of the Will are incorporated into the Judgment. This is not the case. As Petitioner points out, the trust is to be held, administered and distributed only "in accordance with the provisions of Paragraphs SIXTH, SEVENTH, and EIGHTH of Decedent's Will." There is no mention in the Judgment of Article SECOND. (Cases cited in support of argument)

Petitioner's Reply to Respondent's Additional Memorandum of Points and Authorities in Opposition filed on 7/8/14 states Article Second and Article Thirteenth B do not conflict. Article Second and Article Thirteenth B are mutually exclusive. Article Second defines the terms "my child" and "my children". The parenthesis surrounding the terms in each of these sections make it clear that the respective definitions apply when the specific terms are used. Both terms "children" and "issue" are used in different places in the will. The terms are neither conflated nor used interchangeably as Respondent suggests. When the terms "child" or "children" are used, step-children are included in the definition. When the term "issue" is used, step-children are excluded. There is no judicial interpretation necessary here, nor is there any evidence whatsoever that the court was required to make, nor made, judicial interpretations regarding this issue. There is no evidence that there was a judicial interpretation made, but there is ample evidence presented that there was a clerical error.

In addition, the judgment makes sufficient reference to the will to incorporate the terms of the will into the order. The language in the order states, in "accordance with the provisions of Paragraphs SIXTH, SEVENTH, and EIGHTH of Decedent's Will. . ." In the will, the terms of Article Second are incorporated into the rest of the will, including, Articles, Sixth, Seventh and Eighth. The reference to Decedent's Will in the order would have no meaning if Articles Sixth, Seventh and Eighth are to be construed differently in the Judgment than in the will.

Atty Nahigian, Eliot S. (for Respondent Cynthia D. Watson)
Atty Jaech, Jeffrey A. (for Petitioner Mary S. Watson)

Status Conference

DOD: 7/13/1991	<p>MARY S. WATSON filed a Petition to Correct Clerical Error in the Judgment for Final Distribution.</p> <p>Petitioner prayed for an order that the language erroneously and mistakenly omitted for the judgment be added to the end of the judgment to conform to the Decedent's intent as expressed in his will: "The terms 'Decedent's child', 'Decedent's children', 'child of Decedent' and 'children of Decedent' as used in this Judgment of Final Distribution and Final Distribution to Testamentary Trust and in the testamentary trust set forth herein shall include Decedent's child Cynthia D. Knott, and step-children Martin R. Claborn and Kimberly Claborn Miller."</p> <p>CYNTHIA D. WATSON responded alleging the omission was not clerical and the Judgment was not void. In addition, the respondent alleged the petition is not timely because the time to challenge a Judgment on direct appeal had passed. Finally Respondent alleged that the Petitioner did not have standing to prosecute this petition.</p> <p style="text-align: center;">Please see additional page</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>
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		Reviewed by: KT
		Reviewed on: 10/13/14
		Updates:
		Recommendation:
		File 2B - Watson

Status Report of Mary S. Watson filed on 10/9/14 states the motion is ready for ruling by the court. The issue for the court is simply whether omitting the definition of the testator's children from the Judgment of Final Distribution was a clerical error or a judicial error. If it was a clerical error, as the Moving Party contends, then the court may now correct the clerical error under CCP§473(d).

On the other hand, if the court determines the error was judicial, and cannot be corrected under CCP§473(d), then we are left with an ambiguity in the Judgment as to the definition of "children" under the circumstances. Moving Party contemplates if this occurs, her daughter would petition the court to resolve the ambiguity. In that case, discovery to search for additional extrinsic evidence would be proper, even though the will itself seemingly conclusively resolves the ambiguity.

Respondent argues that Moving Party is not an "injured party," even though she was the decedent's personal representative and was duty-bound to execute the decedent's estate plan as stated in his will. This standing issue can be mooted by either the court correcting the error on its own as permitted under CCP §473(d), or by Moving Party's daughter joining the motion, which she is willing to do.

Accordingly, Moving Party requests that the court rule on the pending motion as soon as possible.

Status Report of Respondent Cynthia D. Watson filed 10/9/14 states while the Petitioner contends that there is a clerical error in the Judgment, Respondent maintains that the error is a judicial error, which cannot be corrected by a nunc pro tunc order. The Judgment is unambiguous. The claimed error is not a clerical error. Judith A. Ward, the paralegal who assisted Mary Watson in Mary Watson's pro per probate of the Will, states in her declaration filed with the court on August 7, 2014, that she "neglected to include in the petition of the proposed judgment the recitation . . ."

Although Judith A. Ward, by her own admission, may have been negligent, the real error in this case were the result of the Decedent and Mary Watson's neglect by not timely consulting with an attorney prior to the execution of a 24-page death bed trust will; not timely seeking legal advice from an attorney on how to provide for a blended family; by using a will that created a testamentary trust (requiring probate of the Will – which was done pro per) rather than using a revocable living trust (each spouse could have had his or her own living trust to deal with the disposition of his or her own property or share of the community property). The Decedent and Mary did change the title of joint tenancy property to community property thereby achieving the favorable income tax benefit of a step-up in basis of both halves of the depreciable farm property on Decedent's death.

Most applicable case authority is the *Estate of Eckstrom* (1960) 54 C.2d. 540, 7 Cal.Rptr. 124. In *Eckstrom* the Supreme Court held that clerical errors do not include those errors made by the court because of its failure to correctly interpret the law or apply the facts. It is only when the form of the judgment fails to coincide with the substance thereof, as intended at the time of the rendition of the judgment, that it can be reached by a corrected nunc pro tunc order.

No settlement offers have been commenced as of the date of the signing of this Status Report. Respondent believes that it is in the best interest of Petitioner, Petitioner's children, and Respondent that the parties engage in settlement discussions.

Atty Matlak, Steven M., of Dowling Aaron Inc. (for Petitioner Mirna Fraga, Trustee)

Petition for Settlement of Fifth Account Current and Report of Trustee; Approval of Trustee and Attorney's Fees and Costs, Approval to Pay Annual Automobile Insurance Premium From Trust, and Approval of Reimbursement to Trustee for Out-Of-Pocket Expenses

Age: 22 years	MIRNA FRAGA , mother and Trustee of the JUAN FRAGA JR. IRREVOCABLE SPECIAL NEEDS TRUST dated 11/5/2008, is Petitioner.	NEEDS/PROBLEMS/ COMMENTS: Note: Per Order on Sixth Amended Petition to Establish Special Needs Trust of Juan Carlos Fraga, Jr., filed 10/2/2008, the SNT holds a lien on the Trustee's house in the amount of \$48,008.40 , which represents the cost of construction of an additional bedroom and bathroom for the SNT Beneficiary.
Cont. from	Account period: 7/18/2012 through 7/17/2014	
<input type="checkbox"/> Aff.Sub.Wit.	Accounting - \$99,735.07	
<input checked="" type="checkbox"/> Verified	Beginning POH - \$74,467.15	
<input type="checkbox"/> Inventory	Ending POH - \$85,670.89 (\$57,170.89 is cash)	
<input type="checkbox"/> PTC	Trustee - \$250.00 (for preparation of this accounting)	
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg	Trustee's Costs - \$8,178.52 (per itemization attached as Exhibit F, with receipts; please refer to additional page for expenditures;)	
<input checked="" type="checkbox"/> Aff.Mail W/		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.	Attorney - \$4,861.00 (per Declaration of Steven Matlak filed 8/26/2014; for services from 8/1/2012 to 7/11/2014 for 8.20 attorney hours @ rates of \$210.00, \$250.00 and \$260.00 per hour, and 25.10 paralegal hours @ rates of \$130.00 and \$135.00 per hour;)	
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<input type="checkbox"/> Objections	Attorney Costs - \$200.00 (filing fee)	
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report	Bond - \$109,460.07 (sufficient) (Order Approving Petition for Settlement of Fourth Account, etc., filed on 10/29/2012 finds bond is reduced to \$109,460.07 ; proof filed on 11/27/2012;)	
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~Please see additional page~		Reviewed by: LEG Reviewed on: 10/13/14 Updates: Recommendation: File 3 – Fraga Jr.

Petitioner requests the Court approve an annual SNT disbursement for the cost of insuring the vehicle in an amount not to exceed **\$2,000.00**; on 6/1/2011, the Court authorized Petitioner to pay insurance premiums on the Toyota truck owned by the SNT on a monthly basis not to exceed **\$100.00**; pursuant to the renewal notice received from CSAA Insurance, the annual premium amount for the insurance is **\$1,833.00** for the period of 6/13/2014 – 6/13/2014, with a monthly payment of **\$173.60**; (copy of renewal notice attached as Exhibit E);

Petitioner requests reimbursement for her out-of-pocket costs totaling **\$8,178.52**, for payments including the purchase of a Sony PlayStation 3, games and television for Juan, the purchase of a Sony stereo for Juan [totaling **\$1,339.69**], payment of Juan's college registration fees [**\$414.00**], airline tickets to fly Juan to Mexico with the family [**\$1,090.50**], clothes for Juan [**\$315.56**], prescription co-pays for Juan's medications [**\$318.00**], the annual car registration for Juan's vehicle [**\$789.00**], floor mats and a car vacuum for Juan's vehicle [**\$178.50**], gas charges for the vehicle for Juan to attend school and go to medical appointments [**\$721.14**], Juan's AAA membership [**\$74.00**], costs for the vehicle insurance over and above the **\$100.00** allowed by the Court [**\$1,561.24**], repair to the air conditioner in Juan's room [**\$530.00**], and natural medicine to help Juan with his memory, blood circulation, joint pain, stress, eating disorder, immune system and weight as recommended by a doctor in Mexico [**\$846.89**], all paid for the benefit of Juan; Petitioner understands that the television, stereo, and Playstation with games is not typically a special needs reimbursement; however, because Juan is over 18 years of age and living at home, it is felt the purchase of those items contribute to his general well-being (summary itemizing costs and copies of receipts attached as Exhibit F.)

Petitioner requests:

1. The Fifth Account be settled, allowed and approved, and all acts and transactions of Petitioner as set forth be ratified, confirmed and approved;
2. Petitioner be allowed compensation of **\$250.00**, and Petitioner be authorized to disburse on an annual basis an amount not to exceed **\$2,000.00** for vehicle insurance;
3. Petitioner be authorized to reimburse herself **\$8,178.52**; and
4. Petitioner be authorized to pay attorney's fees and costs totaling **\$5,061.00**.

Note Re Disbursements: Minute Order dated 10/25/2012 from the hearing on settlement of the Fourth Account states the Court approves the petition as prayed including the fees for the cell phone and internet service. Order Approving Petition for Settlement of Fourth Account, etc., filed on 10/29/2012 authorized reimbursement of Trustee's Costs of **\$2,186.18** for Beneficiary's airfare, online high school expenses, Beneficiary's car registration, new cell phone for Beneficiary and costs for cell phone service in excess of court-approved cell phone allowance, for the Account period 7/18/2011 through 7/17/2012. Petitioner's request for reimbursement for the instant Fifth Account period of 7/18/2012 through 7/17/2014 is over 3 times the amount Petitioner requested during the Fourth Account, with some of the expenses potentially falling outside the realm of special needs expenses. The SNT cash on hand after deduction of requested fees and costs will be **~\$43,681.37**. Petition states the next two lump sum payments to the SNT are expected on 6/10/2017 of **\$15,000.00** each.

Note: If Petition is granted, Court will set Status Hearing as follows:

- **Thursday, September 15, 2016, at 9:00 a.m. in Dept. 303** for the filing of the sixth account. Pursuant Local Rule 7.5, if the documents noted above are filed 10 days prior to the date listed, the hearing will be taken off calendar and no appearance will be required.

Petition to Close Zero Asset Estate and Discharge Executor

DOD: 08/08/2006		<p>GLORIA MCAFEE, was appointed Executor with full IAEA authority without bond on 10/25/2006.</p> <p>Petition states: Attorneys for the Executor, Gloria McAfee, have had no contact with Executor in years and do not have her current contact information. As such the petition is filed by Gilmore, Wood, Vinnard & Magness at the request of the Court.</p> <p>Decedent filed for bankruptcy under Chapter 11 of the United States Bankruptcy Code prior to this death. The primary creditor of the decedent is the United States of America, acting through the United States Department of Agriculture/Farm Service Agency. Following her appointment as executor, Executor requested that the bankruptcy be discharged and that the assets of the bankruptcy estate be delivered to her for probate administration. The United States opposed this request preferring that jurisdiction to adjudicate liability remain in Federal Court and that possession, custody and control of the decedent's assets rests with the Trustee appointed by Bankruptcy Court. The United States Bankruptcy Court denied Executor's request, instead converting the decedent's bankruptcy to a Chapter 7 liquidation proceeding- United States Bankruptcy Court Eastern District of California Case No. 06-10342-A-7F.</p> <p>The Bankruptcy Trustee liquidated all of the decedent's assets on 05/17/2010, the Trustee in Bankruptcy filed her final report, showing that creditor's claims greatly exceeded the value of the estate and proposed that after satisfaction of priority claims, general unsecured creditors be paid a dividend of approximately 18.9% of their respective claim. A Notice of filing Trustee's Final Account and Distribution Report, Certification that the Estate has been Fully Administered and Application to be Discharged, Combined with Fixing Deadline for Filing Objections Thereto was filed on 01/04/2011 in the United States Bankruptcy Court. No assets were distributed to the Estate.</p> <p style="text-align: center;">Please see additional page</p>	<p>NEEDS/PROBLEMS/ COMMENTS:</p> <p>Continued from 09/09/2014</p> <p>The following issues remain:</p> <ol style="list-style-type: none"> Petition was not verified by the fiduciary.
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		<p>Reviewed by: LV</p> <p>Reviewed on: 10/10/2014</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 4 – McAfee</p>	

Executor and Gilmore, Wood, Vinnard & Magness, attorneys for Executor, have rendered valuable services to the estate, but inasmuch as the estate has no assets, statutory compensation is \$0. In addition to ordinary services, Gilmore, Wood, Vinnard & Magness rendered in excess of 50 hours of extraordinary services litigating against the United States government and the decedent's brother in both decedent's bankruptcy proceedings and concerning the Estate of May McAfee (the decedent's mother). While the value of such services is significant, there are no assets in the estate from which compensation could be paid.

The decedent left his entire estate to Our Land Self Help Corporation. Unfortunately, the Estate has no assets. Hence, there is nothing to distribute to Our Land Self-Help Corporation.

Petitioner prays that the administration of this estate be brought to a close; the first and final account be settled, allowed, and approved as filed; that all acts and proceedings of Executor as Executor be confirmed and approved; that the Estate be closed and the fees and costs owing to Gilmore, Wood, Vinnard & Magness be discharged; that any further orders be made at the Court considers proper.

(1) Waiver of Accounting and Report of Executor, Petition for Settlement Thereof;
and (2) for Final Distribution

DOD: 07/04/2009		<p>RIRGINIA KOON-LAN KWOK, Executor, is petitioner.</p> <p>Accounting is waived.</p> <p>I&A - \$989,560.00 POH - \$989,560.00</p> <p>Executor – Waives</p> <p>Attorney – Waives</p> <p>Distribution, pursuant to decedent’s will, is to:</p> <p>Rirginia Koon-Lan Kwok – 2007 Honda, 2009 Lexus, all of decedent’s jewelry, clothing, household furniture and furnishings, books and other tangible articles of personal nature, together with any insurance on the property.</p> <p>The Kwok Family Trusted dated September 2009 – Residue of the Estate</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need Order.</p>
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input checked="" type="checkbox"/>	Inventory		
<input 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 type="checkbox"/>	Letters 09/22/2011		
<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		
		<p>Reviewed by: LV</p> <p>Reviewed on: 10/13/2014</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 5 - Kwok</p>	

Executor's Report of Status of Administration of Estate, Request for Order Approving Distribution of Personality Pursuant to the Independent Administration of Estates Act and Request for Order Authorizing Payment of Fee for Due Diligence Search

DOD: 03/29/13	MARK REIFF , Executor, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
	I & A - \$2,077,135.27	CONTINUED TO 10/15/14 Per request of Counsel
	POH - \$2,062,032.51	
Cont. from	Petitioner states:	<ol style="list-style-type: none"> 1. Need <i>Notice of Hearing</i>. 2. Need proof of service by mail at least 15 days before the hearing of <i>Notice of Hearing</i> for all persons/entities entitled to notice. 3. Need Order.
<input type="checkbox"/> Aff.Sub.Wit.	1. An Accounting of the estate has been delayed due to maternity leave of the person preparing the accounting, however petitioner anticipates filing the accounting in the near future.	
<input checked="" type="checkbox"/> Verified	2. Petitioner distributed the household furnishings and furniture to Colleen Zanolitch pursuant to decedent's will and codicils. Petitioner requests the court's approval of this distribution to Ms. Zanolitch.	
<input type="checkbox"/> Inventory	3. All creditor's claims have been paid and the estate is solvent.	
<input type="checkbox"/> PTC	4. The estate is not in a condition to be closed at this time because some of the real property assets of the estate still need to be sold. Petitioner requests the Court's approval to continue the administration of the estate for one year.	
<input type="checkbox"/> Not.Cred.	5. Early in the administration of the estate, Petitioner learned that the Decedent had distant relatives who were her heirs at law and had not previously been located. Petitioner and his attorney spent numerous hours in a diligence search to locate the relatives and located Mary V. Peterson who had gathered and maintained genealogical records that included Decedent's family. More than 50 living heirs at law were located. Ms. Peterson spent more than 30 hours searching through records to locate Decedent's heirs. Petitioner is informed that persons who conduct investigations to locate heirs at law charge in the range of \$195 per heir located. Given the efforts of Ms. Peterson, Petitioner requests authorization from the court to pay Ms. Peterson an honorarium of \$1,500.00 for her valuable efforts.	
<input type="checkbox"/> Notice of Hrg <input checked="" type="checkbox"/>		
<input type="checkbox"/> Aff.Mail <input checked="" type="checkbox"/>		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input type="checkbox"/> Order <input checked="" type="checkbox"/>		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
	Continued on Page 2	Reviewed by: JF
		Reviewed on: 10/13/14
		Updates:
		Recommendation:
		File 7 - Carlson

6. The beneficiaries of the estate pursuant to Decedent's will and codicils thereto are:
 - a. Colleen Zanolitch
 - b. Concordia Lutheran Church
 - c. The Fresno Chapter of the Arthritis Foundation
 - d. Kingsburg High School
 - e. The American Heart Association
 - f. The Lutheran Hour

Petitioner prays for an Order:

1. Approving this report;
2. Approving all acts of Petitioner as Executor of the Estate as set forth in the Petition;
3. Confirming and Approving the Distribution of the Decedent's furniture and household furnishings to Colleen Zanolitch;
4. Authorizing payment of an honorarium in the amount of \$1,500.00 to Mary V. Peterson for service locating Decedent's heirs at law;
5. Directing that the administration of the Estate continue for an additional year.

Petition to Accept Resignation of Trustee; for Appointment of New Trustee; and to Set Bond

Age: 34 years	FREMONT BANK , Trustee of the Brooke Bertoldi sub-account of The Charities Pooled Trust , is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Petition states the consent of Herb Thomas to serve as successor trustee is attached as Exhibit "C". Exhibit "C" contains the resignation of the current trustee, Fremont Bank. Need consent of Herb Thomas to serve as trustee of the Brooke Bertoldi Special Needs Trust.</p> <p>Note: Status hearings will be set as follows:</p> <ul style="list-style-type: none"> • Wednesday, December 3, 2014 at 9:00 a.m. in Department 303, for the filing of first and final account of Fremont Bank and • Wednesday, December 3, 2014 at 9:00 a.m. in Department 303, for the filing of Herb Thomas's bond and • Wednesday, December 2, 2015 at 9:00 a.m. in Department 303 for the filing of the first account of Herb Thomas (if a one year account is required) or • Wednesday, December 2, 2016 at 9:00 a.m. in Department 303, for the filing of the first account of Herb Thomas (if a two year accounting is required). <p>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.</p> <p>Reviewed by: KT</p> <p>Reviewed on: 10/13/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 8 - Bertoldi</p>
Cont. from	The Brooke Bertoldi sub-account of The Charities Pooled Trust (hereinafter referred to as the " Brooke Bertoldi Special Needs Trust ") was established on 9/11/13 for Brooke Bertoldi pursuant to Order of the Superior Court of Fresno. The trust account currently holds approximately \$114,000.	
<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	Fremont Bank wishes to resign as trustee of the Trust and the non-profit that runs the Trust wishes to appoint a new trustee.	
<input checked="" type="checkbox"/> Aff.Mail	W/	
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.	The trust agreement authorizes that the Non-Profit reserves the right to appoint a Successor Directed Trustee of the Brooke Bertoldi Special Needs Trust. The Non Profit has appointed California licensed private professional fiduciary HERB THOMAS to serve as Directed Trustee.	
<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	Herb Thomas seeks to have his fees paid on an interim basis. Herb Thomas currently charges \$125 per hour for services. Herb Thomas's fees shall be confirmed by the Court during the accounting period.	
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order	Petitioner request bond be set at \$129,000.	
<input type="checkbox"/> Aff. Posting	Please see additional page.	
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		

Petitioner states **Fremont Bank** will submit a final account within a reasonable amount of time after transfer of assets to **Herb Thomas**. In order to limit fees and costs to this trust, Petitioner seeks permission to have the next accounting on this trust scheduled for two years after the Order is signed on Fremont Bank's Final Account and Report.

Wherefore, Petitioner requests that the Court:

1. Makes an order approving the resignation of Fremont Bank as Directed Trustee of the California Charities Pooled Trust, FBO Brooke Bertoldi;
2. Makes an order approving Herb Thomas as Directed Trustee of the California Charities Pooled Trust, fbo Brooke Bertoldi with bond in the amount of \$129,000.;
3. Makes an order that Herb Thomas is entitled to receive his fees on an interim basis at \$125 per hour to be confirmed during the report and account;
4. Makes an order requiring Fremont Bank to file its Final Accounting and Report within a reasonable amount of time after the Order's execution and setting the next account period for Herb Thomas for two years from the date of approval of the Fremont Bank's final account and report.

9 Trust of Irene Alice Schmit

Case No. 14CEPR00330

Atty Arce, Lynsey (pro per Petitioner)
Atty Levinson, Jeffrey (for Objectors Mark Arce and Sharon Arce)

Petition for Determination of Entitlement to Personal Property in the Possession of Another and for Double Damages

DOD: 1/22/14	LYNSEY ARCE is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 8/27/14.</p> <p>Minute order from 7/8/14 states Mr. Levinson reports there is no trust. Counsel is directed to meet and confer. The Court orders any action with regard to the subpoenas to be stayed and enforcement not sought pending further order of the Court.</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of personal service of the Notice of Hearing along with a copy of the petition, at least 30 days prior to the hearing, on: <ol style="list-style-type: none"> a. Mark Arce b. Sharon Arce 3. Need copy of the Trust instrument prior to any determination as to who is entitled to the assets of the Trust. If there is no trust then a probate proceeding will need to be commenced to determine the heirs of the estate. 4. Need Order
	Petitioner states she is the granddaughter of the decedent. Petitioner and her brother, MARK ARCE ("MARK") , are the only heirs of the decedent.	
Cont. from 070814 082714		
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified	Petitioner alleges that decedent died with significant assets that are under the control of and in the possession of MARK ARCE and his wife, SHARON ARCE ("SHARON") .	
<input type="checkbox"/> Inventory	Petitioner is unaware of the nature of decedent's assets. MARK and SHARON have refused and continue to refuse to share the information with Petitioner despite numerous requests.	
<input type="checkbox"/> PTC	Petitioner believes she is legally entitled to a 50% interest in all of the decedent's personal property in the possession of MARK and SHARON according to proof.	
<input type="checkbox"/> Not.Cred.	Petitioner's lack of knowledge as to the nature and extent of the decedent's property does not preclude her from filing this claim. Petitioner can establish the facts necessary, through the discovery process, to specifically itemize the personal property she is entitled to that is in the possession of MARK and SHARON .	
<input type="checkbox"/> Notice of Hrg	<input checked="" type="checkbox"/>	
<input type="checkbox"/> Aff.Mail		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.	<input checked="" type="checkbox"/>	
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input type="checkbox"/> Order	<input checked="" type="checkbox"/>	
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
	Please see additional page	
Reviewed by: KT		
Reviewed on: 10/13/14		
Updates:		
Recommendation:		
File 9 - Schmit		

Petitioner states MARK and SHARON have refused to provide the Petitioner with information regarding her grandmother's estate and have specifically stated they will share only what they want. This concealment is being done in bad faith and subjects **MARK** and **SHARON** to an award of double damages. Additionally, Petitioner believes that there may be a trust for which **MARK** and **SHARON** have not provided and not given the notice as required under Probate Code §16061.7 for which double damages are proper.

Petitioner prays for an Order:

1. The court determine that **LYNSEY ARCE** is entitled to 50% of all known and after discovered personal property of the decedent, **Irene Alice Schmit**, but in the possession or under the control of **MARK ARCE** and **SHARON ARCE**, at the time of decedent's death.
2. The court determine that **MARK ARCE** and **SHARON ARCE** shall pay **LYNSEY ARCE** with the value of the property concealed or transferred in bad faith or that was transferred as a result of the undue influence of **Irene Alice Schmit** by **MARK ARCE** and/or **SHARON ARCE**.

Objection to Verified Petition for Determination of Entitlement to Personal Property in the Possession of Another and for Double Damages filed by Mark Arce and Sharon Arce on 7/3/14. Objectors state the Petition is devoid of any mention of a trust and the superior court's jurisdiction over a trust commences at Probate Code §15000 et seq. not Probate Code §850 et seq., the code upon which Petitioner bases her request for relief. Probate Code §850 et seq. governs probate litigation over adverse claims to property in decedent's estate administration.

Stated succinctly, the Petition fails to state a cause of action – a valid claim – entitling Petitioner to any form of relief from this court. As such the Petition should be dismissed.

As no valid claim exists, Respondents further request the court direct Petitioner, through her counsel, to withdraw the subpoenas allegedly served by Petitioner upon the IRS, Union Bank and Kern Schools Federal Credit Union.

Probate Status Hearing Re: Filing Inventory and Appraisal

DOD: 03/06/2014		NEEDS/PROBLEMS/COMMENTS: OFF CALENDAR Final Inventory and Appraisal filed 10/09/2014.
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: LV
		Reviewed on: 10/13/2014
		Updates:
		Recommendation:
		File 10 - Christian

Atty Ceredi, Adolph J. III (Pro Per – Petitioner – Maternal Uncle)

Atty Blajos, Mary (Pro Per – Petitioner – Maternal Aunt)

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

Age: 10	<u>NO TEMPORARY REQUESTED</u>		<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 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"> Jacob Dusan, Jr. (Father) 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 for: <ul style="list-style-type: none"> Donna Dusan (Paternal Grandmother) Ben Mathis (Maternal Grandfather) – Unless the Court dispenses with Notice. <p>Note: Declaration of Due Diligence filed 09/04/2014 states “unable to locate” “never met this person.”</p>
Cont. from			
<input type="checkbox"/> Aff.Sub.Wit.	Father: JACOB DUSAN, JR.		
<input checked="" type="checkbox"/> Verified	Mother: JENNIFER E. MATHIS , Deceased		
<input type="checkbox"/> Inventory	Paternal Grandfather: Jacob Dusan, Deceased		
<input type="checkbox"/> PTC	Paternal Grandmother: Donna Dusan		
<input type="checkbox"/> Not.Cred.	Maternal Grandfather: Ben Mathis, Declaration of Due Diligence filed 09/04/2014		
<input checked="" type="checkbox"/> Notice of Hrg	Maternal Grandmother: Sheryl Ceredi, Deceased		
<input type="checkbox"/> Aff.Mail	X		
<input type="checkbox"/> Aff.Pub.			
<input type="checkbox"/> Sp.Ntc.			
<input checked="" type="checkbox"/> Pers.Serv.	w/		
<input checked="" type="checkbox"/> Conf. Screen			
<input checked="" type="checkbox"/> Letters			
<input checked="" type="checkbox"/> Duties/Supp			
<input type="checkbox"/> Objections			
<input type="checkbox"/> Video Receipt			
<input checked="" type="checkbox"/> CI Report	<p>Petitioner states: Father is incarcerated and his release date is approximately November 2014. The mother is deceased. Petitioners state that the minor has been living with them since April 2014. They also state that the minor wishes to remain in their care.</p> <p>Court Investigator Dina Calvillo's report filed 10/03/2014.</p>		
<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: 10/13/2014</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 11 - Dusan</p>

Amended Petition for Letters of Administration; Authorization to Administer Under IAEA with Limited Authority (Prob. C. 8002, 10450)

DOD: 3/19/2014	RAY BERGMAN , creditor, is petitioner and requests appointment as Administrator with Will Annexed and without bond.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Petition filed by Henry Barigian is on page 12B</p> <ol style="list-style-type: none"> Petition does not include a typed copy of the will as required by Probate Code §8002(b)(1). Ray Bergman, proposed Administrator, was not listed on attachment 8 as required. Need publication. California Rules of Court, Rule 7.53(a) states: "An amended pleading or an amendment to a pleading requires the same notice of hearing (including publication) as the pleading it amends." <p>Note: If the petition is granted, status hearings will be set as follows:</p> <ul style="list-style-type: none"> Wednesday, March 4, 2015 at 9:00 a.m. in Department 303, for the filing of the inventory and appraisal. Wednesday, December 2, 2015 at 9:00 a.m. in Department 303, for the filing of the first account or petition for final distribution. <p>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.</p>
	Limited IAEA – ???	
Cont. from 082814 100214	Will dated 1/27/1998	
<input type="checkbox"/> Aff.Sub.Wit.	Residence: Fresno Publication: NEED	
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC	Estimated value of the Estate:	
<input type="checkbox"/> Not.Cred.	Personal property - unknown	
<input type="checkbox"/> Notice of Hrg	Annual income - unknown	
<input checked="" type="checkbox"/> Aff.Mail	Real property - \$530,000.00	
<input type="checkbox"/> Aff.Pub.	Probate Referee: Rick Smith	
<input type="checkbox"/> Sp.Ntc.	Petitioner states Counsel for the nominated Executor has thus far continued to ignore responses from petitioner. Petitioner is concerned that the nominated executor will not follow through with the administration of the estate.	
<input type="checkbox"/> Pers.Serv.	Pursuant to Probate Code § 8001, if a named executor in a will fails to petition the court for administration of the decedent's estate, the court may hold that the executor has waived appointment as personal representative. More than 30 days have elapsed since the decedent's death. A competing petition to administer decedent's estate was filed the day before petitioner's hearing on the petition to administer the estate. NO good cause can has been shown for the delay. Accordingly, Petitioner requests that the nominated executor be deemed to have waived appointment as personal representative.	
<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 type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		

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

DOD: 3/19/2014	HENRY BARIGIAN , brother/named executor without bond is petitioner.	<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"> Wednesday, March 4, 2015 at 9:00 a.m. in Department 303, for the filing of the inventory and appraisal. Wednesday, December 2, 2015 at 9:00 a.m. in Department 303, for the filing of the first account or petition for final distribution. <p>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.</p>
	Limited IAEA – o.k.	
	Will dated 1/27/1998	
Cont. from 100214		
<input type="checkbox"/> Aff.Sub.Wit.	Residence: Fresno Publication: Fresno Business Journal	
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.	Estimated value of the Estate: \$0	
<input type="checkbox"/> Notice of Hrg	Probate Referee: Rick Smith	
<input checked="" type="checkbox"/> Aff.Mail W/		
<input checked="" type="checkbox"/> Aff.Pub.	Petitioner states his brother William Barigian was extremely ill and wheelchair bound for the past three years where he lived with Petitioner under his care and support. Petitioner states he was extremely devastated by the death of his brother and any delay in filing the Petition was due to his grief, and the fact that he did not locate the Will until three days before the petition was filed. Petitioner states he is capable of administering this probate on behalf of his brother who designated him as the executor of his will.	
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters		
<input checked="" type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: KT
		Reviewed on: 10/13/14
		Updates:
		Recommendation:
		File 12B - Barigian

13 Kenneth Badiali (CONS/PE)

Case No. 14CEPR00810

Atty Kruthers, Heather H (for Petitioner Public Guardian)

Atty Istanbulian, Flora (court appointed for conservatee)

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

Age: 70 years		<p align="center"><u>TEMPORARY EXPIRES 10/16/14</u></p> <p>PUBLIC GUARDIAN is petitioner and requests appointment as conservator of the person and estate.</p> <p>Estimated value of the estate: Personal property - \$ 5.43 Income - \$43,416.56 Total - \$43,431.79</p> <p>Petitioner states the proposed conservatee is a retired Sheriff Deputy whose health has declined significantly. Based on information provided by law enforcement, petitioner asserts, the proposed conservatee has been the victim of elder abuse. The proposed conservatee has expressed a willingness to be on conservatorship to get the abuser out of his life.</p> <p>Court Investigator, Jennifer Young's Report filed on 10/7/14.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Court Investigator Advised Rights on 9/25/14.</p> <p>Note: Mr. Badiali has no known relatives.</p>	
Cont. from				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input type="checkbox"/>	Notice of Hrg			N/A
<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 checked="" type="checkbox"/>	Letters			
<input type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input checked="" type="checkbox"/>	Citation	W/		
<input type="checkbox"/>	FTB Notice			
		Reviewed by: KT		
		Reviewed on: 10/13/14		
		Updates:		
		Recommendation:		
		File 13 - Badiali		

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

DOD: 06/28/12	ELSIE L. ALLEN , spouse, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. The will is not self-proving. Pursuant to Probate Code 8220, need <i>Affidavit of Subscribing Witness</i> . (The attestation clause of decedent's will is not signed by witnesses under penalty of perjury or dated. Therefore, while decedent's will appears to be validly executed pursuant to Probate Codes 6113 and 6110, it is not self-proving pursuant to Probate Code 8220.) Although the will is not being admitted to probate, this summary proceeding does necessarily include a determination of validity. See Probate Code §13151 and commentary.
	40 days since DOD	
	No other proceedings	
Cont. from		
<input type="checkbox"/> Aff.Sub.Wit.	I & A - \$23,000.00	
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory	Will dated 04/25/2000	
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.	Petitioner requests Court	
<input checked="" type="checkbox"/> Notice of Hrg	determination that decedent's 1/3	
<input checked="" type="checkbox"/> Aff.Mail	8 th Street, Orange Cove, CA pass to	
<input type="checkbox"/> Aff.Pub.	her pursuant to decedent's will.	
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: JF
		Reviewed on: 10/13/14
		Updates:
		Recommendation:
		File 14 - Allen

Petition for Appointment of Temporary Guardianship of the Person

Arabella, 4	<p align="center">GENERAL HEARING: 12/09/14</p> <p>ALMA FIGUEROA, paternal grandmother, is Petitioner.</p> <p>Father: CHRISTOPHER CHAVIRA</p> <p>Mother: VICTORIA BARAJAS</p> <p>Paternal grandfather: MISSING CHILD INFORMATION ATTACHMENT</p> <p>Maternal grandparents: MISSING CHILD INFORMATION ATTACHMENT</p> <p>Petitioner alleges that both parents have serious drug addictions and cannot provide a safe and stable home for the children. Petitioner states that the father brought the children to her home on 09/07/14 so that she could care for them as the mother was being evicted from her apartment and the father was homeless. Petitioner states that the children were filthy and all had lice when they came to her. Petitioner states that she cared for the children until 09/30/14 when the father removed the children from her home without advance notice. Petitioner alleges that the father took the children in a car that did not have proper safety seats and in which one of the doors was being held closed by a seatbelt. Petitioner further alleges that there has been domestic violence between the parents since the father picked the children up on 09/30/14. Petitioner states that temporary guardianship is necessary for the health, safety and well-being of the children.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: The Petition for Appointment of Guardian of the Person is incomplete. It is missing form GC-210(CA) – Child Information Attachment. A separate attachment should be included for each child.</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> or <i>Consent & Waiver of Notice</i> or <i>Declaration of Due Diligence</i> for: <ol style="list-style-type: none"> a. Christopher Chavira (father) b. Victoria Barajas (mother) 	
Kailani, 2			
Christopher, 1			
Cont. from			
<input type="checkbox"/> Aff.Sub.Wit.			
<input checked="" type="checkbox"/> Verified			
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<input type="checkbox"/> Notice of Hrg			x
<input type="checkbox"/> Aff.Mail			
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<input checked="" type="checkbox"/> Conf. Screen			
<input checked="" type="checkbox"/> Letters			
<input checked="" type="checkbox"/> Duties/Supp			
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<input type="checkbox"/> Video Receipt			
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<input checked="" type="checkbox"/> Order			
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<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: 10/13/14</p>			
<p>Updates:</p>			
<p>Recommendation:</p>			
<p>File 16 - Chavira</p>			

DOD: 08/28/11	SUSAN J. QUINN and RHONDA WALLACE , were appointed Co-Executors without bond on 11/08/11. Letters were issued on 11/21/11.	NEEDS/PROBLEMS/COMMENTS: CONTINUED FROM 07/15/14 As of 10/13/14, nothing further has been filed in this matter. 1. Need Final/Supplemental Account and/or Petition for Final Distribution.
	Inventory & Appraisal, Final filed 04/10/12 - \$499,722.31	
	Inventory & Appraisal, Supplemental filed 04/18/13 - \$41,158.54	
Cont. from 091313, 111813, 031714, 071514	First & Final Account and Report of Executor filed 10/09/12 and set for hearing on 11/19/12.	
<input type="checkbox"/> Aff.Sub.Wit.	Minute Order from 11/19/12 set this matter for status and states: The Court advises counsel that it is treating this as a Petition for Preliminary Distribution. The Court grants a distribution of up to 80% of the estate and compensation. Counsel is directed to submit a revised order. Status Report on Continued Administration filed 07/10/14 states: on 10/09/12, the co-executors filed their first account and report and petition for distribution. On 11/20/12, the Court entered an order authorizing distribution of substantially all of the assets of the estate, save and accepting the retention of cash for tax liabilities; the court also ordered payment of 80% of statutory attorney fees and extraordinary compensation. The Court ordered that estate administration continue pending the receipt of funds from the unclaimed property division of the State Controller's office in the amount of \$41,158.54 as set forth on the supplemental inventory and appraisal. Those funds were received on 12/07/12. Subsequently, the co-executors have been dealing with the IRS. The decedent did not file tax returns for 2008 or 2009. In filing a return for 2010, the Executors were advised of the missing returns. In filing those returns, the executors were advised that the decedent's identity had been stolen and a false return filed for 2010 in which an erroneous refund was claimed, which refund affected the prior year's returns. Working with a CPA to address the situation, corrected returns have been filed. The IRS assessed penalties on the late filed returns, and the estate sought abatement of those penalties. The executors have contact the IRS Taxpayer Advocate Service to resolve the issue, but are awaiting a response. The estate's bank account now has \$75,750.00 after payment of fees for preparation of the estates income tax returns. The amount at issue with the IRS is approximately \$15,000. In March the executors anticipated that within 120 days they would be able to address the penalties with the taxpayer's advocate's division of the IRS and resolve the matter so the estate can be closed, however the service has been non-responsive. The executors request another four to six months to resolve the issues with the IRS; then they will close the estate.	
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<input type="checkbox"/> 9202		
<input type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
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<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		

Status Hearing Re: Filing of the Inventory and Appraisal

DOD: 03/22/2014	JOHN F. GARLAND , was appointed Executor with full IAEA without bond on 05/15/2014.	NEEDS/PROBLEMS/COMMENTS: 1. Need Final Inventory and Appraisal.
	Letters issued on 05/20/2014	
Cont. from	Inventory and Appraisal Partial No. 1 filed 07/15/2014 shows an estate valued at \$440,000.00	
Aff.Sub.Wit.		
Verified		
Inventory	Minute Order of 05/15/2014 set this matter for hearing.	
PTC		
Not.Cred.		
Notice of Hrg	Declaration of Personal Representative re Status Hearing filed 10/09/2014 requests an additional 60 days to complete the Final Inventory and Appraisal for this estate. There are additional assets of the decedent, or in which the decedent held a partial interest, that are still to be appraised by the probate referee. In particular, the value of the decedent's law practice, to be computed as of the date of her death, has required extensive time and examination. The decedent's active files and accounts receivable have been reviewed, the historical collection rates on the receivables, and the current values of the receivable have been analyzed by myself and staff members of Ms. Sanoian, including her bookkeeper, who have assisted the undersigned. A current list has been compiled and estimated collectable rates for purposes of determining value at the date of death, of the receivables. In addition to the law practice, Ms. Sanoian was a partner in two real estate partnerships, one known as "Sanoian Family Partnership," in which she has a partial interest with family members, and the other known as "2055 San Joaquin Partnership," in which she was a participant with other co-owners of real property. The decedent's shares of ownership interest, and the amount of "assets" that these partnerships held, have been determined and will be forwarded to the Probate Referee as part of the Final Inventory and Appraisal.	
Aff.Mail		
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Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: LV
		Reviewed on: 10/13/2014
		Updates:
		Recommendation:
		File 18 - Sanoian

Age: 5		<p align="center"><u>NO TEMPORARY REQUESTED</u></p> <p>TRACIA DICKSON, maternal grandmother, is Petitioner.</p> <p>Father: EARL SEAN MISTER</p> <p>Mother: TRAMAREE PARKER</p> <p>Paternal grandparents: UNKNOWN</p> <p>Maternal grandfather: MATTHEW PARKER – <i>deceased</i></p> <p>Petitioner alleges that both parents are currently incarcerated. Petitioner alleges that the father has a history of violence and has threatened to burn her house down and also to take the minor to the Los Angeles area.</p> <p>Court Investigator Jennifer Young filed a report on 10/07/14.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need <i>Notice of Hearing</i>. 2. Need proof of service at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Guardian of the Person</i> <u>or</u> Consent and Waiver of Notice <u>or</u> Declaration of Due Diligence for: <ol style="list-style-type: none"> a. Earl Sean Mister (father) – personal service required b. Tramaree Parker (mother) – personal service required c. Paternal grandparents – service by mail sufficient 3. UCCJEA is incomplete. Need minor's residence address for the past 5 years. 	
Cont. from				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input type="checkbox"/>	Notice of Hrg			X
<input type="checkbox"/>	Aff.Mail			X
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<input type="checkbox"/>	FTB Notice			
		Reviewed by: JF		
		Reviewed on: 10/13/14		
		Updates:		
		Recommendation:		
		File 21 - Mister		