



## 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 of Beneficiary to Remove Successor Co-Trustees, Appoint Temporary Successor Trustee, and for Payment of Attorneys' Fees and Costs (Probate Code 15642, 16000, 16002, 16003, 16004, 16006, 16007, 16009, 16060, 16062, 17200, 17206)**

Frank K. Ishii DOD: 11-10-93	<b>GERALD ISHII</b> , Beneficiary and Co-Trustee, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
Lily Y. Ishii DOD: 3-7-05	Petitioner states he and <b>LESLIE ISHII</b> (Respondent) were named successor co-trustees of the <b>ISHII FAMILY TRUST DATED 3-3-92 (the "Trust")</b> . The Trust consisted of interests in 8 parcels of real property, stocks, bonds, securities, cash, and other assets in Prudential-Bache Securities, and 300 shares of common stock in <b>Frank K. Ishii &amp; Sons, Inc.</b> , a California corporation owned by the Settlers.	<b>Continued from 7-2-12, 7-27-12, 8-31-12, 9-27-12, 11-26-12, 1-14-13, 2-25-13, 3-29-13, 5-17-13, 6-28-13, 8-30-13, 9-27-13</b>
Cont. from 070212, 072712, 083112, 092712, 112612, 011413, 022513, 032913, 051713, 062813, 083013, 092713	At the death of Frank K. Ishii on 11-10-93, two irrevocable and one revocable sub-trusts were created:	<b>See Page 3 for details.</b>
Aff.Sub.Wit.	<ul style="list-style-type: none"> <li>• The <b>FRANK K. ISHII TRUST</b></li> <li>• The <b>ISHII FAMILY MARITAL DEDUCTION TRUST</b></li> <li>• The <b>ISHII FAMILY SUVIVOR'S TRUST</b> (revocable)</li> </ul>	
✓ Verified	On 3-15-95, <b>Lily Ishii</b> , individually and as Trustee of the Trust, assigned a 36.44% interest to the <b>FRANK K. ISHII TRUST</b> , a 13.56% interest to the <b>ISHII FAMILY MARITAL DEDUCTION TRUST</b> , and a 50% interest to the <b>ISHII FAMILY SUVIVOR'S TRUST</b> of the assets listed on Exhibit F, including accrued rent payable from the corporation of \$105,548 as of 11-10-93, a receivable due from the corporation of \$26,089 as of 11-10-93, and a proprietorship known as Lily's Hair Stylists consisting of furniture and fixtures, cash, supplies, inventory and goodwill.	<b>Reviewed by:</b> skc
Inventory	Lily Ishii died on 3-7-05 and he and <b>LESLIE ISHII</b> (Respondent) became Co-Trustees.	<b>Reviewed on:</b> 10-22-13
PTC	Pursuant to Section 5.02 of the Trust, the three sub-trusts were to be combined on the death of the surviving settlor and certain distribution was to occur:	<b>Updates:</b>
Not.Cred.	<ul style="list-style-type: none"> <li>• \$75,000.00 to Sharon J. Shoji (daughter)</li> <li>• One-half of the remaining balance to Gerald</li> <li>• One-half of the remaining balance to Leslie</li> </ul>	<b>Recommendation:</b>
✓ Notice of Hrg	As to the corporation: Petitioner and Leslie each hold 300 shares individually and the Trust holds 300 shares. Petitioner and Leslie as individuals and as Co-Trustees may vote an equal number of shares, but have been in a deadlock as to the operation of the corporation since approx. 2007. As such, the corporation's status has become suspended with many tax liabilities remaining outstanding, which continues to decrease the value of the corporation.	<b>File 2A - Ishii</b>
✓ Aff.Mail w	<b>SEE PAGE 2</b>	
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A meeting of the directors of the corporation was noticed on 6-3-10 by Gerald, who is secretary; however, the meeting did not occur because Leslie found the principal place of business of the corporation to be an inconvenient meeting location, although it is approx. one mile from her home. No meetings have occurred since. Because the corporation is one-third owned by the trust, the deadlock between the Co-Trustees is impairing the administration of the Trust and causing trust assets to lose value.

Petitioner requests that the Court remove both Co-Trustees of the Trust and subtrusts because due to hostility and lack of cooperation among Co-Trustees, administration of the Trust and sub-trusts continue to be impaired and trust assets neglected. Probate Code §§ 15642(a)(3), 17200(b)(10). The Trust does not appoint a successor trustee in the event of removal; rather, it provides only the manner of successor appointments should one of the two become unable to perform. Petitioner requests appointment of **BRUCK BICKEL** as Successor Trustee with compensation to be approved by the Court. Mr. Bickel consents to act. Petitioner requests appointment without bond for one year to allow the corporate affairs to be brought to order, with authority to apply for an extension by Mr. Bickel should the corporate affairs remain unresolved and the Trust assets undistributed. Petitioner believes this appointment is in the best interests of the Trust and sub-trusts, and those persons interested in the Trust estate.

**Petitioner requests that:**

1. **The Court temporarily and partially remove Gerald Ishii and Leslie Ishii as Co-Trustees of the ISHII FAMILY TRUST DATED 3-3-92;**
2. **The Court appoint Bruce Bickel as temporary Successor Trustee to serve without bond for a period of one year, with the ability of Mr. Bickell to petition the Court for additional time should the corporate affairs remain deadlocked;**
3. **The Court award reasonable compensation to the temporary Successor Trustee;**
4. **The Co-Trustees to deliver the Trust assets to the temporary Successor Trustee within 30 days after issuance of an Order;**
5. **The Court order Leslie Ishii to file an accounting with the Court detailing their respective acts as Co-Trustees no later than four weeks after the Court makes its order;**
6. **The Court order Petitioner's attorneys' fees in the amount of \$1,000.00 and costs advanced to be paid to such attorneys directly from the Trust, to be charged 100% to income, and paid within 10 days after the Court makes its order; and**
7. **Such further orders as the Court deems proper.**

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**Objection of LESLIE ISHII states this probate proceeding is not the proper forum or vehicle to resolve such corporate issues.** This lawsuit is premature at best and legally inapposite to the issues it proposes to resolve at worst. The corporation is deadlocked; however, the instant petition filed as a trust proceeding does not request any form of relief that will serve to end the shareholders' deadlock and restore the corporation to operational status. Specifically, the appointment of a neutral third party trustee will not resolve any issues with regard to the operation of the corporation. While a trustee may have the right to vote shares of stock held in trust, a trustee's paramount duty is to distribute trust property pursuant to the terms of the trust instrument. Here, the trust instrument requires the residue be distributed one-half each to Petitioner and Respondent. If a neutral third party trustee is appointed, he will be obligated to distribute the shares held in trust accordingly, not to vote the shares, and, in effect run the business of the corporation.

Respondent has no objection to the immediate equal distribution of the shares of the corporation currently held in trust. In the likely event that said distribution does not resolve the deadlock, however, Petitioner's only recourse will be to file a lawsuit for involuntary dissolution in the unlimited civil department of the Superior Court.

**SEE PAGE 3**

PAGE 2

Respondent requests that the Court issue an order requiring the Co-Trustees to immediately distribute 150 shares of Frank K. Ishii & Sons, Inc., each to Petitioner and Respondent, and for reasonable attorneys' fees and costs incurred herein.

Alternatively, Respondent requests the Court issue an order removing Petitioner and Respondent as Co-Trustees, but only as to their fiduciary ownership of the Trust's 300 shares of Frank K. Ishii & Sons, Inc.; appointing Bruce Bickel as temporary successor trustee without bond solely for the purpose of administering the Trust's 300 shares of Frank K. Ishii & Sons, Inc.; authorizing Mr. Bickel to petition to continue to serve should it be in the best interests of the beneficiaries or the affairs of the corporation that he remain in such role; awarding reasonable compensation to the temporary Successor Trustee; requiring the Co-Trustees to deliver the shares of Frank K. Ishii & Sons, Inc., to the temporary Successor Trustee by a date certain; for reasonable attorneys' fees and costs incurred herein; and for any and all other relief the Court deems just and proper.

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**Status Report filed 1-7-13 by Attorney Fanucchi states** further continuance is needed. Gerald Ishii maintains his brother Leslie is wasting the vineyard known as Candy Ranch by inappropriately pruning, tying, tilling, chemical control, and irrigating control which has diminished the value of the realty.

**Status Report filed 1-9-13 by Attorney Burnside states** inquiry has been made to Les' accountant Jim Horn whether he has any documents in his possession regarding the expenses Les incurred to operate the Candy Ranch, but Mr. Horn has been unable to review his files due to his year-end workload. Counsel will follow up this week.

**Status Report filed 2-19-13 by Attorney Fanucchi states** Gerald Ishii is unable to accept or reject what has been presented to date and has forwarded information to his accountant. Further continuance is needed.

**Status Report filed 2-19-13 by Attorney Burnside states** the accountants had to reschedule their meeting and further continuance is needed.

**Minute Order 5-17-13:** Ms. Burnside advises the Court that they have resolved a few things and are making progress. Ms. Burnside further advises that the CPSs are still trying to get together.

**Minute Order 6-28-13:** Continued to 8-30-13.

**Minute Order 8-30-13:** Counsel informs the Court that they will be going forward with the evaluation of the property and meeting with the accountants. The Court notes that this is the eleventh appearance and parties have been waiting for information that can only be provided by the accountants. Parties are informed that the Court will be expecting a declaration to be submitted before the next hearing. Continued to 9/27/13.

**Minute Order 9-27-13:** Continued to 10-25-13.

**Status Conference**

Frank K. Ishii DOD: 11-10-93	GERALD ISHII, Beneficiary and Co-Trustee, filed the petition at Page 6A on 5-17-12.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
Lily Y. Ishii DOD: 3-7-05	LESLIE ISHII, Beneficiary and Co-Trustee, filed an objection on 6-21-12.	<b>Note: See Page 2A for details of the petition and file to date.</b>
Cont. from 032913, 051713, 062813, 083013, 092713	Hearings have been continued since 7-2-12.	
Aff.Sub.Wit.	<p><b>Minute Order 8-30-13:</b> Counsel informs the Court that they will be going forward with the evaluation of the property and meeting with the accountants. The Court notes that this is the eleventh appearance and parties have been waiting for information that can only be provided by the accountants. Parties are informed that the Court will be expecting a declaration to be submitted before the next hearing. Continued to 9/27/13.</p> <p>On 9-27-13 the matter was continued to 10-25-13.</p>	
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FTB Notice		

Probate Status Hearing Re: Filing Inventory and Appraisal

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		Reviewed by: skc
		Reviewed on: 10-22-13
		Updates:
		Recommendation:
		File 3 – Cunha

Probate Status Hearing Re: Filing Inventory and Appraisal

Age:		NEEDS/PROBLEMS/COMMENTS:  <b><u>OFF CALENDAR</u></b>  I&A filed 8-30-13
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Citation		
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		Reviewed by: skc
		Reviewed on: 10-22-13
		Updates:
		Recommendation:
		File 4 – Cunha

**Probate Status Hearing Re: Failure to File a First Account or Petition for Final Distribution**

<b>DOD: 4/29/2001</b>	<p><b>JOY J. SAEVIG</b> was appointed as Administrator with Will Annexed, with Limited IAEA authority and without bond on 11/30/2001.</p> <p>Letters issued on 11/30/2001.</p> <p>Inventory and appraisal was due on 3/30/2002.</p> <p>First account or petition for final distribution was due 11/30/2002.</p> <p>Notice of Setting Status Hearing was mailed to Attorney Roger A. Saevig on 7/25/2013.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Continued from 9/6/2013, 10/11/2013.</b></p> <p><b>Minute order 9/6/2013 indicates there were no appearances and set an Order to Show Cause. (Page 5B)</b></p> <p><b>Minute order 10/11/2013: No appearances. The probate examiner is directed to contact the local Probate Bar given that Attorney Roger Saevig is deceased.</b></p> <p>1. Need Inventory and Appraisal and First Account and/or Petition for Final Distribution or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.</p>	
<b>Cont. from 090613, 101113</b>			
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			<p><b>Reviewed by: KT</b></p> <p><b>Reviewed on: 10/23/2013 (skc)</b></p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 5A – Hendrickson</b></p>

Order to Show Cause Re: Failure to Appear (As to Roger Saevig and Joy Saevig)

<b>DOD: 4/29/2001</b>	<p><b>JOY J. SAEVIG</b> was appointed as Administrator with Will Annexed, with Limited IAEA authority and without bond on 11/30/2001.</p> <p>Letters issued on 11/30/2001.</p> <p>Inventory and appraisal was due on 3/30/2002.</p> <p>First account or petition for final distribution was due 11/30/2002.</p> <p>Notice of Setting Status Hearing was mailed to Attorney Roger A. Saevig on 7/25/2013.</p> <p><b>Minute Order dated 9/6/13</b> states the Court sets the matter for an Order to Show Cause regarding Joy Saevig and Roger Saevig's failure to appear. Joy Saevig and Roger Saevig to be personally present.</p> <p>A copy of the Order to Show Cause, the minute order and the examiner notes was mailed to both Joy Saevig and Roger Saevig on 9/20/13.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Continued from 10/11/2013</b></p> <p><b>Minute order 10/11/2013: No appearances. The probate examiner is directed to contact the local Probate Bar given that Attorney Roger Saevig is deceased.</b></p>
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		<b>Reviewed by: KT</b>
		<b>Reviewed on: 10/23/13 (skc)</b>
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 5B - Hendrickson</b>

Probate Status Hearing Re: Failure to File First Account or Petition for Final Distribution

<b>DOD: 06/22/07</b>	<p><b>LARRY A. DONALDSON</b>, friend, was appointed as Executor without bond on 05/27/08 and Letters were issued on 06/18/08.</p> <p><b>Notice of Status Hearing</b> filed 11/28/12 set this matter for status. Clerk’s Certificate of Mailing states that the Notice of Status Hearing was mailed to Larry A. Donaldson on 10/19/12.</p> <p><b>Declaration of Beneficiary Laura Leonard re Probate Status Hearing – Failure to File First Account or Petition for Final Distribution filed 01/13/11</b> states: she and her brother (both beneficiaries of the estate) have made many written and verbal requests to Mr. Donaldson requesting an accounting and for their father’s estate be brought to a close. Ms. Leonard states that Mr. Donaldson has ignored their requests and repeatedly failed to communicate with them regarding the estate. Ms. Leonard and her brother had an attorney, Frederick Borges, contact Mr. Donaldson on their behalf to request that he move forward with the estate. Mr. Donaldson responded that he would move forward, but has failed to do so. Ms. Leonard states that she and her brother have also made a complaint to the state bar of California regarding Mr. Donaldson’s failure to act. Ms. Leonard states that after all of these efforts, Mr. Donaldson recently provided them with a sloppy, incomplete “accounting”, however several years’ worth of information is absent and many of the transactions are questionable. Declarant further states that she and her brother were supposed to receive a distribution in early January, but have not received anything.</p> <p><b>Inventory &amp; Appraisal, partial no. 1 filed 07/24/13</b> - \$1,619,273.76</p> <p><b>Clerk’s Certificate of Mailing filed 10/08/13</b> states that a copy of the Minute Order from 10/04/13 was mailed to Larry Donaldson on 10/08/13.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>CONTINUED FROM 10/04/13</b> Minute order from 10/04/13 states: No appearances. Matter is continued to 10/25/13. The Court orders Larry Donaldson to be personally present on 10/25/13.</p> <p>Minute order from 07/26/13 states: Mr. Donaldson advises the Court that he filed a status statement yesterday. He further advises that the accounting is being done however he may have a conflict which may require another attorney to complete the work in this matter. The Court on its own motion accepts Mr. Donaldson’s withdrawal as Executor in this matter and appoints the Public Administrator. Mr. Donaldson is directed to contact Ms. Kruthers.</p> <p><b>Note:</b> Letters of Administration were issued to the Public Administrator on 08/01/13.</p> <p><b>As of 10/01/13, the following remains outstanding:</b></p> <ol style="list-style-type: none"> <li>1. Need <b>Final Inventory &amp; Appraisal.</b></li> <li>2. Need <b>Accounting and/or Petition for Final Distribution.</b></li> </ol>																												
<table border="1" style="width: 100%;"> <tr><td>Cont. from 012513, 032913, 042613, 072613, 100413</td></tr> <tr><td>Aff.Sub.Wit.</td></tr> <tr><td>Verified</td></tr> <tr><td>Inventory</td></tr> <tr><td>PTC</td></tr> <tr><td>Not.Cred.</td></tr> <tr><td>Notice of Hrg</td></tr> <tr><td>Aff.Mail</td></tr> <tr><td>Aff.Pub.</td></tr> <tr><td>Sp.Ntc.</td></tr> <tr><td>Pers.Serv.</td></tr> <tr><td>Conf. Screen</td></tr> <tr><td>Letters</td></tr> <tr><td>Duties/Supp</td></tr> <tr><td>Objections</td></tr> <tr><td>Video Receipt</td></tr> <tr><td>CI Report</td></tr> <tr><td>9202</td></tr> <tr><td>Order</td></tr> <tr><td>Aff. Posting</td></tr> <tr><td>Status Rpt</td></tr> <tr><td>UCCJEA</td></tr> <tr><td>Citation</td></tr> <tr><td>FTB Notice</td></tr> </table>	Cont. from 012513, 032913, 042613, 072613, 100413	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	<table border="1" style="width: 100%;"> <tr><td><b>Reviewed by:</b> JF</td></tr> <tr><td><b>Reviewed on:</b> 10/22/13</td></tr> <tr><td><b>Updates:</b></td></tr> <tr><td><b>Recommendation:</b></td></tr> <tr><td>File 6 - Wallace</td></tr> </table>	<b>Reviewed by:</b> JF	<b>Reviewed on:</b> 10/22/13	<b>Updates:</b>	<b>Recommendation:</b>	File 6 - Wallace
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<b>DOD: 10-22-11</b>	<b>WILL SCOTT, JR.</b> , son, was appointed successor Administrator with limited IAEA without bond on 02/08/13 pursuant to a Stipulation for Settlement filed 2-6-13.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Note re history: Michelle Scott, daughter, was originally appointed as Administrator with Will Annexed and the Will dated 6-10-11 was admitted to probate on 2-2-12.</b></p> <p><b>Will Scott Jr., filed a Will Contest. Pursuant to Stipulation for Settlement filed 2-6-13, Michelle Scott resigned and Will Scott Jr., was appointed as Successor Administrator with limited IAEA without bond.</b></p> <p><b>Letters issued 2-8-13. Upon issuance of Letters the Court set status dates for filing I&amp;A and petition for final distribution.</b></p> <p><b>The original petition estimated personal property valued at \$150,000 and real property that was encumbered for its entire value of \$300,000.</b></p> <p><b>Creditor's claims have been filed, and partially allowed.</b></p> <p><b>The Stipulation for Settlement indicated \$57,250 held in attorney Fanucchi's trust and discussed estate assumption of liabilities on creditor's claims as well as other litigation and various releases and waivers by the parties.</b></p> <p><b>An unverified status report filed 10-10-13 in connection with the continued status hearing on filing the I&amp;A stated that it appears there are no estate assets, but they have not had time to do an I&amp;A.</b></p> <p style="padding-left: 40px;">1. Need status of estate.</p> <p><b>Note: The status hearing for filing an I&amp;A was continued to 1-10-14.</b></p>
	Letters of Administration were issued on 2-8-13.	
	On 4-12-13, the Court sent notice of status hearings for filing of I&A on 5-24-13 and filing of first account or petition for final distribution on 10-25-13.	
	Note: Inventory and Appraisal has not been filed. Status hearing for filing I&A was continued numerous times and on 10-11-13 was again continued to 1-10-14.	
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		<b>Reviewed by: skc</b>
		<b>Reviewed on: 10-22-13</b>
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 9 – Scott</b>

**Probate Status Hearing Re: Filing of First Account or Petition for Final Distribution  
 (Prob. C. §12200, et seq.)**

<b>DOD: 05/22/12</b>	<p><b>JIM D. REIS</b>, brother, was appointed Administrator without bond on 08/14/12. Letters of Administration were issued on 08/15/12.</p> <p>Inventory &amp; Appraisal filed 04/17/13 - \$332,372.12</p> <p><b>Status Report filed 10/15/13</b> states: There are several contributing to the slow progress toward completion of the estate, including, 1) the need to meet the deadlines to complete their mother's estate, for which Jim Reis, was the personal representative also; 2) the distance of the decedent's home has limited the Administrator's ability to work on the estate to weekends; 3) Cataloging of the extensive collection of die cast cars and coins; 4) hours, days and weekends needed to clear out enough of the house to sore through the huge, hoarder, volume of the decedent's "collections", overflowing files, cabinets, desks, shelves, closets, storage containers, to be sure that any needed information would not be discarded; 5) Truckloads of junk, scrap metal and cardboard have been hauled away and the 3 cubic yard dumpster has been filled and dumped 10 times; 6) Finding homes for the decedent's cats and still trying to eliminate their odor from the house; 7) completing a list of repairs needed to be able to sell the house.</p> <p>The Administrator requests the Court's patience concerning closure of this estate and requests that the Court allow him additional time to close the estate.</p>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
<b>Cont. from</b>		
<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/> <b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
		<b>Reviewed by:</b> JF
		<b>Reviewed on:</b> 10/22/13
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 11 – Reis</b>



Status Hearing Re: Filing of the First Account and/or Petition for Final Distribution

Age:		NEEDS/PROBLEMS/COMMENTS:  <b><u>OFF CALENDAR</u></b>  Judgment of Final Distribution was filed 3-12-13.
DOD:		
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: skc
		Reviewed on: 10-22-13
		Updates:
		Recommendation:
		File 13 – Goss

Status Hearing Re: Filing of the First Account and/or Petition for Final Distribution

DOD:6-26-12	<p><b>KEVIN CONLEY</b>, Son, was appointed Executor with Full IAEA without bond on 8-29-12 and Letters issued on 9-7-12.</p> <p>At hearing on 8-29-12, the Court set this status hearing for filing the first account or petition for final distribution.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b><u>OFF CALENDAR</u></b></p> <p><b>Petition for Final Distribution filed 10-15-13 is set for hearing 11-19-13.</b></p>
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
	<p>Reviewed by: skc</p>	
	<p>Reviewed on: 10-22-13</p>	
	<p>Updates:</p>	
	<p>Recommendation:</p>	
	<p>File 14 – Conley</p>	

Status Hearing Re: Filing of the First Account and/or Petition for Final Distribution

Age:		NEEDS/PROBLEMS/COMMENTS:  <b><u>OFF CALENDAR</u></b>  First and Final Report of Executors was settled on 6-12-13.
DOD:		
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: skc
		Reviewed on: 10-22-13
		Updates:
		Recommendation:
		File 15 – Lencioni



Status Hearing Re: Filing the First Account and/or Petition for Final Distribution

Age:		NEEDS/PROBLEMS/COMMENTS:  <b><u>OFF CALENDAR</u></b>  Judgment of Final Distribution was filed 3-26-13.
DOD:		
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: skc
		Reviewed on: 10-22-13
		Updates:
		Recommendation:
		File 17 – Strickland

DOD: 02/14/12	<p><b>RICHARD DEWAYNE PHILLIPS</b>, father, was appointed Administrator with Full IAEA and without bond on 12/04/12.</p> <p><b>Minute Order from hearing on 12/04/12 set this matter for status regarding filing of the Inventory &amp; Appraisal.</b></p> <p><b>Status Report filed 04/25/13</b> by Richard Dewayne Phillips, states: On 04/15/13, Petitioner, in his capacity as personal representative of decedent's estate, filed a complaint against the County of Fresno and other defendants in United States District Court, Eastern District of California, alleging violation of the decedent's civil rights. The lawsuit is based on the fact that decedent was murdered while in custody of Fresno County. The complaint was filed by Anthony Boskovich, Esq. of the Law Office of Anthony Boskovich in association with the law firm of Bode &amp; Grenier, LLP. At this time, there are no assets in the Decedent's estate except for the causes of action currently being litigated. For the purposes of the lawsuit, Mr. Boskovich entered into a written contingent fee agreement with Petitioner. In the next several days, Petitioner intends to file a Petition for Approval of the Contingent Fee Agreement with this Court. Petitioner requests the Court set a further status conference in November or December 2013.</p> <p><b>Order Approving Contingency Fee Agreement</b> was filed 08/15/13.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>CONTINUED FROM 04/26/13</b></p> <p><b>Minute Order from 04/26/13 states: Counsel informs the Court that they are waiting on the litigation to get underway. Counsel requests a continuance.</b></p> <ol style="list-style-type: none"> <li>1. Need <b>Inventory &amp; Appraisal</b> <u>or</u> current written status report pursuant to Local Rule 7.5, which states: In all matters set for status hearing, verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.</li> </ol>
Cont. from 042613		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
<p><b>Reviewed by:</b> JF</p>		
<p><b>Reviewed on:</b> 10/22/13</p>		
<p><b>Updates:</b></p>		
<p><b>Recommendation:</b></p>		
<p><b>File 18 – Phillips</b></p>		



20 Christine Dhooghe (CONS/PE)  
 Atty Teixeira, J. Stanley  
 Atty Helon, Marvin T

Case No. 13CEPR00111

Status Hearing Re: Filing of the Inventory and Appraisal

Age:		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><b><u>OFF CALENDAR</u></b></p> <p>Partial I&amp;A filed 8-14-13          Final I&amp;A filed 10-1-13</p>
Cont. from		
<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	
<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	
		Reviewed by: skc
		Reviewed on: 10-22-13
		Updates:
		Recommendation:
		File 20 – Dhooghe

Status Hearing Re: Filing of the Inventory and Appraisal

Age:		NEEDS/PROBLEMS/COMMENTS:  <b><u>OFF CALENDAR</u></b>  I&A filed 6-7-13  Petition for Final Distribution filed 10-18-13 is set for hearing on 12-4-13.
DOD:		
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: skc
		Reviewed on: 10-22-13
		Updates:
		Recommendation:
		File 21 – Hoak

22 Barbara L. Nelson (CONS/E)  
 Atty Kruthers, Heather H  
 Atty Istanbulian, Flora

Case No. 13CEPR00310

Status Hearing Re: Filing of the Inventory and Appraisal

Age:		NEEDS/PROBLEMS/COMMENTS:  <b><u>OFF CALENDAR</u></b>  I&A filed 9-4-13
DOD:		
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: skc
		Reviewed on: 10-22-13
		Updates:
		Recommendation:
		File 22 – Nelson

<b>Age: 30</b>	<p><b>NGOI NGUYEN</b>, Father, was appointed Conservator of the Person and Estate on 9-19-13 with funds placed into a blocked account.</p> <p>On 9-19-13, the Court set this status hearing re receipt for blocked account.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>1. Need status of settlement and receipt for blocked account (Mandatory Judicial Council Form MC-356).</b></p>
<b>DOB: 5-17-83</b>		
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
	<p><b>Reviewed by:</b> skc</p> <p><b>Reviewed on:</b> 10-23-13</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 23 – Nguyen</b></p>	

Probate Status Hearing Re: Failure to File Inventory and Appraisal; Failure to File a First Account or Petition for Final Distribution [Prob. C. 12200, et seq.]

<b>DOD: 06/27/01</b>	<p><b>KATHLEEN KAY FRANCIS</b>, niece, was appointed Executor on 10/09/01 and Letters were issued on 10/09/01.</p> <p>Inventory &amp; Appraisal has not been filed and was due in March 2002.</p> <p>Petition for Distribution has not been filed and was due in 2003.</p> <p><b>Notice of Status Hearing</b> was filed 12/11/12. Clerk's certificate of mailing indicates that the Notice was mailed to Kathleen Kay Francis on 12/11/12.</p> <p><b>Inventory &amp; Appraisal filed 10/17/13 - \$1,616,795.15</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>CONTINUED FROM 09/20/13</b>          Minute order from 09/20/13 states: Ms. Francis informs the Court that Michael Buettner is assisting her with this matter and all documents have been found and she is ready to proceed. Ms. Francis requests a continuance.</p> <p><b>As of 10/22/13, the following items remain due:</b></p> <ol style="list-style-type: none"> <li>1. Need Accounting and Petition for Final Distribution.</li> </ol>
<b>Cont. from 020113, 041913, 092013</b>		
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
		<p><b>Reviewed by:</b> JF</p> <p><b>Reviewed on:</b> 10/22/13</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 24 - Steele</b></p>



<b>DOD: 03/11/10</b>	<b>OWEN R. OVERTON</b> , Administrator, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  This matter to be heard at 10:30.  <u>CONTINUED FROM 10/18/13</u>  Minute Order from 07/24/13 states: Ms. Overton will sign deed to allow sale of property. Execution of Documents necessary to close sale will not prejudice Ms. Overton on the on-going issues, especially not limited to her claim on property. Mr. Overton will put a percentage of money received into blocked account until issues are settled.	
	Account period: 06/03/10 – 03/31/13		
	Accounting - \$665,255.84		
	Beginning POH - \$521,763.15		
	Ending POH - \$560,590.84		
	Petitioner states that he intends to file a Petition for Final Distribution as soon as the sale of the real property asset of the estate is complete.		
	<b>Petitioner prays for an Order:</b>		
	1. Settling, allowing and approving the First Account.		
	<b>Objection to Petition for Settlement of First Account filed 06/14/13</b> states:		
	1. Objector objects to Schedule A paragraphs 1, 2 and 3 in that it is incomplete and does not characterize the property of the real estate and the personal property as separate, quasi community or community property.		
	2. Objector objects to Schedule B regarding the agreement that Ana Overton owes the estate \$11,484.77 for rent while living in her own apartment. Objector is 75 years old and her husband always promised her that she would have the units to live in and have money to live on. Objector felt pressured by Petitioner to make this agreement. Objector, as owner of the property should not have to pay rent to herself. If anything is owed, it would be \$2,871.19 to Owen Overton.		
	3. Objector objects to Schedule D regarding the sale of personal items in that the items are not described and how the sale price as basis of \$5,655.00 was determined, and when the items were sold the Objector never received a Notice of Proposed Action as required by the Code.		
	4. Objector objects to Schedule D items described as Involuntary conversion of \$16,108.09 of insurance proceeds as this is too broad and not understandable and should not be allowed.		
	5. Objector objects to Schedule J, paragraph 2, that she owes \$16,108.09 as it is very vague and lacks specificity for the basis of the claim.		
	6. Objector objects to Schedule J, paragraph 4 regarding money allegedly owed by Objector.		
	<b>Objector requests:</b>		
	1. The Court not approve the First Account as presented;		
	2. The Court make a determination of the estate property as community property;		
	3. For all other relief the Court may deem just and proper.		
			Reviewed by: JF
			Reviewed on: 10/23/13
			Updates:
			Recommendation:
			File 1A – Overton
<b>Cont. from 062013, 072413, 091913, 092713, 101813</b>			
<input type="checkbox"/> Aff.Sub.Wif.			
<input checked="" type="checkbox"/> Verified			
<input checked="" type="checkbox"/> Inventory			
<input checked="" type="checkbox"/> PTC			
<input checked="" type="checkbox"/> Not.Cred.			
<input checked="" type="checkbox"/> Notice of Hrg			
<input checked="" type="checkbox"/> Aff.Mail	w/		
<input type="checkbox"/> Aff.Pub.			
<input type="checkbox"/> Sp.Ntc.			
<input type="checkbox"/> Pers.Serv.			
<input type="checkbox"/> Conf. Screen			
<input type="checkbox"/> Letters			
<input type="checkbox"/> Duties/Supp			
<input checked="" 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 Determination of Entitlement to Estate Distribution**

<b>DOD: 03/11/10</b>	<b>ANA D. OVERTON</b> , surviving spouse, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
	<b>Petitioner alleges:</b>	This matter to be heard at 10:30.
	1. The Administrator of the Estate has filed a Petition for Settlement of First Account.	<b><u>CONTINUED FROM 10/18/13</u></b>
<b>Cont. from 072413, 091913, 092713, 101813</b>	2. A dispute exists between the Administrator and Petitioner, the decedent's widow, regarding whether all the assets of the Estate are separate or community property. Petitioner believes that all of the assets of the estate are community in character because the real estate that was recently sold was in the name of decedent and Petitioner and was transferred out of Petitioner's name without her full knowledge and understanding of the deed that was presented to her by the Administrator. The Petitioner and decedent were married from 1997 until his death.	<b>Minute Order from 07/24/13 states: Ms. Overton will sign deed to allow sale of property. Execution of Documents necessary to close sale will not prejudice Ms. Overton on the on-going issues, especially not limited to her claim on property. Mr. Overton will put a percentage of money received into blocked account until issues are settled.</b>
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	3. Petitioner and decedent managed the real property together. Decedent owned the real property prior to the marriage and she helped him manage the property (an apartment complex) throughout their marriage.	1. Need Order.
<input checked="" type="checkbox"/> <b>Verified</b>	4. In 2004, Decedent transferred the real property to himself and Petitioner as husband and wife. (Copy of Grant Deed attached to Petition as Exhibit 1).	
<input type="checkbox"/> <b>Inventory</b>	5. On 09/11/07 without the knowledge of the Petitioner she executed a grant deed, recorded 09/24/07, transferring the property to her husband only and 20% to the Administrator (copy attached as Exhibit 2).	
<input type="checkbox"/> <b>PTC</b>	6. The 09/11/07 grant deed was presented to Petitioner for signature by the Administrator without explanation of the consequences to her if she signed it. Petitioner states that she was told that the grant deed was only for the units owned by she and the decedent.	
<input type="checkbox"/> <b>Not.Cred.</b>	Continued on Page 2	
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>		<b>Reviewed by:</b> JF
<input checked="" type="checkbox"/> <b>Aff.Mail</b> w/		<b>Reviewed on:</b> 10/23/13
<input type="checkbox"/> <b>Aff.Pub.</b>		<b>Updates:</b>
<input type="checkbox"/> <b>Sp.Ntc.</b>		<b>Recommendation:</b>
<input type="checkbox"/> <b>Pers.Serv.</b>		<b>File 1B – Overton</b>
<input type="checkbox"/> <b>Conf. Screen</b>		
<input type="checkbox"/> <b>Letters</b>		
<input type="checkbox"/> <b>Duties/Supp</b>		
<input type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>		
<input type="checkbox"/> <b>CI Report</b>		
<input type="checkbox"/> <b>9202</b>		
<input type="checkbox"/> <b>Order</b> x		
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>		
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		

7. Also on 09/11/07, the decedent and Administrator (decedent's son), executed a Grant Deed to Robert G. Overton (decedent) and Ana D. Overton (Petitioner), Husband and Wife as joint tenants. The fact that two different deeds were executed on the same day demonstrates that someone was trying to pull something over on the Petitioner and in bad faith. (Exhibit 3).
8. There was no separate agreement signed by Petitioner nor was consideration paid to Petitioner when she signed the Deed. She did not have independent counsel review the documents before she signed it.
9. This was not the last time the Administrator presented a document to Petitioner to sign that turned out to be to her detriment. In April 2010, the Administrator presented a declination to serve as Personal Representative to Petitioner to sign without explaining to Petitioner what it was. Administrator presented the document to Petitioner stating that he needed her to sign it so that he could take care of the family owned apartment complex. Petitioner states that the Administrator came to her home at night and unduly influenced her to sign the declination to serve and wouldn't leave her home until she signed it.
10. The Administrator also unduly influenced Petitioner to sign the waiver of bond document. These documents were presented to Petitioner by the Administrator about 30 days after the decedent's death.
11. The real property located at 981 Pollasky in Clovis was community property and the proceeds of the sale of said property are therefore community property.
12. The Inventory & Appraisals filed in this matter fail to comply with Probate Code § 8850(c) and do not state whether or not the real and personal property was separate, community or quasi community property. This may be because the Administrator did not know the character of the property.

**Wherefore, Petitioner requests that the Court determine the character of the estate property and those who are entitled to distribution of the estate assets.**

**Objections and Response to Ana Overton's Petition for Determination of Entitlement to Estate Distribution** filed 07/19/13 by Owen R. Overton admits and denies portions of the Petition and states:

1. Respondent admits that there is a dispute between he and the Petitioner, decedent's widow. Respondent further admits that the decedent and Petitioner were married from November 1997 until the decedent's death.
2. Respondent alleges that the real property in question and all assets of the estate were the separate property of Decedent. Petitioner had previously held an interest in the real property with Decedent as joint tenants, but never as community property. Petitioner voluntarily and with full knowledge and understanding of the consequences deeded her interest to Decedent on or about September 11, 2007.
3. Respondent admits that Decedent owned the real estate prior to his marriage to Petitioner, but denies that Petitioner managed the units. Respondent and Decedent managed the units.
4. Respondent admits that Petitioner signed a deed transferring the real property to her husband as to 80% and to Respondent as to 20% but denies that Petitioner executed the deed without knowledge. On the contrary, the deed was read to Petitioner and explained to Petitioner by the agent of the lender that handled the transaction. Furthermore, Respondent commented that the deed was different in that it did not have Petitioner's name on it. Petitioner signed the deed voluntarily and with full knowledge of the consequences.
5. Respondent alleges that the deed was explained to Petitioner by an independent third party who presided over the transaction and notarized the document. Respondent also commented in Petitioner's presence that the deed was different than how title was held before.

Continued on Page 3

6. Respondent admits that there was a deed on the same date by Decedent and Owen Overton to Decedent and Ana D. Overton as joint tenants. Respondent believes that that deed was recorded prior to the other deed signed on that date. Respondent alleges that the purpose of the two deeds was not to "pull something over on Petitioner", but to enable Petitioner and Decedent to obtain a loan on the real property so that Decedent and Petitioner could spend the money. Decedent and Petitioner intended to temporarily take Respondent's name off the property so that Decedent and Petitioner could obtain a loan on the property in their name alone. Respondent alleges that the loan was obtained and Decedent and Petitioner intended to restore title to the property to its prior status before Decedent added Petitioner's name to the property, namely 80% to Decedent and 20% to Respondent. The deed of trust which resulted from this transaction was executed by Decedent and Petitioner alone and was recorded more than one month after the deed which Decedent and Petitioner granted the property 80% to Decedent and 20% to Respondent. Respondent alleges that the fact that the deed of trust executed by Decedent and Petitioner was recorded after the deed by which Petitioner relinquished her interest in the property causing the title company to take the position that there was a cloud on the title to the property. The sale of the property which was confirmed and ordered by this court on 06/05/13 has not yet closed because the escrow company, while acknowledging that Petitioner had relinquished title to the property, has asked that Petitioner sign the deed transferring the property to the respective buyer to clear up what the escrow company considers a cloud on the title caused by the deed and deed of trust which were recorded out of sequence. Petitioner has refused to sign the grant deed.
7. Respondent states that it is outrageous for Petitioner to allege that there was no consideration paid when the transaction resulted in a \$100,000.00 loan, proceeds of which Petitioner has received and spent.
8. Respondent admits that he presented a Declination to Act and Waiver of Bond to Petitioner but denies all other allegations regarding the presentation of these documents.
9. Petitioner has made no allegations regarding the characterization of the personal effects, jewelry, works of art, and household furniture and furnishings of the estate, but these items are separate property as well.
10. Even if it was determined that Petitioner signed the deed relinquishing her interest in the real property without understanding what she was signing, which is rejected by Respondent, it is impossible to conclude that the result is that Petitioner had a community property interest in the property. In fact, Petitioner and Decedent never characterized the property as community property; rather they characterized it as joint tenancy. Decedent also signed the deed by which Petitioner relinquished her interest in the real property and in doing so, Decedent severed the joint tenancy. If Petitioner had any interest in the property, it was limited by the fact that Decedent had severed the joint tenancy and the interest he retained after severing the joint tenancy was his separate property and it does not pass entirely to Petitioner, but passes pursuant to the laws of intestate succession for separate property.
11. Respondent further alleges that Petitioner has obstructed the administration of the estate. She has objected at every stage of the proceeding, including the petition for letters of administration. She has made repeated claims that she did not understand documents that she was signing or the meaning of various actions or proceedings in spite of the fact that she has been represented by at least two attorneys during the duration of the administration of the estate. There was a fire in Petitioner's apartment on the real property shortly after the administration of the estate opened which delayed the process of selling the property for almost 2 years. Thereafter, Petitioner expressed a strong desire to sell the property and pressured Respondent for the last year to find a buyer for the property. However, she attempted to thwart potential sales of the property by telling anyone who would listen that the property was not for sale. She shared confidential information by telling certain tenants what other tenants were paying in rent in an attempt to create dissension among the tenants.

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12. When Respondent finally procured a buyer for the property and gave notice of proposed action, Petitioner objected. Respondent then went to court to obtain an order confirming the sale. Again Petitioner objected, but the Court ordered the sale. Now the title company has required Ana's signature on the deed to clear a cloud on title, but she has refused to sign, further obstructing the sale and Respondent's efforts to comply with an Order of this Court.

**Wherefore, Respondent prays for an order as follow:**

1. That the Court determine that the character of all the estate property including the real property located at 981 Pollasky Avenue, Clovis, CA as well as the personal effects, jewelry, works of art, and household furniture and furnishings is the separate property of Decedent and that the entire estate should be distributed according to the laws of intestate succession for separate property.
2. That the Court order Petitioner to join in executing the deed transferring the real property located at 981 Pollasky Avenue, Clovis, CA to the buyer as ordered in the Order Confirming Sale of this Court on or about 06/05/13.