

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.	
Aff.Sub.Wit.		
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Inventory		
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Notice of Hrg		
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Duties/Supp		
Objections		
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.	
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt	Therefore, the status hearing that was set for 8-31-12 was taken OFF CALENDAR.	Reviewed by: skc
UCCJEA		Reviewed on: 10-16-12
Citation		Updates:
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>On 6/28/12 the court confirmed the sale and set this status hearing regarding the property.</p> <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>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>NEEDS/PROBLEMS/COMMENTS:</p>	
Cont. from 083112			
Aff.Sub.Wit.			
✓ Verified			
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Notice of Hrg			
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Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202 Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
			<p>Reviewed by: KT</p> <p>Reviewed on: 10/16/12</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 2 - Graber</p>

3 Mildred Elnora Foin (Estate)

Case No. 12CEPR00333

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	<p>SUSAN SCHLIEVERT, Daughter, petitioned the Court appointment as Administrator with Will Annexed.</p> <p><u>Minute Order 7-10-12 (Settlement Conference)</u>: 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. 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. (See related case #07CEPR00088 for further details).</p> <p><u>Minute Order 7-10-12 (Petition for Probate of Will)</u>: 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.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Continued from 8-31-12</u></p> <p><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.</p>
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Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
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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	<p>SYLVIA GONZALES, sister, is Conservator.</p> <p>The 11th account for the account period 5/1/08 through 4/30/10 was approved on 6/20/12.</p> <p>Minute Order dated 6/20/12 set this status hearing for the filing of the 12th account. Attorney Ruth Ratzlaff was present in court on 6/20/12.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>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.</p> <p>1. Need 12th account or current status report.</p>
Cont. from 081712, 092112		
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Letters		
Duties/Supp		
Objections		
Video Receipt		
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Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: KT
		Reviewed on: 10/16/12
		Updates:
		Recommendation:
		File 4 - Larssen

Probate Status Hearing Re: Termination of Proceeding for Deceased Conservatee
 [Prob. C. 1860, et seq.]

DOD: 11/14/10	<p>TERRI LYNN CURTIS, daughter, was appointed Conservator of the Estate with bond set at \$550,000.00 on 03/14/06. She was subsequently appointed as Conservator of the Person on 09/02/08.</p> <p>Order Settling First Account and Report of Conservator was entered on 01/07/09.</p> <p>Conservatee died on 11/14/10.</p> <p>Notice of Status Hearing filed 08/31/12 set this matter for a Status Hearing re Termination of Proceeding for Decased Conservatee on 10/19/12. Clerk's Certificate of Mailing states that the Notice of Status Hearing was mailed to Attorney David Knudson and Terri Lynn Curtis on 08/31/12.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need Second & Final Account of Conservator and/or Petition terminating proceeding for deceased conservatee.</p>	
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Video Receipt			
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Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
Reviewed by: JF			
Reviewed on: 10/16/12			
Updates:			
Recommendation:			
File 5 - Cline			

6 Wilfred Carl Mell (Estate)

Case No. 12CEPR00225

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.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>CONTINUED FROM 09/21/12 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.</p> <p>Notes: As of 10/16/12, letters have not issued.</p> <p>The Original Will of Wilfred Mell was deposited with the Court on 05/17/12.</p>
Cont. from 071312, 081012, 092112	DALE G. MELL , son/named Executor, filed a competing Petition for Probate on 04/12/12.	
<input type="checkbox"/> Aff.Sub.Wit.	<p>Each party objected to the other's appointment as personal representative.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>	
<input type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
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<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		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input 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>Reviewed by: JF</p> <p>Reviewed on: 10/16/12</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 6 - Mell</p>

Atty Wall, Jeffrey L., sole practioner (for Trustee Christine Adams)

Probate Status Hearing Re: Filing Receipt from Blocked Account

Age: 67 years	CHRISTINE ADAMS, daughter, was appointed Trustee of the MICKEY FULBRIGHT GRANTOR TRUST on 2/28/2012.	NEEDS/PROBLEMS/COMMENTS: Continued from 9/28/2012. <i>Minute Order</i> states: No appearances. Mr. Wall is contacted by the Clerk and advised that the Court is continuing the matter to 10/19/2012 and he is to be present on that date. Note: <i>Acknowledgment and Receipt of Funds in Blocked Account</i> filed 9/17/2012 shows deposit and balance of \$504,000.00 , which is \$99,639.16 less than the \$603,639.16 sum indicated on the <i>Order Authorizing Addition of Asset</i> signed 8/13/2012. <i>Order Approving Second and Final Report of Administrator</i> signed 8/9/2012 in the Estate of BARBARA SCHARTON orders \$603,639.16 to be distributed to the Trust. Court may require clarification as to the reason the amount deposited is less.
Cont. from 092112, 092812	Order Authorizing Proposed Action (Substituted Judgment) filed 2/28/2012 in the Conservatorship of Mickey Lorene Fulbright (Case #04CEPR00703), created the MICKEY FULBRIGHT GRANTOR TRUST , an inter vivos trust to avoid probate upon the death of the Conservatee.	
Aff.Sub.Wit.	The MICKEY FULBRIGHT GRANTOR TRUST is the sole beneficiary of the Estate of BARBARA SCHARTON (estate of the Conservatee's daughter, Case #09CEPR00512).	Reviewed by: LEG
Verified	Order Authorizing Addition of Assets to Grantor Trust filed 8/13/2012 authorizes the personal representative of the Estate of Barbara Sharton to add the cash distribution of \$603,639.16 to the MICKEY FULBRIGHT GRANTOR TRUST for the benefit of Mickey Fulbright as Trust Beneficiary.	
Inventory	Minute Order dated 8/9/2012 from the hearing on the petition to add asset to the grantor trust set this status hearing on 9/21/2012 for filing of the receipt of blocked account for the deposit of the distribution funds.	Reviewed on: 10/16/12
Blocked Recpt	Minute Order dated 9/21/2012 from the last status hearing states: No appearances. Matter continued to 9/28/2012. Jeffrey Wall is ordered to be personally present on 9/28/2012. Counsel is directed to review the examiner notes which references a discrepancy in funds.	Updates:
Not.Cred.	Clerk's Certificate of Mailing filed 9/21/2012 shows a copy of the <i>Minute Order</i> dated 9/21/2012 was mailed to Attorney Jeffrey Wall on 9/21/2012.	Recommendation:
Notice of Hrg		File 7 - Fulbright
Aff.Mail		
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Citation		
FTB Notice		

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.			
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FTB Notice			
		Reviewed by: skc	
		Reviewed on: 10-16-12	
		Updates:	
		Recommendation:	
		File 8 - Kumano	

Status Hearing Re: Filing of the Inventory and Appraisal

Age:		NEEDS/PROBLEMS/COMMENTS: <p style="text-align: center;"><u>OFF CALENDAR</u></p> Final I&A filed 6-14-12. Supp I&A filed 9-14-12.
DOD:		
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FTB Notice		
		Reviewed by:
		Reviewed on:
		Updates:
		Recommendation:
		File 9 - Arthur

Probate Status Hearing Re: Filing of Inventory and Appraisal

DOD: 9-13-10	<p>EARL CUNNINGHAM was appointed Administrator with Full IAEA without bond and Letters issued on 5-19-11.</p> <p>On 7-24-12, a Substitution of Attorney was filed by attorney Curtis Rindlisbacher indicating that he no longer represents the Administrator.</p> <p>The Court set this status hearing for the filing of the Inventory and Appraisal and sent notice to Mr. Cunningham on 8-24-12.</p> <p>As of 8-24-12, nothing further has been filed.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Examiner Notes:</u></p> <ul style="list-style-type: none"> • Administrator Earl Cunningham resides in Carlsbad, New Mexico and is one of four heirs to the estate. • At filing, Administrator estimated that the estate contained approx. \$60,000.00 in personal property. • There has been at least one Creditor's Claim filed against the estate.
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Status Rpt		
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Citation		
FTB Notice		
	<p>Reviewed by: skc</p> <p>Reviewed on: 10-16-12</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 10 - Martin</p>	

DOD: 11/20/11	<p>MARTINA McKENZIE, daughter, was appointed Administrator without Bond on 06/13/12. Letters of Administration were issued on 06/25/12.</p> <p>Minute Order dated 06/13/12 set this matter for Status.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need Inventory & Appraisal.</p>
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FTB Notice		
		Reviewed by: JF
		Reviewed on: 10/16/12
		Updates:
		Recommendation:
		File 11 - Kelly

Atty Jambeck, Jay T., of Leigh Law Group, San Francisco (for Petitioners Mark Crable and Patricia A. Crable, parents)

Status Hearing Re: Proof of Bond

Age: 15 years		<p>PATRICIA A. CRABLE, mother, was appointed Trustee of the EDWARD JAMES CRABLE SPECIAL NEEDS TRUST established by this Court following hearing on 9/19/2012, by the <i>Order Approving Amended Verified Ex Parte Petition to Exclude Funds from Estate and Directing Proceeds to a Special Needs Trust and a Blocked Account</i> signed on 9/25/2012.</p> <p>Order to Deposit Money into Blocked Account signed 9/25/2012 finds that \$9,250.00 will be deposited into a blocked account for the minor.</p> <p>Minute Order dated 9/19/2012 from the hearing on the petition states the Court approves the petition and sets the bond at \$11,000.00. Counsel is directed to submit an order.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need <i>Receipt and Acknowledgment of Order for the Deposit of Money into Blocked Account</i> (mandatory-use Judicial Council form MC-356) for the sum of \$9,250.00. 2. Need proof of bond posted in the amount of \$11,000.00.
Cont. from			
Aff.Sub.Wit.			
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Inventory			
Proof of Bond	X		
Blocked Recpt.	X		
Notice of Hrg			
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Duties/Supp			
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UCCJEA			
Citation			
FTB Notice			
		<p>Reviewed by: LEG</p> <p>Reviewed on: 10/17/12</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 12 - Crable</p>	