



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.

Atty Kruthers, Heather H. (for Public Guardian – Conservator of the Estate)

Atty Motsenbocker, Gary L. (for Catherine Foin – Previous Co-Conservator of the Person)

Atty Amador, Catherine A. (for Susan Schlievert – Previous Co-Conservator of the Person and Objector)

Status Hearing Re: Settlement Agreement

DOD: 12-4-11	PUBLIC GUARDIAN is Successor Conservator of the Estate.	NEEDS/PROBLEMS/COMMENTS:
		<u>Continued from 8-31-12</u>
Cont. from 083112	Minute order 7-10-12: Parties reach a settlement agreement as fully set forth on the record by Ms. Amador. Parties agree that the Holographic Will will be followed by the Public Guardian with respect to the distribution to the grandchildren and the debts owed, but will not admitted into Probate. Parties further agree that ownership of the condo will be held in joint tenancy by Catherine Foin, Elizabeth Foin, and Owen Foin III by operation of law. Upon inquiry by the Court, each party individually agrees to the terms and conditions of the settlement. Mr. Motsenbocker is directed to prepare the agreement and submit it to Ms. Amador by 7/24/12 for review. Execution of the agreement to be completed by 8/7/12. Matter is set for Status Hearing regarding the settlement agreement on 8/31/12. If the agreement is executed and signed by 8/31/12, no appearance will be necessary.	
<input type="checkbox"/> Aff.Sub.Wit.		
<input type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input type="checkbox"/> Notice of Hrg		
<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	The Order After Mandatory Settlement Conference prepared by attorney Gary Motsenbocker (for Catherine Foin) and approved as to form and content by attorneys Catherine Amador (for Susan Schlievert) and Heather Kruthers (for Public Guardian) was filed 8-16-12.	
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt	Therefore, the status hearing that was set for 8-31-12 was taken OFF CALENDAR.	Reviewed by: skc
<input type="checkbox"/> UCCJEA		Reviewed on: 10-16-12
<input type="checkbox"/> Citation		Updates:
<input type="checkbox"/> FTB Notice	However, it appears that on 8-31-12, attorneys Gary Motsenbocker and Catherine Amador appeared for status hearing and the matter was continued to this date.	Recommendation:
	Note: On 10-11-12, attorney Gary Motsenbocker filed an Ex Parte Petition for Final Discharge and Order requesting the discharge of Catherine Foin, with a supporting declaration from Deputy Public Guardian Youa Her.	File 1 - Foin

Status Hearing Re: Property

DOD: 7/2/2010	<p>DAVID D. GRABER, Son and Executor with Full IAEA with bond of \$564,000.00, petitioned the court to purchase the estate's real property for \$275,000.00.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>
Cont. from 083112	<p>On 6/28/12 the court confirmed the sale and set this status hearing regarding the property.</p>	
Aff.Sub.Wit.	<p>Status Report of Attorney Richard Hemb filed on 10/16/12 states the remaining administrative activities involve the disposition of real property. Decedent's real property in Madera County was appraised at \$80,000.00. The asking price was \$60,000.00 but received no interest. Proceeding with the closing of the estate and requesting a court order conveying titled to each residual beneficiary may not be possible because it is not a position favored by <u>all</u> beneficiaries. The real estate broker has noted movement in this area at a level of \$25,000.00. The personal representative has now instructed the agent to market the property at that level.</p>	<p>Reviewed by: KT</p>
✓ Verified	<p>The Court approved the sale of the decedent's real property in Fresno to the personal representative on 6/28/12. At one time Mr. Graber was pre-approved for a loan to be used toward the purchase. Because of the delayed process of obtaining court approval to make the purchase, Mr. Graber proceeded to refinance his current residence as a first step in obtaining financing to be used for the current purchase of the decedent's residence. The lender indicated that for internal purposes a three month delay is required. The current status of the matter is that the lender anticipates receiving a conditional approval of the loan during the afternoon of October 16, 2012. Therefore, written approval should be available for the court for the hearing on October 19. Closing should take place soon after November 1, 2012.</p>	<p>Reviewed on: 10/16/12</p>
Inventory	<p>Objections</p>	<p>Updates:</p>
PTC	<p>Video Receipt</p>	<p>Recommendation:</p>
Not.Cred.	<p>CI Report</p>	<p>File 2 - Graber</p>
Notice of Hrg	<p>9202</p>	
Aff.Mail	<p>Order</p>	
Aff.Pub.	<p>Aff. Posting</p>	
Sp.Ntc.	<p>Status Rpt</p>	
Pers.Serv.	<p>UCCJEA</p>	
Conf. Screen	<p>Citation</p>	
Letters	<p>FTB Notice</p>	
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		

3 Mildred Elnora Foin (Estate)

Case No. 12CEPR00333

Atty Kruthers, Heather H. (for Public Guardian – Conservator of the Estate)
 Atty Molsenbocker, Gary L. (for Catherine Foin – Previous Co-Conservator of the Person)
 Atty Amador, Catherine A. (for Susan Schlievert – Previous Co-Conservator of the Person and Objector)

Status Hearing Re: Settlement Agreement

DOD: 12-4-11	SUSAN SCHLIEVERT , Daughter, petitioned the Court appointment as Administrator with Will Annexed.	NEEDS/PROBLEMS/COMMENTS:
		<u>Continued from 8-31-12</u>
		<u>Because this estate has been dismissed per min order 7-10-12</u> , and the settlement agreement has been filed in the conservatorship matter (Page 1), there should not be a need for this estate status hearing to remain on calendar.
Cont. from 083112	Minute Order 7-10-12 (Settlement Conference): Parties reach a settlement agreement as fully set forth on the record by Ms. Amador. Upon inquiry by the Court, each party individually agrees to the terms and conditions of the settlement. Mr. Molsenbocker is directed to prepare the agreement and submit it to Ms. Amador by 7/24/12 for review. Execution of the agreement to be completed by 8/7/12. Matter is set for Status Hearing regarding the settlement agreement on 8/31/12. If the agreement is executed and signed by 8/31/12, no appearance will be necessary. (See related case #07CEPR00088 for further details).	
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp	Minute Order 7-10-12 (Petition for Probate of Will): The Court notes for the record that Ms. Kruthers was previously present. Also present in the courtroom is Susan Schlievert. Petition is withdrawn and dismissed per the settlement agreement. (See related case #07CEPR00088 for further details). Petition is dismissed without prejudice before Court Trial.	
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: skc
		Reviewed on: 10-16-12
		Updates:
		Recommendation:
		File 3 - Foin

Probate Status Hearing Re: Filing of Twelfth Account

Age: 57 years	SYLVIA GONZALES , sister, is Conservator.	NEEDS/PROBLEMS/COMMENTS:
	The 11 th account for the account period 5/1/08 through 4/30/10 was approved on 6/20/12.	Continued from 9/21/12. Minute Order states counsel advises the court that she received the check register, but she is still waiting for the bank statements. Counsel requests a continuance.
	Minute Order dated 6/20/12 set this status hearing for the filing of the 12 th account. Attorney Ruth Ratzlaff was present in court on 6/20/12.	
Cont. from 081712, 092112		1. Need 12 th account or current status report.
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: KT
		Reviewed on: 10/16/12
		Updates:
		Recommendation:
		File 4 - Larssen

Atty Burnside, Leigh W. (for Dale L. Mell – grandson/Petitioner)

Atty Krbechek, Randolph (for Dale G. Mell – son/competing Petitioner/Objector)

Status Hearing

DOD: 05/29/09	DALE L. MELL , grandson, filed a Petition for Probate seeking to be appointed as Administrator with Will Annexed on 03/08/12.	NEEDS/PROBLEMS/COMMENTS: <u>CONTINUED FROM 09/21/12</u> Minute order from 08/10/12 states: Mr. Krbechek is appearing via conference call. Ms. Burnside advises the Court that the only one who has declined to waive bond is Larry Eugene Mell. She further advises that Dale L. Mell has been declined twice with regards to bond. Notes: As of 10/16/12, letters have not issued. The Original Will of Wilfred Mell was deposited with the Court on 05/17/12.
Cont. from 071312, 081012, 092112	DALE G. MELL , son/named Executor, filed a competing Petition for Probate on 04/12/12.	
Aff.Sub.Wit.	Each party objected to the other's appointment as personal representative.	
Verified	Minute Order from hearing on 05/15/12 states: The Court orders Dale G. Mell to Lodge the original Will with the Probate Department forthwith. Mr. Krbechek requests that the matter be set for court trial. Trial estimate is less than three hours.	
Inventory	Minute Order from Settlement Conference Hearing on 05/29/12 , set this matter for status and states: Parties reach a resolution as follows: Parties agree that Dale L. Mell and Dale G. Mell will act as co-personal representatives and bond will be waived for Dale G. Mell with a possible waiver as to Dale L. Mell which will be worked out among counsel. Additionally, Ms. Burnside and Mr. Krbechek agree to act as co-counsel. Upon inquiry by the Court, the parties individually agree to the terms of the settlement. Counsel to prepare the order. The trial date on 06/12/12 is vacated.	
PTC	Order signed 06/25/12 states that bond is waived as to Dale G. Mell and Dale L. Mell shall post bond in the amount of \$158,600.00.	
Not.Cred.	Declaration Re Status of Bond filed 08/08/12 states that Dale L. Mell has been turned down by one bonding company and an application has been sent to another bonding company. Mr. Mell is awaiting a response from the agent from this second bonding company.	
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: JF Reviewed on: 10/16/12 Updates: Recommendation: File 6 - Mell

Status Hearing Re: Filing of the Inventory and Appraisal

DOD: 3-25-12	<p>RALPH F. KUMANO was appointed Administrator with full IAEA without bond on 6-13-12 and Letters issued on 6-21-12.</p> <p>The Court set this status hearing for the filing of the Inventory and Appraisal.</p> <p>Petitioner has filed two partial Inventory and Appraisals, but has not yet filed a Final Inventory and Appraisal.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need Final Inventory and Appraisal.</p>		
Aff.Sub.Wit.				
Verified				
Inventory <input checked="" type="checkbox"/>				
PTC				
Not.Cred.				
Notice of Hrg				
Aff.Mail				
Aff.Pub.				
Sp.Ntc.				
Pers.Serv.				
Conf. Screen				
Letters				
Duties/Supp				
Objections				
Video Receipt				
CI Report				
9202				
Order				
Aff. Posting				
Status Rpt				
UCCJEA				
Citation				
FTB Notice				
			Reviewed by: skc	
			Reviewed on: 10-16-12	
			Updates:	
			Recommendation:	
		File 8 - Kumano		

