1 Jocelyn Miller (CONS/PE) Case No. 0512008

Attorney: Vanessa Shehadey; Henry Chiu (for Co-Conservators, Ted Milller and Norma Miller, parents)

Probate Status Hearing Re: Filing of an Account

			TED MILLER and **NORMA MILLER**, parents, were appointed Co-Conservators of the Person and Estate without bond in 1994.
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	X	
	UCCJEA		
	Citation		
	FTB Notice		

NEEDS/PROBLEMS/COMMENTS:

Note Re Accountings: Previous to the *Biennial Status Report of Conservators, etc.,* heard on 1/13/2015, Conservators had not been filing conservatorship accountings. *Minute Order* dated 1/13/2015 states: The Court will require accountings from this point out and will consider any requested fees. If the accounting is filed at least two court days prior, then no appearance is necessary at the hearing on 10/31/2016.

1. Need first account of the conservatorship estate, or a verified status report and proof of service of notice of the status hearing with a copy of the status report to all interested parties pursuant to Local Rule 7.5(B).

Reviewed by: LEG

Reviewed on: 10/24/16

Updates:

Recommendation:

File 1- Miller

Dept. 303, 9:00 a.m. Monday, October 31, 2016

2 Juan Fraga, Jr. Special Needs Trust (SNT) Case No. 05CEPR01215

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

Petition for Settlement of Sixth Account Current and Report of Trustee; Approval of Trustee and Attorney's Fees and Costs, Approval of Reimbursement to Trustee for Out-Of-Pocket Expenses

			MIRNA FRAGA, mother and Trustee of the **JUAN FRAGA JR. IRREVOCABLE SPECIAL NEEDS TRUST dated 11/5/2008**, is Petitioner. ***~Please see Petition for details~***
Cont. from			
	Aff.Sub.Wit.		
✓	**Verified**		
	Inventory		
	PTC		
	Not.Cred.		
✓	**Notice of Hrg**		
✓	**Aff.Mail**	W/	
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	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
✓	**2620**		
✓	**Order**		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

NEEDS/PROBLEMS/COMMENTS:

Note: *Minute Order* dated 10/15/2014 from the hearing on the fifth account states the request for reimbursement is approved with the exception of the costs incurred for the Play Station, TV, and stereo. *Schedule D, Disbursements*, shows payment on 10/19/2014 of **$575.97** for an iPhone Plus; 12/6/2014 of **$34.95** for impact shield; 3/19/2015 and 4/14/2016 of **$60.59** for charger cord; and 5/8/2016 of **$54.09** for phone case, totaling **$725.59**, for which Petitioner seeks reimbursement. Despite that the Court authorized on10/29/2012 a monthly disbursement of **$99.00** for the cost of a monthly cell phone and internet plan, the Court may disallow reimbursement of the **$725.59** for the iPhone on the same basis as was determined for the gaming and TV on 10/15/2014.

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

- **Wednesday, September 19, 2018, at 9:00 a.m. in Dept. 303** for the filing of the seventh 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.

Reviewed by: LEG

Reviewed on: 10/24/16

Updates: 10/25/16

Recommendation:

File 2 – Fraga Jr.

3 Judith Louise Wright (Estate) Case No. 06CEPR00933

Attorney Kruthers, Heather H. (for Public Administrator – Administrator with Will Annexed)
Pro per McDonald, Jackie (former Executor)

Probate Status Hearing RE: Filing of the Final Account and Issuance of Letters of the Public Administrator

DOD: 08/19/06

Cont. from 121415, 040416, 072516

	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	
	Aff.Mail	
	Aff.Pub.	
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	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

JACKIE MCDONALD, sister-in-law, was appointed Executor on 10/10/06 and Letters Testamentary were issued to her on 10/23/06.

On 01/22/15, JACKIE MCDONALD, was removed as Executor and the Public Administrator was appointed as Administrator with Will Annexed.

First Account of former Executor was approved on 09/14/15. **Minute Order from 09/14/15** set this status hearing re: Filing of the Final Account and Issuance of Letters to the Public Administrator.

Letters of Administration were issued to the Public Administrator on 09/21/15.

Status Report Regarding Filing Final Account filed 03/14/2016 (for hearing on 04/04/2016) states the estate is not in a condition to be closed. The real property located at 2001 Winter Street, Kingsburg, California is listed for sale. There was a Notice of Proposed Action for the sale of the home filed 03/06/2015, but the sale fell through because the buyers could not obtain financing. There have only been a couple of showings, and there are no interested buyers to date. The son, who is currently staying there and paying the mortgage, cannot qualify for a loan to purchase the house himself. The Public Administrator must sell this property in order to close the estate. It is respectfully requested that the next hearing be set no sooner than 90 days from the date of this hearing in order to get the property sold and the final account prepared.

Status Report Regarding Filing Final Account filed 07/22/2016 states the real property was sold and has closed escrow. The administrator is now able to pay creditor claims and prepare final taxes. After that, she can provide the schedules to County Counsel, who will in turn prepare and file the final account. It is respectfully requested that the next hearing be set no sooner than 90 days from the date of this hearing.

NEEDS/PROBLEMS/COMMENTS:

Continued from 07/25/2016

1. Need First Account 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.

Reviewed by: JF / LV
Reviewed on: 10/21/2016
Updates:
Recommendation:
File 3 - Wright

4A In the Matter of the Verni Family Trust Case No. 10CEPR00639

Attorney **Joseph Marchini; J. Jackson Waste; of Baker Manock & Jensen (for Petitioner Carmela DeSantis, daughter and Trust Beneficiary)**

Attorney **Kenneth Baldwin; Timothy Thompson; Nikole Cunningham; of McCormick Barstow (for Co-Trustee Nicola "Nick" Verni, son)**

Attorney **L. Kim Aguirre, of Gromis & Aguirre (for Co-Trustee Antonietta "Rosa" Verni, daughter)**

Attorney **John Phillips; of Wild, Carter & Tipton (for Leonard "Dino" Verni, son)**

Attorney **Jeffrey Bohn, sole practitioner (for Erlinda M. Verni, surviving spouse)**

Status Hearing

Leonarda DOD: 7/31/2000		
Saverio DOD: 5/25/2009		
Cont. from 032114, 053014,080414, 091514, 031615, 062215, 081715, 113015, 032816, 062016, 092616		
	Aff.Sub.Wit.	
✓	**Verified**	
	Inventory	
	PTC	
✓	**Status Rep.**	
	Notice of Hrg	
✓	**Aff.Mail**	
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	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

CARMELA DeSANTIS, daughter and Trust Beneficiary, filed the following pleadings in this matter:

- *Petition to Remove Trustees; Appoint Receiver; Surcharge Trustees; Deny Trustees Compensation; Impose Constructive Trust on Assets; and Cause Proceedings to Trace and Recover Assets* on 7/26/2012.
- *Amended Objections to First Account Current of Trustee*, and *Objections to Second Account Current of Trustee* on 7/26/2012.
- *Petition to Construe Trust Provision* on 7/26/2012.
- *Petition to Establish Claim of Ownership, in Favor of Trust, to Property and for Order Directing its Transfer to the Trustees to Hold in Trust* on 8/14/2012;
- *Petition for Review of Accounts and Acts of Trustees* on 9/25/2013.

NICOLA "NICK" VERNI, son and Successor Trustee of the **SURVIVOR'S TRUST,** and **ANTONIETTA "ROSA" VERNI,** daughter and Trustee of the **MERGED FAMILY SUB-TRUST,** filed the following pleadings in this matter:

- *Response to Petition to Remove Trustees, etc. on 9/27/2012*.
- *Response to Petition to Construe Trust Provision* on 9/27/2012.
- *Response to Petition to Establish Claim of Ownership* on 9/27/2012.
- *Response to Petition for Review of Accounts and Acts of Trustees* on 12/5/2013.

~Please see additional page~

NEEDS/PROBLEMS/COMMENTS:

Note: *Petition for Order Accepting Resignation of Co-Trustee and for Appointment of Successor Co-Trustee* filed by **ANTONIETTA R. (ROSA) VERNI** on 10/25/2016 is set for hearing on **12/14/2016**.

Page 4B is the *Petition to Remove Trustees, etc.*
Page 4C is the *Petition to Construe Trust Provision*.
Page 4D is the *Petition to Establish Claim of Ownership in Favor of Trust to Property, etc.*
Page 4E is the *Petition for Review of Accounts and Acts of Trustees*.

Continued from 9/26/2016. *Minute Order* states counsel request an additional 30 days.

1. Need current status report from Trustees Nick Verni and Rosa Verni.

Reviewed by: LEG	
Reviewed on: 10/24/16	
Updates: 10/25/16	
Recommendation:	
File 4A – Verni	

***Petitioner Carmela DeSantis' Status Report* filed by Attorney Joseph Marchini on 10/21/2016 states:**

- Petitioner has several pending petitions and several objections to trustee accountings pending before the court in this matter *[list of petitions and objections omitted]*;
- The trustees have provided and intend to provide, but not filed with the court, accountings for periods subsequent to those that are the subject of the current objections. Petitioner is reserving the filing of additional objections pending the outcome of *[a further accounting for the period beginning with the end of the last accounting and ending in approximately March, 2016 that is being prepared and will be filed by the Trustees]*;
- Petitioner has deposed numerous produce buyers who engaged in transactions posted to the first and second accountings; the depositions of the accountants who prepared the accounts are still to be taken;
- **Open discovery:** Petitioner has deposed numerous produce buyers who engaged in transactions posted to the first and second accountings; the depositions of the accountants who prepared the accountings are still to be taken;
- **Petition to Construe:** This petition was severed from other matters for separate trial in the belief that the resolution of this matter might streamline litigation of the others. On 8/4/2014, the Court issued its *Statement of Decision*; the Appeal has been heard, and the trial court's judgment affirmed.
- **Administration of the Trusts:** In June 2016, Counsel for Nicola Verni advised counsel for Mrs. DeSantis that the real property held in trust is currently being appraised by **RICK P. SMITH** so that the trustees may formulate a plan for distribution of the trusts.
- Counsel for Mr. Verni further advised that the trustees are in the process of preparing a further accounting for the period beginning with the end of the last accounting and ending in approximately March, 2016;
- Once the appraisals, accounting, and proposed distribution plan are available, counsel will be able to complete their discussions regarding resolution of the pending petitions or to request the matter be set for trial;
- These items have not been completed;
- **Mrs. DeSantis requests** that this matter be continued for no more than **30 days** and that the trustees be ordered to provide the promised distribution plan and appraisals prior to that date to assure the materials will be provided soon so that she may review the materials in timely fashion.

***Trustee [Nicola Verni's] Status Report* filed by *Attorney Timothy L. Thompson on* 6/9/2016 for the status hearing held on <u>6/20/2016</u> states *[in brief sum]*:**

- On 9/22/2014, after trial in this matter held before the Honorable Robert H. Oliver, judgment was entered in favor of the Trustees as to the *Petition to Construe Trust Provisions*; on 1/27/2016, the Appellate Court issued it Opinion affirming the judgment and awarding costs on appeal to the Respondent Trustees; the Appellant paid the full amount of the costs claimed *[of **$1,761.70**]* prior to the expiration of the time limit to file a Motion to Tax Costs;
- The remaining issues in this matter include the *Petition to Remove Trustees; Appoint Receiver; Surcharge Trustees; Deny Trustees Compensation; Impose Constructive Trust on Assets; and Cause Proceedings to Trace and Recover Assets*; following the Appellate Court's Decision, Attorney Thompson spoke with opposing counsel, Mr. Marchini, and based upon those discussions he is optimistic that the parties will be able to discuss a resolution of the remaining issues without further litigation;
- The Trustees are continuing with the process of gathering information regarding the value of certain assets in the trust (real estate appraisals are being obtained on various properties), which need to be distributed pursuant to the trust terms; once those values are obtained, they intend to work with opposing counsel and the other parties to resolve the remaining issues.

4B In the Matter of the Verni Family Trust (Trust) Case No. 10CEPR00639

Attorney **Joseph Marchini; J. Jackson Waste; of Baker Manock & Jensen (for Petitioner Carmela DeSantis, daughter and Trust Beneficiary)**

Attorney **Kenneth Baldwin; Timothy Thompson; Nikole Cunningham; of McCormick Barstow (for Co-Trustee Nicola "Nick" Verni, son)**

Attorney **L. Kim Aguirre, of Gromis & Aguirre (for Co-Trustee Antonietta "Rosa" Verni, daughter)**

Attorney **John Phillips; of Wild, Carter & Tipton (for Leonard "Dino" Verni, son)**

Attorney **Jeffrey Bohn, sole practitioner (for Erlinda M. Verni, surviving spouse)**

Petition to: (1) Remove Trustees; (2) Appoint Receiver; (3) Surcharge Trustees; (4) Deny Trustees Compensation; (5) Impose Constructive Trust on Assets; and (6) Cause Proceedings to Trace and Recover Assets [Prob. C. 15642, 16420 & 17200]

Leonarda DOD: 7/31/2000

Saverio DOD: 5/25/2009

Cont. from 091112, 100212, 120512, 010313, 022113, 032213, 052413, 062113, 062813, 083013, 092713, 103013, 120613, 012714, 032114, 053014, 080414, 091514, 031615, 062215, 081715, 113015, 032816, 062016, 092616

	Aff.Sub.W	
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	Conf. Screen	
	Letters	
	Duties/S	
	Objection	
	Video Receipt	
	CI Report	
	9202	
✓	Order	
	Aff. Post	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

CARMELA DeSANTIS, daughter and Trust Beneficiary, is Petitioner.

Petitioner states:

- The **VERNI FAMILY TRUST of 1999** was created by **SAVERIO VERNI** and **LEONARDA VERNI** on 6/10/1999, and was amended once by Settlors on the following day, 6/11/1999; Leonarda died on 7/31/2000, thereby causing the Trust to be divided into three sub-trusts: the **VERNI MARITAL TRUST**, the **VERNI FAMILY TRUST**, (which was amended once during both Trustors' lifetimes), and the **VERNI SURVIVOR'S TRUST** (*copies of Trusts attached as Exhibit A);* following Leonarda's death, Saverio amended the **SURVIVOR'S TRUST** seven times, with the *Eighth Amendment* (the final) amending the **SURVIVOR'S TRUST** in its entirety;
- Saverio served as sole trustee of the three sub-trusts until his death on 5/25/2009, and upon his death the Marital Sub-Trust terminated and its principal was added to the Family sub-trust, which became the **MERGED FAMILY SUB-TRUST**;
- Pursuant to the Trust terms, **ANTONIETTA ROSA VERNI**, daughter, is first appointed and currently serves as Successor Trustee of the Merged Family Sub-Trust; pursuant to the *Eighth Amendment* to Trust, **NICOLA VERNI**, son, is first appointed and currently serves as Successor Trustee of the **SURVIVOR'S TRUST**;
- The beneficiaries of each of the Sub-Trusts are the Settlor's five children: **ANTONIETTA ROSA VERNI (Rosa), NICOLA VERNI (Nick), LEONARD VERNI (Dino), MARIA STANZIALE, and CARMELA DeSANTIS** (Petitioner); and specific distributions from the Survivor's Sub-Trust are to **ERLINDA MARCIANO VERNI ($200,000.00)** and **ST. ANTHONY OF PADUA CATHOLIC CHURCH ($200,000.00**);
- Following the death of Saverio and Leonarda, the Merged Family Sub-Trust names Rosa as First Successor Appointee, and Maria as Second Successor Appointee; Eighth Amendment provides that upon Saverio's ceasing to act as trustee, Nick will serve as trustee of the Survivor's Sub-Trust;
- **Petitioner seeks a Court order pursuant to Probate Code § 15642 removing Rosa as trustee of the Merged Family Sub-Trust, and removing Nick as trustee of the Survivor's Sub-Trust; Petitioner also seeks a determination by the Court that Dino is not qualified to serve as next successor trustee of the Survivor's Sub-Trust.**

NEEDS/PROBLEMS/ COMMENTS:

Continued from 9/26/2016. *Minute Order* states counsel request an additional 30 days.

Note: Additional notes pages originally prepared with respect to this petition have been omitted.

Reviewed by: LEG

Reviewed on: 10/24/16

Updates:

Recommendation

File 4B – Verni

Dept. 303, 9:00 a.m. Monday, October 31, 2016

4C In the Matter of the Verni Family Trust (Trust) Case No. 10CEPR00639

Attorney Joseph Marchini; J. Jackson Waste; of Baker Manock & Jensen (for Petitioner Carmela DeSantis, daughter and Trust Beneficiary)
Attorney Kenneth Baldwin; Timothy Thompson; Nikole Cunningham; of McCormick Barstow (for Co-Trustee Nicola "Nick" Verni, son)
Attorney L. Kim Aguirre, of Gromis & Aguirre (for Co-Trustee Antonietta "Rosa" Verni, daughter)
Attorney John Phillips; of Wild, Carter & Tipton (for Leonard "Dino" Verni, son)
Attorney Jeffrey Bohn, sole practitioner (for Erlinda M. Verni, surviving spouse)

Petition to Construe Trust Provision [Prob. C. 17200]

Leonarda DOD: 7/31/2000

Saverio DOD: 5/25/2009

Cont. from 100212, 120512, 010313, 022113, 032213, 052413, 062113, 062813, 083013, 092713, 103013, 120613, 012714, 032114, 053014, 080414, 091514, 031615, 062215, 081715, 113015, 032816, 062016, 092616

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	Letters	
	Duties/S	
	Objectn	
	Video Receipt	
	CI Report	
	9202	
✓	Order	
	Aff. Post	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notc	

CARMELA DeSANTIS, daughter and Trust Beneficiary, is Petitioner.
Petitioner states:

- The **VERNI FAMILY TRUST of 1999** was created by **SAVERIO VERNI** and **LEONARDA VERNI** on 6/10/1999, and was amended once by Settlors on the following day, 6/11/1999; Leonarda died on 7/31/2000, thereby causing the Trust to be divided into three sub-trusts: the **VERNI MARITAL TRUST**, the **VERNI FAMILY TRUST**, (which was amended once during both Trustors' lifetimes), and the **VERNI SURVIVOR'S TRUST** (*copies of Trusts attached as Exhibit A);*
- The instant petition relates to a provision contained in the **SURVIVOR'S SUB-TRUST;** over Petitioner's objections, Trustees Nick and Rosa have provided a commingled accounting for the Merged Family and Survivor's Sub-Trusts, which fails to segregate each Sub-Trust's assets, liabilities, receipts and disbursements;
- The failure to appropriately segregate assets, liabilities, receipts and disbursements among the Sub-Trusts prevents the Court, trustee and beneficiaries from determining the size and holdings of the **SURVIVOR'S SUB-TRUST**; because the **SURVIVOR'S SUB-TRUST** will be used to fund the above-referenced equalization provision, any appropriate increase in size to that particular Sub-Trust will allow greater realization of the Trustor's intent and will provide a means for effectuating the equalization of prior distributions; conversely, any inappropriate decrease in the size of the **SURVIVOR'S SUB-TRUST** will undermine the Trustor's intent and deny the Trustee the ability to effectuate an equalization;
- **The Trustee of the SURVIVOR'S SUB-TRUST believes that distributions made during Saverio's lifetime should <u>not</u> be considered for purposes of the equalization process; Petitioner believes this to be contrary to the language of the provision and intent of the Trustor.**
- **Petitioner requests a judicial declaration from the Court concerning the proper construction of Subsection1, of Section B, or Article IV of the SURVIVOR'S SUB-TRUST.**

NEEDS/PROBLEMS/ COMMENTS:

<u>Continued from 9/26/2016</u>. *Minute Order* states counsel request an additional 30 days.

<u>Note</u>: Additional notes pages originally prepared with respect to this petition have been omitted.

Reviewed by: LEG
Reviewed on: 10/24/16
Updates:
Recommendation:
File 4C – Verni

4D In the Matter of the Verni Family Trust (Trust) Case No. 10CEPR00639

Attorney Joseph Marchini; J. Jackson Waste; of Baker Manock & Jensen (for Petitioner Carmela DeSantis, daughter and Trust Beneficiary)
Attorney Kenneth Baldwin; Timothy Thompson; Nikole Cunningham; of McCormick Barstow (for Co-Trustee Nicola "Nick" Verni, son)
Attorney L. Kim Aguirre, of Gromis & Aguirre (for Co-Trustee Antonietta "Rosa" Verni, daughter)
Attorney John Phillips; of Wild, Carter & Tipton (for Leonard "Dino" Verni, son)
Attorney Jeffrey Bohn, sole practitioner (for Erlinda M. Verni, surviving spouse)

Petition to Establish Claim of Ownership, in Favor of Trust, to Property and for Order Directing its Transfer to the Trustees to Hold in Trust (Prob. C. 850, 17200.1)

Leonarda DOD: 7/31/2000

Saverio DOD: 5/25/2009

Cont. from 100212, 120512, 010313, 022113, 032213, 062113, 062813, 083013, 092713, 103013, 120613, 012714, 032114, 053014, 080414, 031615, 062215, 081715, 113015, 032816, 062016, 092616

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	Duties/S	
	Objection	
	Video Receipt	
	CI Report	
	9202	
	Order	
	Aff. Post	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

CARMELA DeSANTIS, daughter and Trust Beneficiary, is Petitioner and requests orders:

1. Determining that the following is property of the Trust estate:
   (a) **Almond crops**: (i) The almond meat inventory on hand at the date of Saverio's death; (ii) all almond crops grown on Trust land since Saverio's death; and (iii) proceeds from the sale of the almond inventory and crops;
   (b) **Olive crops**: (i) The olive oil, olive crop and olive inventory on hand at the date of Saverio's death; (ii) all olive crops grown on Trust land since Saverio's death; and (iii) proceeds from the sale of the olive oil, inventory and crops;
   (c) **Other crops (Stone Fruit, Grapes, Etc.):** (i) The inventory of other crops grown on Trust land, on hand at the time of Saverio's death but not reported in the Trustee's First Account; (ii) all such crops grown on Trust land since Saverio's death and during 2009; and (iii) proceeds from sale of inventory/crops;
   (d) **Other Inventory on Hand:** (i) The inventory of firewood and olive oil on hand at the time of Saverio's death but not reported in the Trustee's First Account; (ii) all such items produced from products grown on Trust land since Saverio's death and during 2009; [and (iii) proceeds from inventory;]
   (e) **Proceeds from Sale of Trust Real Property:** The money received of **~$1,000,000.00** by Nick and Dino from DeYoung Properties in connection with the option to purchase land and used by DeYoung Properties to actually purchase Trust land;
2. Directing each of the beneficiaries in possession to transfer such property to the Trustees to hold for the benefit of the Trust and the appropriate Sub-Trust(s);
3. Directing each of the beneficiaries in possession of proceeds from the sale or exchange of any of the property to transfer such proceeds to the Trustees to hold for the benefit of the Trust and the appropriate Sub-Trust(s);
4. For judgment in favor of the Trustees of the Trust against any beneficiary who received the Trust property and proceeds, in an amount to be determined and as required to compensate for all of the detriment and damages cause to the Trust; and
5. For treble damages pursuant to Probate Code § 859.

NEEDS/PROBLEMS/ COMMENTS:

Continued from 9/26/2016. *Minute Order* states counsel request an additional 30 days.

Note: Additional notes pages originally prepared with respect to this petition have been omitted.

Reviewed by: LEG

Reviewed on: 10/24/16

Updates:

Recommendation:

File 4D – Verni

Dept. 303, 9:00 a.m. Monday, October 31, 2016

4E In the Matter of the Verni Family Trust (Trust) Case No. 10CEPR00639

Attorney **Joseph Marchini; J. Jackson Waste; of Baker Manock & Jensen (for Petitioner Carmela DeSantis, daughter and Trust Beneficiary)**
Attorney **Kenneth Baldwin; Timothy Thompson; Nikole Cunningham; of McCormick Barstow (for Co-Trustee Nicola "Nick" Verni, son)**
Attorney **L. Kim Aguirre, of Gromis & Aguirre (for Co-Trustee Antonietta "Rosa" Verni, daughter)**
Attorney **John Phillips; of Wild, Carter & Tipton (for Leonard "Dino" Verni, son)**
Attorney **Jeffrey Bohn, sole practitioner (for Erlinda M. Verni, surviving spouse)**

Petition for Review of Accounts and Acts of Trustees [Prob. C. 16063(a)(5); 17200(b)(5)]

Leonarda DOD: 7/31/2000

Saverio DOD: 5/25/2009

Cont. from 120613, 012714, 032114, 053014, 080414, 091514, 031615, 062215, 081715, 113015, 032816, 062016, 092616

	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	X
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

CARMELA DeSANTIS, daughter and Trust Beneficiary, is Petitioner.

Summary of Petitioner's requests in the Prayer for Relief:

- That each of the Second, Third, and Fourth Accounts Current submitted to Petitioner by the Co-Trustees be disallowed;
- That the Co-Trustees, and each of them, be ordered to compensate the estate for any loss caused by their acts and omissions;
- That the Trustees be directed to prepare and file a true and full account of their acts and proceedings within such time as may be allowed by this Court; and
- That Petitioner be reimbursed attorney's fees and costs.

***Response to Petition for Review of Accounts and Acts of Trustees* filed on 12/5/2013 by Trustees Nick Verni and Rosa Verni pray for an Order of this Court that:**

- The objections of Petitioner be dismissed;
- All acts and transactions of the Trustees as reflected in the Account and Report be ratified and confirmed;
- The Trustees be authorized and directed to continue the administration of the Sub-Trusts until such time as the remaining tasks discussed herein are accomplished, the remaining legal actions discussed herein are resolved, and a plan of final distribution can be presented to the beneficiaries of the trust for their consent;
- Petitioner take nothing by way of her Petition; and
- Attorney's fees and costs of suit are awarded to Respondents.

***Objections to Third Account Current of the Family Trust* filed by CARMELA DESANTIS on 11/5/2015.**

***Objections to Third Account Current of the Survivor's Trust* filed by CARMELA DESANTIS on 11/5/2015.**

NEEDS/PROBLEMS/ COMMENTS:

Continued from 9/26/2016. *Minute Order* states counsel request an additional 30 days.

Note: Petitioner requests the Court **review** and **disallow** the Second, Third and Fourth Accounts. Because the subject accounts are attachments by Petitioner and have not been duly filed with the Court by the Co-Trustees as the fiduciaries, the accounts have not been reviewed by the Court.

Note: Additional notes pages originally prepared with respect to this petition have been omitted.

Reviewed by: LEG
Reviewed on: 10/24/16
Updates:
Recommendation:
File 4E – Verni

Dept. 303, 9:00 a.m. Monday, October 31, 2016

5 Benny Adona (CONS/PE) Case No. 10CEPR00687

Attorney Barron, Richard B. of Luke & Barron, Visalia (for Petitioner Perine & Dicken, Conservator)

Probate Status Hearing Filing of the Fourth Account

Age: 54	**PERINE & DICKEN PROFESSIONAL FIDUCIARIES AND CONSERVATORS** was appointed Conservator of the Person and Estate on 09/13/2010. Letters issued on 12/30/2010. Order Settling Third Account filed 12/11/2014. **Minute Order of 12/11/2014** set this Status Hearing regarding the filing of the Fourth Account.	**NEEDS/PROBLEMS/COMMENTS:** 1. Need Fourth Account or Petition for Final Distribution or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
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Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		**Reviewed by:** LV
Status Rpt		**Reviewed on:** 10/21/2016
UCCJEA		**Updates:**
Citation		**Recommendation:**
FTB Notice		**File 5- Adona**

6 Cristian Ramon Gonzalez (GUARD/P) Case No. 12CEPR00076

Petitioner Gonzalez, Cristian Ramon (Pro Per – Father)

Petition for Termination of Guardianship

Age: 12			**CRISTIAN RAMON GONZALEZ, SR.,** father, is petitioner. **Please see petition for details**
Cont. from			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
✓	Pers.Serv.	w/	
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
✓	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

NEEDS/PROBLEMS/COMMENTS:

Reviewed by: LV

Reviewed on: 10/21/2016

Updates:

Recommendation:

File 6- Gonzalez

Dept. 303, 9:00 a.m. Monday, October 31, 2016

7 Gabriella Simental (GUARD/E) Case No. 14CEPR00657

Petitioner **Melinda C. Simental (Pro Per, Guardian)**

Amended First Account and Report of Melinda C. Simental of Gabriella Krystal Simental's Guardianship Estate

			MELINDA C. SIMENTAL, mother and Guardian of the Estate, is Petitioner. ***~Please see Petition for details~***	**NEEDS/PROBLEMS/COMMENTS:** 1. Need proposed order. **Notes for background:** • *Minute Order* dated 8/4/2016 from the hearing on the First Account states the Court orders that the funds must be placed into two separate federally insured accounts, with proof being filed prior to the 9/1/2016 hearing. • *Receipt and Acknowledgment of Order for the Deposit of Money Into Blocked Account* filed 10/12/2016, and *Receipt and Acknowledgment of Order for the Deposit of Money Into Blocked Account* filed 3/11/2015, show all funds are currently deposited into two federally insured blocked accounts. **Note:** If Court waives future accountings until the minor reaches age 18, the Court will set a status hearing as follows: • **Monday, July 23, 2018 at 9:00 a.m. in Dept. 303** for the final account of the Guardianship Estate (5 months after the minor reaches age 18.) Pursuant Local Rule 7.5, if the document noted above is filed 10 days prior to the dates listed, the hearing will be taken off calendar and no appearance will be required.
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	X		
	Aff. Posting			**Reviewed by:** LEG
	Status Rpt			**Reviewed on:** 10/24/16
	UCCJEA			**Updates:**
	Citation			**Recommendation:**
	FTB Notice			**File 7- Simental**

Dept. 303, 9:00 a.m. Monday, October 31, 2016

8 Virginia Howard Revocable Trust Case No. 14CEPR00732

Attorney **Heather H. Kruthers (for Public Administrator)**

Probate Status Hearing Re: Filing of an Accounting

DOD: 10/3/2012			PUBLIC ADMINISTRATOR was appointed Successor Administrator by *Minute Order* dated 10/27/2014 and by *Order After Hearing Appointing Successor Trustee* filed 2/20/2015.	NEEDS/PROBLEMS/COMMENTS:
				Continued from 8/29/2016.
Cont. from 082916			***Minute Order* dated 4/25/2016** from the hearing on the Petition to Compel Account states the Public Administrator remains as the Successor Trustee; Ms. Kruthers states they will file an accounting. No appearance is necessary at the status hearing if the petition is filed at least two court days prior. Status hearing set on 8/29/2016 for filing of an accounting.	1. Need accounting of the Trust per Minute Order of 4/25/2016, or current status report.
	Aff.Sub.Wit.		**Status Report filed 8/26/2016** states due to unexpected absences of County Counsel, 60 days is requested.	
	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			**Reviewed by:** LEG
	Status Rpt	X		**Reviewed on:** 10/24/16
	UCCJEA			**Updates:**
	Citation			**Recommendation:**
	FTB Notice			**File 8- Howard**

Dept. 303, 9:00 a.m. Monday, October 31, 2016

9 Armando Alba, Jr. (GUARD/P) Case No. 15CEPR00168

Guardian/Petitioner: Angelette V. Howell (Pro per – Non-relative)

Petition for Termination of Guardianship

			ANGELLETE V. HOWELL, guardian/non-relative, is petitioner. Ms. Howell was appointed guardian of the minor on 6/1/2016. ***Please see petition for details.***
Cont. from			
	Aff.Sub.Wit.		
✓	**Verified**		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg	x	
	Aff.Mail	x	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	**Order**		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

NEEDS/PROBLEMS/COMMENTS:

1. Need *Notice of Hearing*.
2. Need proof of service at least 15 days before the hearing of *Notice of Hearing* <u>or</u> consents and waivers of notice <u>or</u> declarations of due diligence for:
   a. Armando Alba (father)
   b. Biviana Cortes (mother)
   c. Maria Alba (paternal grandmother)
   d. Andres Cortes (maternal grandfather)
   e. Eva Cortes (maternal grandmother)
   f. Vanessa Alba and Clarissa Alba (siblings) – *if 12 years or older*

Court Investigator and DSS Social Worker to provide:

- Investigation reports

Reviewed by: SEF

Reviewed on: 10/21/2016

Updates:

Recommendation:

File 9- Alba

Dept. 303, 9:00 a.m. Monday, October 31, 2016

10 Osvaldo Eli Soto (GUARD/P) Case No. 15CEPR00914

Attorney Perez, Victor M. (for Martha Soto and Javier Soto – Petitioners - Paternal Grandparents)

Petition for Appointment of Guardian of the Person

Age: 2			TEMPORARY EXPIRES 10/31/2016	NEEDS/PROBLEMS/COMMENTS:
			MARTHA SOTO and **JAVIER SOTO**, paternal grandparents, are petitioners.	Minute Order of 10/03/2016: Ms. Aguirre is sworn and interprets for Mr. and Mrs. Soto. Supervised visits for mother will continue on Sundays at McDonalds in Coalinga from 11am to 1pm. She may visit on 10/09/2016 and 10/24/2016. The Court order that there shall be no visits for father until he appears in court.
Cont. from 071116, 082216, 100316			Please see petition for details	Minute Order of 08/22/2016 in part: Martha Soto is sworn to testify and admits under oath that Osvaldo Soto, father, has been seeing the child despite the Court's order of 07/11/2016. The Court admonishes Martha and Javier Soto with regard to violating the Court's order and possible removal of the minor for doing so in the future. The Court reiterates its order that there is to be no visits or contact of any kind for Osvaldo Soto, father.
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail	w/		
	Aff.Pub.			
	Sp.Ntc.			
✓	Pers.Serv.	w/		
	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
✓	CI Report			
	9202			
✓	Order			
	Aff. Posting			Reviewed by: LV
	Status Rpt			Reviewed on: 10/21/2016
✓	UCCJEA			Updates:
	Citation			Recommendation:
	FTB Notice			File 10- Soto

Dept. 303, 9:00 a.m. Monday, October 31, 2016

11 Lloyd Bruce Robertson (CONS/P) Case No. 15CEPR01142

Attorney LeVan, Nancy J. (Attorney for Conservator LaDonna Schweikert)

Petition for Attorney Fees and Order to Matt Bickel to Pay Fees From Trust

Age: 90 years		
	Aff.Sub.Wit.	
✔	Verified	
	Inventory	
	PTC	
	Not.Cred.	
✔	Notice of Hrg	
✔	Aff.Mail	w
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
	Order	x
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

ATTORNEY NANCY LEVAN, Attorney for Conservator LaDonna Schweikert, is Petitioner.

LaDonna Schweikert, Daughter, was appointed Conservator of the Person on 1/7/16.

Petitioner requests that she be paid a total of $2,380.00 from Matt Bickel, trustee of the conservatee's trust, for 9.7 attorney hours @ $250/hr and .8 paralegal hours @ $100/hr, plus costs of $464.65 including this filing fee, certified letters, and e-filing costs.

Itemization includes review, preparation of documents and reports, attendance at hearings, review of accounting, client conference, etc.

NEEDS/PROBLEMS/COMMENTS:

1. **Notice of Hearing was not served on Conservatee Lloyd Bruce Robertson directly pursuant to Probate Code §1460(b)(2) and Cal. Rule of Court 7.51(c)(2). The Court may require proper notice to the Conservatee.**
2. **The Court may disallow the $3.65 in e-filing charges.**
3. **Need order.**

Reviewed by: skc

Reviewed on: 10/24/16

Updates:

Recommendation:

File 11- Robertson

Dept. 303, 9:00 a.m. Monday, October 31, 2016

12 Vaughn Lee Collins (Estate) Case No. 16CEPR00259

Attorney: Dale A. De Goede (for Cherie Kirk and Julie Rathbone – Co-administrators)

Petition for Final Distribution on Waiver of Accounting

DOD: 2/14/2016		
Cont. from		
	Aff.Sub.Wit.	
✓	**Verified**	
✓	**Inventory**	
✓	**PTC**	
✓	**Not.Cred.**	
✓	**Notice of Hrg**	
✓	**Aff.Mail**	w/
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters: 4/19/2016	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
✓	**9202**	
✓	**Order**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

CHERIE R. KIRK and JULIE A. RATHBONE, daughters, were appointed co-administrators with full IAEA without bond on 4/19/2016.

Petitioners are sole heirs and waive accounting.

I&A	-	**$216,224.82**
POH	-	**$116,039.62**
(all cash)		
Co-administrators	-	waive
Attorney	-	**$7,324.49**
(statutory)		

Distribution, pursuant to intestate success, of property on hand consisting of cash is to:

Cherie Kirk	**$54,357.56**
Julie Rathbone	**$54,357.56**

NEEDS/PROBLEMS/COMMENTS:

1. Petition states that real property was liquidated and the property on hand is now cash. However, the Final I&A filed 8/24/2016 listed household furniture, boats, motorcycles and automobiles. Need information regarding changes in the form of these assets pursuant to CRC 7.550(b)(2),(3).
2. Per item 1, above, a new order may be required if these estate assets are still on hand and to be distributed.

Reviewed by: SEF

Reviewed on: 10/21/2016

Updates:

Recommendation:

File 12- Collins

13A **Michael Kou Moua (GUARD/E)** **Case No. 16CEPR00518**

Attorney **Bakergumprecht-Davies, Kathleen (for Sher Moua – Father – Petitioner)**

Request to Waive Court Fees (Ward)

			CONFIDENTIAL	NEEDS/PROBLEMS/COMMENTS:
Cont. from 060216, 062316, 072516				
	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			Reviewed by: skc
	Status Rpt			Reviewed on: 10/20/16
	UCCJEA			Updates:
	Citation			Recommendation:
	FTB Notice			File 13A- Moua

13A

Dept. 303, 9:00 a.m. Monday, October 31, 2016

13B **Michael Moua (GUARD/E)** **Case No. 16CEPR00518**

Attorney **Bakergumprecht-Davies, Kathleen (for Sher Moua – Father – Petitioner)**

Status RE: Funds in Blocked Account

			SHER MOUA, Father, was appointed Guardian of the Estate on 6/23/16. The Court set this status hearing re funds in blocked account. Minute Order 6/23/16 states: The bond is reserved or if there are any funds they are to be deposited into a blocked account. Petition granted without 2590 powers.
Cont. from 072516			
	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		

NEEDS/PROBLEMS/COMMENTS:

1. **Need receipt for blocked account or written status report pursuant to Local Rule 7.5.**

<u>Note</u>: The petition was filed with a fee waiver. If the guardianship estate contains sufficient assets once established, all filing fees will be due.

Reviewed by: skc

Reviewed on: 10/20/16

Updates:

Recommendation:

File 13B- Moua

14A **Macey Pa Der Moua (GUARD/E)** **Case No. 16CEPR00519**

Attorney **Bakergumprecht-Davies, Kathleen (for Sher Moua – Father – Petitioner)**

Request to Waive Court Fees (Ward)

			CONFIDENTIAL	**NEEDS/PROBLEMS/COMMENTS:**
Cont. from 060216, 062316, 072516				
	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			**Reviewed by:** skc
	Status Rpt			**Reviewed on:** 10/20/16
	UCCJEA			**Updates:**
	Citation			**Recommendation:**
	FTB Notice			**File 14A- Moua**

14A

Dept. 303, 9:00 a.m. Monday, October 31, 2016

14B **Macey Moua (GUARD/E)** **Case No. 16CEPR00519**

Attorney **Bakergumprecht-Davies, Kathleen (for Sher Moua – Father – Petitioner)**

Status RE: Funds in Blocked Account

			SHER MOUA, Father, was appointed Guardian of the Estate on 6/23/16. The Court set this status hearing re funds in blocked account. Minute Order 6/23/16 states: The bond is reserved or if there are any funds they are to be deposited into a blocked account. Petition granted without 2590 powers.
Cont. from 072516			
	Aff.Sub.Wit.		
	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg		
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
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	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

NEEDS/PROBLEMS/COMMENTS:

2. **Need receipt for blocked account or written status report pursuant to Local Rule 7.5.**

<u>Note</u>: The petition was filed with a fee waiver. If the guardianship estate contains sufficient assets once established, all filing fees will be due.

Reviewed by: skc

Reviewed on: 10/20/16

Updates:

Recommendation:

File 14B- Moua

15A **Melanie Gao Jer Moua (GUARD/E)** **Case No. 16CEPR00521**

Attorney **Bakergumprecht-Davies, Kathleen (for Sher Moua – Father – Petitioner)**

Request to Waive Court Fees (Ward)

			CONFIDENTIAL	**NEEDS/PROBLEMS/COMMENTS:**
Cont. from 060216, 062316, 072516				
	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			**Reviewed by:** skc
	Status Rpt			**Reviewed on:** 10/20/16
	UCCJEA			**Updates:**
	Citation			**Recommendation:**
	FTB Notice			**File 15A- Moua**

15A

Dept. 303, 9:00 a.m. Monday, October 31, 2016

15B **Melanie Moua (GUARD/E)** **Case No. 16CEPR00521**

Attorney **Bakergumprecht-Davies, Kathleen (for Sher Moua – Father – Petitioner)**

Status RE: Funds in Blocked Account

			SHER MOUA, Father, was appointed Guardian of the Estate on 6/23/16. The Court set this status hearing re funds in blocked account. Minute Order 6/23/16 states: The bond is reserved or if there are any funds they are to be deposited into a blocked account. Petition granted without 2590 powers.
Cont. from 072516			
	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		

NEEDS/PROBLEMS/COMMENTS:

3. **Need receipt for blocked account or written status report pursuant to Local Rule 7.5.**

<u>Note</u>: The petition was filed with a fee waiver. If the guardianship estate contains sufficient assets once established, all filing fees will be due.

Reviewed by: skc

Reviewed on: 10/20/16

Updates:

Recommendation:

File 15B- Moua

Dept. 303, 9:00 a.m. Monday, October 31, 2016

16 Elizabeth Bulmer (Estate) Case No. 16CEPR00795

Attorney Roberts, David A. (for Jennifer Linkes – Administrator)

Probate Status Hearing RE: Proof of Bond

DOD: 05/21/2016	**JENNIFER LINKES,** sister, was appointed Administrator with full IAEA with bond set at $263,800.00 on 09/08/2016. Minute Order of 09/08/2016 set this Status Hearing for the filing of the Bond.	**NEEDS/PROBLEMS/COMMENTS:** **Minute Order of 10/11/2016: Counsel requests three weeks. No appearance is necessary at the status hearing if the bond is filed at least two court days prior.** 1. Need proof of bond 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.
Cont. from 101116		
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		**Reviewed by:** LV
Status Rpt		**Reviewed on:** 10/21/2016
UCCJEA		**Updates:**
Citation		**Recommendation:**
FTB Notice		**File 16- Bulmer**

Dept. 303, 9:00 a.m. Monday, October 31, 2016

17 Leslie and Jane Thonesen Revised and Restated Revocable Trust

Case No. 16CEPR00860

Attorney **Jared R. Callister (for Petitioner Leslie Thonesen, Trustee)**

Petition for Order Approving Modification and Termination of Trust under Probate Code Section 15409

Jane DOD: 5/22/2011		
Cont. from 100316		
	Aff.Sub.Wit.	
✓	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
✓	**Notice of Hrg**	
✓	**Aff.Mail**	W/
	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	

LESLIE THONESEN, Trustee, is Petitioner.

Petitioner states:

- On 1/12/2000, Petitioner and his wife, **JANE THONESEN** executed a trust declaration creating the **LESLIE THONESEN AND JANE THONESEN REVOCABLE TRUST**, which was later revised and restated in its entirety on 2/14/2011, by trust agreement called the **LESLIE AND JANE THONESEN REVISED AND RESTATED REVOCABLE TRUST** (*copy attached as Exhibit "A");*
- As was customary for estate plans at that time, the Trust provided that at the first settlor's death, the trust assets would be divided into two trusts—a "Bypass Trust" and a "Survivor's Trust"—typically referred to as an A/B trust arrangement; this A/B trust arrangement was typically used as a means of minimizing estate taxes and to ensure that each spouse's estate tax exemption was fully utilized;
- As set forth in the *Declaration of Leslie Thonesen* (*attached as Exhibit "B"*), in the absence of tax considerations, Petitioner and Mrs. Thonesen would have simply preferred that their assets pass outright to the surviving spouse, but based on the advice of counsel and in an effort to minimize taxes, Petitioner and Mrs. Thonesen signed the Trust that included an A/B trust arrangement;
- As a result of Jane Thonesen's death, ½ of the trust estate was allocated to Sub-Trust known as the **SURVIVOR'S TRUST** and the other ½ of the trust estate was allocated to **BYPASS TRUST** *(copy of Trust Asset Allocation Agreement attached as Exhibit C);*
- The current large estate tax exemption and portability rules make the existence of the Bypass Trust a non-necessity in order to avoid estate taxes;
- Petitioner is informed that many of the assets allocated to the **BYPASS TRUST** have greatly appreciated so that if the **BYPASS TRUST** is not terminated, these assets will not benefit from the tax basis-step up rules at the time of Petitioner's death—leading to increased income taxes. Petitioner believes that the termination of the **BYPASS TRUST** could save ~**$500,000.00** in income taxes.

~Please see additional page~

NEEDS/PROBLEMS/ COMMENTS:

<u>Continued from 10/3/2016</u>. *Minute Order* states if consents are filed then the Court is prepared to sign the order.

The following issue remains:

1. Pursuant to Probate Code § 15404(a), need written consent from the following persons identified as beneficiaries in the *Petition*:
- Dean Thonesen, son;
- Joan Taff, daughter;
- Neil Thonesen, grandson;
- Derek Thonesen, grandson;
- Michelle Alo, granddaughter.

Reviewed by: LEG
Reviewed on: 10/24/16
Updates:
Recommendation:
File 17- Thonesen

Petitioner states, continued:

- Because of this unanticipated change in tax laws, Petitioner desires to modify and terminate the **BYPASS TRUST** so that all the Bypass Trust is terminated and assets are transferred to the **SURVIVOR'S TRUST**; it is clear that Petitioner and Mrs. Thonesen included the A/B sub-trust provisions in their Family Trust in order to minimize taxes (in particular estate taxes), which was a commonly used and recommended estate planning technique. In 2011 when the Petitioner and Mrs. Thonesen executed the Family Trust, they simply could not have anticipated the convoluted whirlwind of estate tax law changes that were on the horizon and that occurred from 2011 through 2013. At the time the Thonesens executed the Family Trust, they could not have reasonably anticipated that Congress would have continued to extend a relatively high exemption amount and make portability a permanent component of the law;
- These drastic changes in the law that occurred after execution of the Family Trust were reasonably not anticipated by the settlors and as a result, Will cause the trust to no longer meet the settlors' intended purposes of establishing the Family Trust in the first place. Simply put, requiring the continuance of the Bypass Trust will thwart the settlors' intended purposes of the Family Trust;
- It is important to note that the original purpose of mandating the creation and the funding of the Bypass Trust was to reduce taxes; with the increase in federal estate tax exemption, this **BYPASS TRUST** is no longer necessary to meet this purpose; if the **BYPASS TRUST** is not allowed to be terminated, Petitioner and the Trust beneficiaries will be in a worse-off position with respect to income taxes because at Petitioner's death the assets in the **BYPASS TRUST** will not receive any step-up in tax basis under IRC § 1014; thus under Probate Code § 15409 the Court is justified in modifying and terminating the **BYPASS TRUST** to allow all **BYPASS TRUST** assets to pass to the **SURVIVOR'S TRUST**;
- The Court is authorized to allow the requested modification and termination of the **BYPASS TRUST** based on its broad equitable powers and under California common law, as the unique and repeated changes to the estate tax laws during the period in question constituted peculiar or exceptional circumstance that would allow such modification and termination.

Petitioner prays for an Order approving the modification and termination of the BYPASS TRUST, so that the BYPASS TRUST be terminated and all assets of the BYPASS TRUST pass and transfer to the SURVIVOR'S TRUST.

***Supplement to Petition for Order Approving Modification and Termination of Trust under Probate Code § 15409* was filed 9/28/2016.**

18 Jordan Oliver, Zachariah Oliver (GUARD/P) Case No. 16CEPR00861

Petitioner Ortiz, Victor Anthony (Pro Per – Non-Relative)

Petition for Appointment of Guardian of the Person

Jordan, age 4			**TEMPORARY EXPIRED on 9/15/16**	**NEEDS/PROBLEMS/COMMENTS:**
Zachariah, age 7			**VICTOR ANTHONY ORTIZ**, Non-relative (stepfather?) is Petitioner.	**Minute Order of 09/15/2016 re Temporary Petition: No APPEARANCES – The temporary letters are not extended; the general hearing remains set for 10/31/2016.**
			Please see petition for details	
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			**Reviewed by:** LV
	Status Rpt			**Reviewed on:** 10/21/2016
	UCCJEA			**Updates:**
	Citation			**Recommendation:**
	FTB Notice			**File 18- Oliver**

Dept. 303, 9:00 a.m. Monday, October 31, 2016

19 Daniella Arias (GUARD/P) Case No. 16CEPR00901

Petitioner: Irma Castillo De Arias (Pro per – Paternal grandmother)
Petitioner: Gustavo Arias Piceno (Pro per – Paternal grandfather)

Petition for Appointment of Guardian of the Person

			NO TEMPORARY REQUESTED
			IRMA CASTILLO DE ARIAS and GUSTAVO ARIAS ICENO, maternal grandparents, are petitioners
Cont. from			
	Aff.Sub.Wit.		
✓	**Verified**		***Please see petition for details.***
	Inventory		
	PTC		
	Not.Cred.		
✓	**Notice of Hrg**		
✓	**Aff.Mail**	w/	
	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		

NEEDS/PROBLEMS/COMMENTS:

1. Petition lists minor's name as *Daniella* Arias; birth certificate lists her name as *Daniela* Arias. Need clarification as to correct spelling of minor's name.
2. Need proof of personal service with 15 days notice <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence for:
   a. Father (unknown) – *unless the Court excuses notice*
3. Need proof of service with 15 days notice <u>or</u> consents and waivers of notice <u>or</u> declarations of due diligence for:
   a. Paternal grandparents (unknown) – *unless the Court excuses notice*
   b. Emma Arias (sibling) – if 12 years or older – *unless the Court excuses notice*

Reviewed by: SEF
Reviewed on: 10/21/2016
Updates:
Recommendation:
File 19- Arias

Dept. 303, 9:00 a.m. Monday, October 31, 2016

20 Tahjanae Caradine (GUARD/P) Case No. 16CEPR00903

Petitioner: Tanya Denise Walker (Pro per – Maternal grandmother)

Petition for Appointment of Guardian of the Person

			NO TEMPORARY REQUESTED
			TANYA HARRIS, maternal grandmother, is petitioner
Cont. from			
	Aff.Sub.Wit.		
✓	**Verified**		***Please see petition for details.***
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg	x	
	Aff.Mail	x	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
✓	**Conf. Screen**		
✓	**Letters**		
✓	**Duties/Supp**		
	Objections		
	Video Receipt		
✓	**CI Report**		
	9202		
✓	**Order**		
	Aff. Posting		
	Status Rpt		
✓	**UCCJEA**		
	Citation		
	FTB Notice		

NEEDS/PROBLEMS/COMMENTS:

1. Need *Notice of Hearing*.
2. Need proof of service at least 15 days before the hearing of the *Notice of Hearing* <u>or</u> consent and waiver of notice on:
   a. Melvin Hammond (brother) – *if 12 years or older*
   b. Leonvanae Hammond (brother) – *if 12 years or older*
   c. Stephvan Caradine (brother) – *if 12 years or older – unless the Court excuses notice*
   d. Daiveon Caradine (brother) – *if 12 years or older – unless the Court excuses notice*

Reviewed by: SEF

Reviewed on: 10/21/2016

Updates: 10/24/2016

Recommendation:

File 20- Caradine

Dept. 303, 9:00 a.m. Monday, October 31, 2016

21 Steven Farr (Det. Succ) Case No. 16CEPR00976

Attorney Neilson, Bruce A. (for Jason Farr – Petitioner – Son)

Petition to Determine Succession to Real Property (Estates of $150,000 or Less)

DOD: 02/26/2016			**JASON FARR,** son, is petitioner. 40 days since DOD No other proceedings I&A - **$100,000.00** Decedent died intestate Petitioner requests Court determination that decedent's 100% interest in real property located at 3808 E. Swift, Fresno, Ca. pass to Jason Farr pursuant to intestate succession.
Cont. from			
	Aff.Sub.Wit.		
✓	**Verified**		
✓	**Inventory**		
	PTC		
	Not.Cred.		
	Notice of Hrg	n/a	
	Aff.Mail	n/a	
	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		

NEEDS/PROBLEMS/COMMENTS:

Reviewed by: LV

Reviewed on:

Updates:

Recommendation: Submitted

File 21- Farr

Dept. 303, 9:00 a.m. Monday, October 31, 2016

22 **Gary Quiring (Spousal)** **Case No. 16CEPR01019**

Attorney **Istanboulian, Flora (for Petitioner Rebecca L. Quiring, Surviving Spouse)**

Spousal or Domestic Partner Property Petition

DOD: 8/9/16			**REBECCA L. QUIRING**, Surviving Spouse, is Petitioner. No other proceedings Will dated 7/3/91 devises the entire estate to the decedent's wife (Petitioner Rebecca L. Quiring) Petitioner states the original will dated 7/3/91 and drafted by Attorney Dale E. Bacigalupi could not be found, but a copy is provided, and the will has never been revoked. Petitioner also separately filed a Proof of Subscribing Witness certified by Attorney Bacigalupi. Petitioner describes certain real property as community property at Attachments 7a and 7b and requests Court determination that Petitioner's community property interest in the real property belongs to her and that the decedent's community property interest in the real property passes to her pursuant to the decedent's will.	**NEEDS/PROBLEMS/COMMENTS:**
S/P	**Aff.Sub.Wit.**		
	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✔	**Notice of Hrg**		
✔	**Aff.Mail**	W	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✔	**Order**		
	Aff. Posting		**Reviewed by:** skc
	Status Rpt		**Reviewed on:** 10/21/16
	UCCJEA		**Updates:**
	Citation		**Recommendation: SUBMITTED**
	FTB Notice		**File 22- Quiring**

Dept. 303, 9:00 a.m. Monday, October 31, 2016

23 **Shannon M Jones (Estate)** **Case No. 16CEPR00937**

Attorney **Gromis, David (for Petitioner Rebekah S. Gilpin)**

Petition for Letters of Administration. Authorization to Administer under the Independent Administration to Estates Act

DOD: 10/2/97		
	Aff.Sub.Wit.	
✓	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
✓	**Notice of Hrg**	
✓	**Aff.Mail**	w
✓	**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	

REBEKAH S. GILPIN, Daughter, is Petitioner and requests appointment as Administrator with Full IAEA without bond.

All heirs nominate petitioner and waive bond.

Full IAEA – ok

Decedent died intestate *(See #1)*

Residence: Fresno
Publication: Business Journal

Estimated value of estate:
Personal property: $205,258.30
Annual income: $ 6,157.70
Total: $211,416.00

Probate Referee: Rick Smith

Nomination of Person Entitled to Letters, and Support to Grant Full Authority under IAEA signed by Surviving Spouse Dorothy F. Jones states she and the decedent were married 3/28/45 and there are four children of the marriage. The decedent died 10/2/97.

On 2/21/96 they established the Shannon and Dorothy Jones Family Revocable Living Trust, which has now been divided into a marital and family trust as a result of the decedent's death.

In May 2016, a statement addressed to the decedent from was received Great-West indicating a tax-deferred 403(b) account was still open with a balance as of 12/31/15 of $205,258.30. When contacted, Great-West responded that no beneficiary was named and Letters Testamentary would be necessary to capture the account.

Mrs. Jones states the decedent signed a will on 2/21/96, and she has a copy of the will, but cannot locate the original. She has inquired with the clerk's office and the attorney who wrote the will and trust, but no original has been found.

Mrs. Jones states she has priority under §8461 and in light of her age, desires that her daughter be appointed administrator.

NEEDS/PROBLEMS/COMMENTS:

Minute Order 10/17/16: Counsel is to provide a copy of the lost will.

Update: Declaration filed 10/18/16 provides a copy of the decedent's will dated 2/21/96, which is a pour-over will that devises the entire estate to the Shannon and Dorothy Jones Revocable Living Trust dated 2/21/96, and states if such trust is not in effect, then property shall be disposed under the terms of the trust as if it were in effect.

Therefore, the following issues remains noted:

SEE PAGE 2

Reviewed by: skc
Reviewed on: 10/24/16
Updates:
Recommendation:
File 28- Jones

Page 2 – NEEDS/PROBLEMS/COMMENTS:

1. **Surviving Spouse Dorothy F. Jones states the decedent *had a will* that was executed at the same time as the family trust, and she *has a copy*, but the original cannot be found.**

   However, the copy is not provided, nor are the terms described, and Petitioner requests the Court find and order that the decedent died *intestate*, rather than to probate the lost will under §8223.

   The Court may require authority to proceed as requested.

2. **Now that a copy of the will has been received, need clarification re the trust, which is the pour-over beneficiary. Who is the current trustee? Who are the beneficiaries? Does the trust distribution differ from intestate distribution? Has everyone been given proper notice, or are there any additional parties entitled to notice pursuant to Probate Code §1208?**

Note: If granted, the Court will set status hearings as follows:

- **Monday, March 13, 2017 for filing the Inventory and Appraisal**
- **Monday, December 18, 2017 for filing the first account or petition for final distribution.**

24 Joseph Frank Fernandez (GUARD/P) Case No. 14CEPR00801

Petitioner: Emily Fernandez (pro per)

Petition for Visitation

			EMILY FERNANDEZ, mother, is petitioner.
			JACK FRANK FERNANDEZ and **LYDIA P. FERNANDEZ,** maternal grandparents, were appointed guardians on 12/1/14.
Cont. from 101716			Please see petition for details.
	Aff.Sub.Wit.		
✓	**Verified**		
	Inventory		
	PTC		
	Not.Cred.		
✓	**Notice of Hrg**		
✓	**Aff.Mail**	W/	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order	X	
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

NEEDS/PROBLEMS/COMMENTS:

Continued from 10/17/16. Minute order states Emily Fernandez is to report to Avertest and submit to a urine test before noon today, and bring the test results to court with her on 10/31/16. The current visitation orders remain in full force and effect at this time (supervised, Saturday from 11 a.m. to 12 p.m. at the home of the Guardians).

Reviewed by: KT

Reviewed on: 10/25/16

Updates:

Recommendation:

File 24- Fernandez

Dept. 303, 9:00 a.m. Monday, October 31, 2016