

Petitioner Young, Stephanie A. (Pro Per Petitioner)

Petition for Termination of Guardianship

		STEPHANIE A. YOUNG, mother, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 9/28/2015. Minute Order states Petitioner requests a continuance to address the service issues.</p> <p>The following issues from the last hearing remain:</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of service by mail of the Notice of Hearing with a copy of the Petition for Termination of Guardianship, or Consent to Termination and Waiver of Notice, or a Declaration of Due Diligence, for: <ul style="list-style-type: none"> • Lori Steinman, Guardian; • Elizabeth Verduzco, Guardian; • Agustin C. Verduzco, Guardian; • Agustin Verduzco, Jr., father; • Samantha A. Young, Ward.
		LORI STEINMAN, maternal grandmother, ELIZABETH VERDUZCO, paternal grandmother, and AGUSTIN C. VERDUZCO, paternal grandfather, were appointed Co-Guardians on 7/23/2003.	
Cont. from 092815			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg	X	
<input type="checkbox"/>	Aff.Mail	X	
<input type="checkbox"/>	Aff.Pub.		
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<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input checked="" type="checkbox"/>	CI Report		
<input checked="" type="checkbox"/>	Clearances		
<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		
		<p>~Please see Petition for details~</p> <p>Court Investigator's Report was filed 9/22/2015.</p>	
		<p>Reviewed by: LEG</p> <p>Reviewed on: 10/27/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 1 – Young</p>	

Petition for Surcharge Against Former Administrator for Breach of Duty

DOD: 11/15/2002	PUBLIC ADMINISTRATOR , Successor Administrator, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
	Petitioner states: on June 21, 2007, the Court issued a minute order reading, "the court orders the Public Administrator is appointed...Personal Representative Christopher O'Neal is Removed."	Continued from 09/21/2015.
	The Court is respectfully referred to the PA's status report filed on 05/20/2014. Therein, the PA reported that she has been unable to make contact with any of the heirs, including the former administrator.	Minute Order of 07/20/2015: Counsel requests a continuance for discussions towards resolution.
Cont. from 031615, 072015, 092115	On 03/29/2004, the former administrator filed a final Inventory and Appraisal showing the value of the estate to be \$145,000.00 consisting solely of real property. The PA was able to determine that Christopher O'Neal put the property in his name, took out a loan against it, and then lost the house to foreclosure. He used part of the loan proceeds to purchase a new pick up, which the PG was able to marshal and sell for \$16,400.00.	
<input type="checkbox"/> Aff.Sub.Wit.	Christopher O'Neal never filed an accounting with the Court or provided any documents to the PA as directed by the Court. Due to his breach of fiduciary duty as personal representative, he should be surcharged the full value of the estate, \$145,000.00, less the amount recovered, \$16,400, for a total surcharge of \$128,600.	
<input checked="" type="checkbox"/> Verified	On 12/08/2003, proof of a \$50,000 bond was filed, as required by the Court. The bond company that issued it was Western Surety Company. Since it appears the PA will not be able to collect the judgment from Christopher O'Neal, he requests an order directing Western Surety Company, or the successor of that company, to pay the \$50,000 bond to the PA. Proper notice of this hearing will be given to the bond company.	
<input type="checkbox"/> Inventory	Wherefore, petitioner prays for an order that:	
<input type="checkbox"/> PTC	1. The Court find Christopher O'Neal breached his fiduciary duty as personal representative of the above-named estate;	
<input type="checkbox"/> Not.Cred.	2. The Court find that Christopher O'Neal's breach cost the estate the amount of \$128,600, and surcharge him that amount;	
<input checked="" type="checkbox"/> Notice of Hrg	3. The Court make an order that Western Surety Company, or any successor of that company, be ordered to pay the bond of \$50,000 to the PA; and	
<input checked="" type="checkbox"/> Aff.Mail	4. The Court make any other proper orders.	
<input type="checkbox"/> Aff.Pub.	Please see additional page for Objection	
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting Status Rpt		Reviewed by: LV
<input type="checkbox"/> UCCJEA		Reviewed on: 10/28/2015
<input type="checkbox"/> Citation		Updates:
<input type="checkbox"/> FTB Notice		Recommendation:
		2A – O'Neal
		File 2A – O'Neal

Objection to Petition for an Order of Surcharge and Demand for Evidentiary Hearing After Completion of Discovery filed on 03/09/2015 by Attorney Timothy J. Tomlin for Western Surety Company states they object to the Petition for surcharge filed by the Fresno County Public Administrator and requests an evidentiary hearing be set in late 2015 to permit WSC sufficient time to defend the allegations raised in the petition.

WSC issued a \$50,000.00 fiduciary bond to secure the faithful performance of fiduciary Christopher O'Neal as administrator. As such, it may be jointly and severally liable for any defalcations committed by Mr. O'Neal. WSC is an "interested person" in this proceeding and is entitled to participate in discovery and otherwise defend the surcharge claim to minimize any potential exposure on the administrator bond.

WSC and the personal representative Christopher O'Neal are entitled to an evidentiary hearing on the allegations raised. Each of the categories of alleged misconduct and related issues must be fully explored prior to the imposition of any surcharge. Ultimately, a trial may have to be set if a settlement cannot be reached and evidence hearing on the allegations. The Court should afford WSC and Mr. O'Neal with an opportunity to defend the allegations. This prevents the injustice of binding the principal and the sureties to the consequences of a proceeding in which there has been an insufficient opportunity to engage in discovery, present evidence, and cross examine the witnesses.

For the foregoing reasons, WSC requests that the Court set an evidentiary hearing with a time estimate of three (3) days for a date in August, 2015.

2B Marqueenia O'Neal (Estate) Case No. 03CEPR01456

Atty Kruthers, Heather (for Public Administrator – Successor Administrator)

Atty Tomlin, Timothy J. (for Western Surety Company - Objector)

Probate Status Hearing RE: Settlement

	PUBLIC ADMINISTRATOR , was appointed Successor Administrator on 06/21/2007. Letters issued on 3-3-08.	NEEDS/PROBLEMS/COMMENTS: Continued from 09/21/2015.
	Petition for Surcharge Against Former Administrator for Breach of Fiduciary Duty was filed on 01/05/2015.	
	Objection to Petition for An order of Surcharge and Demand for Evidentiary Hearing After Completion of Discovery was filed on 03/09/2015.	
	Minute Order of 07/20/2015 set this Status Hearing regarding Settlement. Minute Order states counsel requests a continuance for discussions towards resolution.	
Cont. from 092115		
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: 10/28/2015
UCCJEA		Updates:
Citation		Recommendation:
FTB Notice		File 2B – O’Neal

Waiver of Account and Report of Administrator, Petition for Final Distribution and for Payment to Attorney for Ordinary Services

DOD: 8/6/10	JOYCE CERONSKY , Spouse and Administrator with Full IAEA without bond, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
	Petitioner states she is the sole heir and waives account.	
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified	I&A: \$4,352.70 cash	
<input checked="" type="checkbox"/> Inventory	POH: \$4,352.70 cash	
<input checked="" type="checkbox"/> PTC	Administrator (Statutory): Waives	
<input checked="" type="checkbox"/> Not.Cred.	Attorney (Statutory): \$174.10	
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail	w/o Petitioner states she is the only heir at law and requests distribution of the property is 100% to her, Joyce Ceronsky.	
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
<input checked="" type="checkbox"/> Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
<input checked="" type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
<input checked="" type="checkbox"/> FTB Notice		
		Reviewed by: skc
		Reviewed on: 10/23/15
		Updates: 10/28/15
		Recommendation: SUBMITTED
		File 3 – Ceronsky

Page 2 – NEEDS/PROBLEMS/COMMENTS (Cont'd):

3. Schedule C, Expenses of Sale, indicates that a 4% commission on the sale of the real property was paid from the Decedent's 50% share, which would make the total commission 8%. A typical real estate commission is 5-6%. The Court may require clarification as to the high broker commission.
4. Fee base includes \$429.11 in "additional property received" during account period; however, this amount does not appear on any of the schedules, and no supplemental I&A was filed. Need clarification: What additional property was received?
5. Disbursements Schedule indicates four CourtCall appearance fees of \$116 each on 7/23/14, 11/11/14, 12/18/14, and 7/23/15. Local Rules updated 7/1/15 disallow CourtCall appearance fees as a cost of doing business and not reimbursable, so the \$116 charge for 7/23/15 may be disallowed.

Further, the CourtCall rate is \$86, and if set up less than two days in advance, an additional \$30 is charged (total \$116). Need clarification as to why the estate should bear the cost of the late scheduling fees, as all dates appear to have been known to the attorney far enough in advance to avoid the extra expense. The Court may also disallow this \$90.00.

Therefore, the Court may require the attorney to reimburse \$206.00 to the estate.

6. Need revised proposed order per Local Rules 7.1.1.F, 7.6.1. Note that monetary distributions should be stated in dollars and not as percentages of the estate.

Probate Status Hearing RE: Proof of Increased Bond

		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>OFF CALENDAR. Additional bond filed.</p>
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: KT
		Reviewed on: 10/23/15
		Updates:
		Recommendation:
		File 5 – Munsey

Attorney Eric R. Brown, of Carmichael (for Petitioner Lee X. Yang, Administrator)

First Account and Report of Status Administration

DOD: 1/16/2014		<p>LEE X. YANG, nephew, was appointed Administrator with full IAEA Authority without bond on 7/7/2014. Letters issued on 7/23/2014.</p> <p>Account period: 7/23/2014 – 9/16/2015</p> <p>Accounting - \$319,500.00 Beginning POH - \$319,500.00 Ending POH - \$319,500.00 <i>(real property on 489 Silva Ave., Marysville, Yuba County; no cash)</i></p> <p>Administrator states:</p> <ul style="list-style-type: none"> The purpose of this <i>Status Report</i> is to advise the Court that the estate is not yet in a condition to be closed, and to report of the status of administration as required within one year after issuance of letters; During the period of administration, all 8 of Decedent's children disclaimed, and written disclaimers were filed with the Court; With all children having disclaimed, the Decedent's surviving spouse, CHA YANG LEE, was the only heir at law claiming an interest in the Decedent's estate; However, Decedent's spouse died on 5/11/2015; Prior to her death, she established the CHA YANG LEE LIVING TRUST dated 4/23/2015 (copy of Trust attached as Exhibit A); the Trustees are the son of Decedent, CHOU DOUA LEE, and CHA YANG LEE; The Trust became irrevocable upon the death of CHA YANG LEE; The Trust has not completed administration, nor has any probate proceeding been filed in any Court regarding CHA YANG LEE'S estate; ~Please see additional page~ 	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note for Future Reference of Attorney: Notice must be provided on mandatory-use <i>Notice of Hearing</i> Judicial Council form DE-120. The <i>Proof of Service of Notice of Hearing, etc.</i>, filed on 10/19/2015 may potentially be acceptable for purposes of serving notice of the instant <i>Status Report</i> by the Administrator, but it is not satisfactory for providing notice of an accounting and report and petition for final distribution.</p> <p>1. <i>Final Inventory and Appraisal</i> filed on 11/12/2014 is incomplete at Item 5 re: property tax certificate, as required by Probate Code § 8800(d). Need statement regarding Property Tax Certificate. (Revenue and Tax Code § 480.)</p> <p>~Please see additional page~</p>	
Cont. from 042315				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input checked="" type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			X
<input checked="" type="checkbox"/>	Not.Cred.			
<input type="checkbox"/>	Notice of Hrg			X
<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	072314		
<input type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report 9202			
<input type="checkbox"/>	Order	X		
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input checked="" type="checkbox"/>	FTB Notice			

Administrator states, continued:

- The Trust provides a special gift of the Trustor's interest in the Yuba County real property asset of the estate of **NHIA YER LEE** to a third party, **SAO V. YANG**, Settlor's cousin, and **PHANG YANG**, her husband, or to the survivor of them;
- As Trustee of the Trust, **CHOU DOUA LEE** will petition this Court for an order compelling the Administrator of the *Estate of NHIA YER LEE* to convey the real property asset of the instant probate estate to the special gift beneficiary under the Trust, at such time as when the probate estate is ready to be closed;
- Petitioner believes that a petition under the authority of Probate Code § 850 will be submitted by the Trustee within a reasonable time following the status hearing in this probate matter;
- The estate will not be in a position to be closed until the resolution of the § 850 petition, as yet unfiled, seeking to compel the Administrator to transfer the estate real property asset to the Trust special gift beneficiary;
- Since **CHA YANG LEE** received Medi-Cal benefits at the end of her life, the § 850 petition will be required to provide notice of any hearing to the Director of Health Care Services;
- The Administrator estimates the filing of the § 850 petition within 30 days of the 9/30/2015 Status Hearing, and to have a hearing set on the Court's calendar;
- Following the hearing on the § 850 petition and an order thereon, the Administrator will file a petition for final distribution within 15 days thereafter.

Petitioner prays for an Order of Court that the Report of Status of Administration be allowed and approved as filed.

NEEDS/PROBLEMS/COMMENTS, continued:

2. The probate proceeding of the instant estate initiated on **5/5/2014**, and has been represented to contain a sole asset: **100%** fee simple interest in real property in Yuba County located at 489 Silva Ave., Marysville, with title held by Decedent as his sole and separate property. *Petition* states that based upon all 8 children of Decedent having disclaimed their **1/12th** interest in the sole estate asset (the real property in Yuba County), the Decedent's surviving spouse, **CHA YANG LEE**, was the only heir at law claiming an interest in the Decedent's estate. *Petition* goes on to state that Decedent's spouse died on **5/11/2015**. Probate Code § 282(a) provides that the interest disclaimed shall descend, go, be distributed, or continue to be held as if the disclaimant had predeceased the creator of the interest. The effect of the disclaimers, coupled with the subsequent death of Decedent's spouse, is that pursuant to Probate Code §§ 6401 and 6402, the intestate heirs of Decedent's separate property are: (a) the *Estate of CHA YANG LEE* at **1/3** interest; and (b) all of the issue of the Decedent's 8 children at a total of **2/3** interest. For the purpose of determining proper distribution of the instant estate, need names, ages, and relationships to the Decedent of all intestate heirs of the *Estate of NHIA YER LEE*, consisting of all of the children of the following persons who are Decedent's 8 children:
 - **LISA LEE;**
 - **ANNIE LEE;**
 - **KHOU LEE;**
 - **CHOU DOUA LEE;**
 - **MAYBO LEE;**
 - **PANA LEE;**
 - **EAGLE LEE;**
 - **MAI PADO LEE.**

~Please see additional page~

NEEDS/PROBLEMS/COMMENTS, continued:

3. The Yuba County real property asset of the instant *Estate of NHIA YER LEE* is distributable to the *Estate of CHA YANG LEE* and to all of the issue of the Decedent's 8 children, pursuant to the 8 disclaimers by Decedent's children all filed on 3/9/2015. [Note: Assignments executed by the 8 children would have resulted in the entire real property interest passing to the *Estate of CHA YANG LEE*, as it appears was the intent.] Court records do not show a personal representative has been appointed for the *Estate of CHA YANG LEE* to receive distribution from the instant estate of **CHA YANG LEE'S 1/3** interest in the Yuba County real property.

4. Petition states the **CHA YANG LEE LIVING TRUST** was created by Decedent's spouse on **4/23/2015**. (The hearing date for the *First and Final Report of Administrator on Waiver of Account* filed 3/9/2015 for the instant estate was also **4/23/2015**, which was continued by attorney request and no appearance was required on that date.) The Trust lists on its *Schedule of Trust Assets* the same subject real property in Yuba County that is the sole asset of Decedent **NHIA YER LEE'S** estate. It appears the Probate Code § 850 petition that Petitioner states is contemplated by the Trustee of the **CHA YANG LEE LIVING TRUST dated 4/23/2015**, that will seek to convey the real property asset of the instant probate estate to the special gift beneficiary under the Trust, would be an improper petition based upon the fact that the Settlor **CHA YANG LEE** did not own the Yuba County real property or any interest in it on **4/23/2015** when it was purportedly transferred to her trust.

Attorney Cobb, Lee S.W. (for Casey S. Rogers – Trustee – Petitioner)

Petition to Settlement and Approve First Account and Report of Administration of the Eugene M. and Evelyn I Ford Family Trust - Survivor's Trust; The Eugene M and Evelyn I Ford Family Trust - Marital Trust; and the Eugene M. and Evelyn I. Forf Family Trust - Credit Trust

Eugene M. Ford DOD: 4/25/93	CASEY S. ROGERS, Trustee, is Petitioner.	NEEDS/PROBLEMS/ COMMENTS:
Evelyn I. Ford DOD: 12/23/13	Account period: 12/23/13-12/31/14	<u>Minute Order 9/14/15:</u>
	Survivor's Trust Accounting: \$2,447,327.99 Survivor's Trust Beginning POH: \$2,423,730.79 Survivor's Trust Ending POH: \$ 258,261.60	Ms. Gould reports that the related estate case (14CEPR00536) is in appeals; the opening brief was just filed last week so the appeal could go on for the next year. Mr. Cobb requests that the issue of ownership of the Tollhouse property be reserved and that the accounting be approved. The matter is continued in order for Mr. Keeler to be present.
Cont. from 081015, 091415	Marital Trust Accounting: \$1,793,172.79 Marital Trust Beginning POH: \$1,461,938.69 Marital Trust Ending POH: \$1,307,834.52	
Aff.Sub.Wit.	Credit Trust Accounting: \$1,814,286.07 Credit Trust Beginning POH: \$1,800,300.00 Credit Trust Ending POH: \$0	
✓ Verified	Petitioner states upon the death of Eugene M. Ford on 4/25/93, the Family Trust was divided into three separate subtrusts: The Survivor's Trust, the Marital Trust, and the Credit Trust. Evelyn I. ford executed various amendments and other testamentary documents thereafter. Following her death, Susan Frantzich produced a handwritten document dated 3/6/13.	
Inventory	On or about 9/22/14, Beneficiary Susan Frantzich filed an Amended Petition for Determination of Validity of Trust Amendment, which disputes the distribution provisions of the Survivor's Trust and the Marital Trust. The Frantzich Petition is currently on hold pending a determination of the appeal: On 8/20/14, the Will, First Codicil, Second Codicil, and Third Codicil were admitted to probate and Petitioner Casey Scott Rogers was appointed as Executor by order of this Court in 14CEPR00536. Petitioner believes there are no assets subject to administration in the estate. On or about 11/4/14, Ms. Frantzich filed a notice of Appeal which is currently pending in the Fifth District Court of Appeal in F070917.	
PTC		
Not.Cred.		
✓ Notice of Hrg		Note: Since the last hearing, Mr. Rogers has filed two requests for pretrial discovery. Nothing further appears to have been filed in connection with this petition.
✓ Aff.Mail w		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
✓ Objections		Note: It does not appear trial has been set in either this matter or the matter at Page B.
Video Receipt		
CI Report		
9202		
Order x		1. Need order. See Local Rule 7.1.1.F.
Aff. Posting		Reviewed by: skc
Status Rpt		Reviewed on: 10/23/15
UCCJEA		Updates:
Citation		Recommendation:
FTB Notice		File 7A – Ford

SEE ADDITIONAL PAGES

Petitioner states this petition is reasonably necessary for the protection of the interests of both the trustee and the beneficiaries of each subtrust given the ongoing disputes and/or objections related to the administration of each trust as raised by Ms. Frantzich. By means of this petition, the trustee seeks timely determination of all matters presented in this account.

Petitioner provides first accounts for each of the three subtrusts for account period 12/23/13 through 12/31/14 and describes misc. matters:

- **Subtrust Funding Plan.** Upon the death of Eugene M. Ford, the assets of the Family Trust were divided and allocated among the three subtrusts; namely, the Survivor's Trust, the Marital Trust, and the Credit Trust. Although the subtrust funding plan (Exhibit S) provided for allocation of the various real properties among the subtrusts, Evelyn I. Ford inadvertently failed to change record title to the various assets in a manner consistent with the subtrust funding plan. Rather, title to various assets remained in the Family Trust. Notwithstanding the failure to change title, Petitioner believes that at all relevant times, Evelyn I. Ford administered the subtrusts in a manner consistent with the allocation of assets provided in the subtrust funding plan, including the filing of taxes through the years. Petitioner has continued to administer the assets of each trust and has prepared the accounting for each trust consistent with the subtrust funding plan.
- **Short Sale of Beach House.** Pursuant to the Subtrust Funding Plan, the Beach House in Pebble Beach, CA, was allocated and distributed 50% to the Survivor's Trust, 7.64% to the Marital Trust, and 42.36% to the Credit Trust. During her lifetime, Evelyn I. Ford obtained a reverse mortgage secured by the beach house. Pursuant to its terms, the outstanding principal and accrued but unpaid interest became due immediately upon her death. As of 1/31/14, the outstanding balance on the reverse mortgage was \$5,172,316.00. The beach house was ultimately sold through a short sale for a total of \$4,250,000.00. After consulting with the accountant, Petitioner is informed and believes that the short sale did not result in any federal and state income taxes with respect to the interest owned by the Survivors and Marital Trusts; however, the sale resulted in federal and state income taxes in the sum of \$399,846.00 with respect to the Credit Trust. The Credit Trust is insolvent such that it will not be able to pay any of the taxes due and owing. Petitioner is in the process of preparing federal and state fiduciary income tax returns consistent with that set forth above.
- **Trustee Compensation In Regard to Short Sale.** Petitioner states he expended considerable time and effort to secure the lender's consent to the sale, which included paperwork, following up on status, and other communications with the lender. Petitioner is a licensed real estate agent, experienced in short sales, and the services provided were of the type typically performed by the listing agent. In recognition of this, the listing agent and broker offered to and did pay Petitioner a short sale processing fee of \$27,597.50 (1% of the total commission payable). The processing fee is the standard and customary fee paid in these types of transactions to a referring agent, particularly where the referring agent spent considerable time navigating the short sale process, and was only paid because Petitioner is a licensed real estate agent. It did not result in any increased costs of sale given that the commission was already due and payable to Coldwell Banker as the agent and broker. Under the terms of each trust, the trustee is entitled to reasonable compensation for services rendered. Petitioner therefore respectfully requests the Court authorize and approve the payment of the short sale processing fee of \$27,597.50 as reasonable compensation for services rendered by Petitioner in connection with the short sale of the beach house.

Petitioner requests this Court to order that:

1. The Petition to Settle and Approve First Account and Report of Administration of the three subtrusts be settled, allowed and approved as filed;
2. The first account of the Survivor's Trust be settled, allowed, and approved, and all acts and transactions of Petitioner as set forth herein or relating to matters set forth herein be ratified, confirmed and approved;
3. The first account of the Marital Trust be settled, allowed, and approved, and all acts and transactions of Petitioner as set forth herein or relating to matters set forth herein be ratified, confirmed and approved;
4. The first account of the Credit Trust be settled, allowed, and approved, and all acts and transactions of Petitioner as set forth herein or relating to matters set forth herein be ratified, confirmed and approved;
5. Casey S. Rogers, as trustee, is authorized to accept the short sale processing fee of \$27,597.50 as his reasonable compensation for services rendered as trustee in connection with the short sale of the beach house; and
6. Such further order be made as this Court may deem proper.

Objection filed 8/7/15 by Susan Ford Frantzich states the accounts for the three subtrusts do not provide the detail required by Probate Code §1061 et seq. A comparison of the schedules shows incompatible figures for purported transactions between the subtrusts. The Property on Hand shown for the Marital Trust shows property to which title is presently undetermined based on Evelyn Ford's handwritten document. The compensation received related to the sale of a trust asset is inappropriate and a breach of the trustee's fiduciary duties. See Objection for specific discussion.

Objector requests the Court order the following:

1. Deny the trustee's prayer for approval and settlement of his first account and report;
2. Order the trustee to properly and fully report and account;
3. Award Objectors' reasonable attorneys' fees and costs by determining that the trustee's first account has been filed and submitted in bad faith; and
4. For such other and further relief as the Court deems proper.

Petitioner filed Reply in Support of Petition on 9/10/15. Petitioner states the objection of Frantzich is made in bad faith and is further evidence of her intent to obstruct and delay the orderly administration of the trust estate.

7B Eugene & Evelyn Ford Family Trust

Case No. 14CEPR00485

Atty Keeler, William J. (for Susan Ford Frantzich – Beneficiary – Petitioner)

Atty Chielpegian, Mark E. (for Casey S. Rogers – Trustee – Respondent)

Amended Petition for Determination of Validity of Trust Amendment

Eugene M. Ford DOD: 4-25-93		SUSAN FORD FRANTZICH, Beneficiary, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: <u>SEE ADDITIONAL PAGES</u> Minute Order 9/14/15: Ms. Gould reports that the related estate case (14CEPR00536) is in appeals; the opening brief was just filed last week so the appeal could go on for the next year. Mr. Cobb requests that the issue of ownership of the Tollhouse property be reserved and that the accounting be approved. The matter is continued in order for Mr. Keeler to be present.
Evelyn I. Ford DOD: 12-23-13			
Cont. from 110614, 111714, 091415		Petitioner states she is the daughter of decedents Eugene M. Ford and Evelyn Irene Ford and is a beneficiary of the Eugene M. and Evelyn I. Ford Family Trust dated 1-7-91. (Exhibit A)	Note: Since the last hearing, Mr. Rogers has filed two requests for pretrial discovery. Nothing further appears to have been filed in connection with this petition.
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified	Petitioner states Casey Scott Rogers has been acting as Successor Trustee since the death of Mrs. Ford on 12-23-13 pursuant to the Ninth Amendment to Declaration of Trust.	Note: It does not appear trial has been set in either this matter or the matter at Page A.
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC	The Fords had three children: Nancy Lee Ford of Cambria, CA, Susan Jean Frantzich of Clovis, CA, and Patricia Elaine Coffman of Sanger, CA. The original trust named Nancy, Susan, and Patricia as successor co-trustees.	
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg	Petitioner states the trust property includes, <i>inter alia</i> , real property known as the Quail Oaks Ranch. Among other provisions, the trustee had the power to "apportion and allocate assets of the trust estate" at Section 8.08A. The trust also gave the surviving spouse the power to "amend, revoke, or terminate" the Survivor's Trust at Section 2.03(D).	
<input checked="" type="checkbox"/>	Aff.Mail		w
<input type="checkbox"/>	Aff.Pub.	<u>SEE ADDITIONAL PAGES</u>	
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.	Reviewed by: skc	
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters	Reviewed on: 10/23/15	
<input type="checkbox"/>	Duties/Supp	Updates:	
<input checked="" type="checkbox"/>	Response	Recommendation:	
<input type="checkbox"/>	Video Receipt	File 7B – Ford	
<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		

Page 2**Petitioner states:**

- On 12-1-92, Mr. and Mrs. Ford signed the 1st Amendment, which amended the trust to name A. Douglas Flint, in the alternative Michael S. Pistorosi, as successor trustees, among other changes. (Exhibit B)
- On 4-25-93, Mr. Ford died and Mrs. Ford became the sole trustee.
- On 6-21-96, Mrs. Ford signed the 2nd Amendment, which amended the trust to appoint the Survivor's Trust to her then-living daughters. (Exhibit C)
- On 1-16-03, Mrs. Ford signed the 3rd Amendment, revoking the 1st and 2nd Amendments and amending the trust to name Nancy, Susan and Patricia as successor co-trustees. (Exhibit D)
- On 6-12-03, Mrs. Ford signed the 4th Amendment, revoking the 3rd Amendment and appointing the Survivor's Trust to her then-living daughters. The 4th Amendment also amended the trust to name Robert G. Carter as successor trustee, then Nancy, Susan and Patricia as successor co-trustees. (Exhibit E)
- On 10-24-03, Mrs. Ford signed the 5th Amendment, appointing \$12,500 each to Ronald McKenzie, Joanne Stanion, and Samantha Cole. (Exhibit F)
- On 7-7-09, Mrs. Ford signed the 6th Amendment, revoking all previous amendments and appointing Casey Scott Rogers as successor trustee, then Nancy, Susan and Patricia as successor co-trustees. (Exhibit G)
- On 3-29-12, Mrs. Ford signed "a trust amendment" naming Petitioner Susan Frantzich as successor trustee. (Exhibit H)
- On 5-10-12, Mrs. Ford signed the 8th Amendment, revoking all prior amendments and appointing James M. Bell as successor trustee, then Nancy, Susan and Patricia as successor co-trustees. (Exhibit I)
- On 3-6-13, Mrs. Ford signed a document stating: "Upon my death, my daughter Susan Ford Frantzich will inherit the Quail Oaks Ranch 'barn compound,' and adjacent 40 acres." (Exhibit J)
- On 3-14-13, Mrs. Ford signed the 9th Amendment, purportedly revoking the 1st through 8th Amendments, and purportedly appointing Casey Scott Rogers as successor trustee, with James M. Bell as next successor trustee, then Nancy, Susan and Patricia as successor co-trustees. (Exhibit K)

SEE ADDITIONAL PAGES

Page 3

Petitioner states she has filed a Petition for Probate in this matter to ensure the Court has the power to enforce Mrs. Ford's intent as expressed in Exhibit J whether it is determined to have been expressed as a codicil or a trust instrument.

Petitioner states Mrs. Ford had the power to amend the Survivor's Trust, and frequently exercised that power before her death. She also had the power to allocate the assets of the trust, including the Quail Oaks Ranch property. Mrs. Ford handwrote the document to leave the Quail Oaks Ranch property "barn compound" and adjacent 40 acres to Petitioner. She had her caregiver, Hilda Ceballos, witness the document, showing the gravity and seriousness of her intent to make a change to the disposition of her estate plan. She satisfied the requirements of the trust for amendment by delivering a copy to herself as sole trustee. Petitioner requests that this Court order that the 3-6-13 document is a valid trust amendment.

Petitioner requests that the Court order the following:

1. **Declare the document signed on 6-3-13 is a valid trust amendment;**
2. **For costs herein; and**
3. **For such other orders as the Court may deem proper.**

Response filed 10-8-14 by Casey S. Rogers, Trustee, states the handwritten document does not constitute a valid amendment to the Survivor's Trust. Mr. Rogers believes he is authorized and directed to oppose the petition, as it has been informally raised whether his opposition would constitute a breach of his fiduciary duties (impartiality) to petitioner as a beneficiary.

In light of the conflict issue raised by Petitioner, Mr. Rogers intends to file a separate petition for instructions as to whether he is authorized and empowered to object to and oppose this petition.

Respondent requests this Court order that:

1. **The petition be continued pending the determination of Respondent's anticipated petition for instructions; and**
2. **Such further order be made as this Court may deem proper.**

Note: Respondent's Petition for Instructions filed 10-10-14 is set for hearing on 11-17-14.

NEEDS/PROBLEMS/COMMENTS:

Note: The verification is signed by Petitioner's attorney on her behalf.

1. **Need verification of correct service list.** At #4 of the petition, Petitioner provides names and addresses of those entitled to notice. However, the Notice of Hearing filed 9-29-14 indicates mailing to some people at different addresses than were listed in the petition. Need clarification regarding notice to:
 - Petitioner Susan Frantzich's address: Tollhouse Road or Sample Road?
 - Brandon Rogers: Woodrow Avenue or Saginaw Way?(Also note: Why was notice sent "C/O" ? Direct notice is required per Cal. Rules of Court 7.51.)
 - Casey Scott Rogers: Woodrow Avenue or Lane Avenue?

2. **Need order.**

Age: 16		<p><u>TEMPORARY EXPIRES 11/02/2015</u></p> <p>MARIA LOPEZ, maternal aunt, is petitioner.</p> <p><u>Please see petition for details</u></p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Minute Order of 09/28/2015: Examiner notes provided in open Court.</p> <p>All issues on the Examiner notes have been corrected.</p>	
Cont. from 072715, 082415, 092815				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
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<input checked="" type="checkbox"/>	Conf. Screen			
<input checked="" type="checkbox"/>	Letters			
<input checked="" type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
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<input type="checkbox"/>	9202			
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<input type="checkbox"/>	Status Rpt			
<input checked="" type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
<p>Reviewed by: LV</p>				
<p>Reviewed on: 10/28/2015</p>				
<p>Updates:</p>				
<p>Recommendation:</p>				
<p>File 11 – Lopez</p>				

12 Efren Arciniega, Isac Ortega, Eric Ortega, Xavier Ortega, Jazmine Ortega, Ivan Ortega (GUARD/P) Case No. 15CEPR00566

Petitioner Nanez-mendoza, Carmelita (pro per – paternal grandmother)
 Petition for Appointment of Guardian of the Person

Efren, 9	<p align="center"><u>NO TEMPORARY REQUESTED</u></p> <p>CARMELITA NANEZ-MENDOZA, paternal grandmother, is Petitioner.</p> <p>Father: EFREN ORTEGA, JR.</p> <p>Mother: CRYSTAL ARCINIEGA</p> <p>Paternal grandfather: NOT LISTED</p> <p>Maternal grandparents: NOT LISTED</p> <p>Petitioner states [see Petition for details].</p> <p>Court Investigator Julie Negrete filed a report on 07/27/15. _</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>CONTINUED FROM 09/21/15</u></p> <p>As of 10/27/15, nothing further has been filed and the following notes remain:</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of service at least 15 days before the hearing of Notice of Hearing with a copy of the Petition for Appointment of Guardian of the Person <u>or</u> Consent & Waiver of Notice <u>or</u> Declaration of Due Diligence for: <ol style="list-style-type: none"> a. Efren Ortega, Jr. (father) – personal service required b. Crystal Arciniega (mother) – personal service required c. Paternal grandfather – service by mail ok d. Maternal grandparents – service by mail ok
Isac, 8		
Eric, 8		
Jazmine, 7		
Xavier, 6		
Ivan, 5		
Cont. from 080315, 092115		
<input type="checkbox"/> Aff.Sub.Wit.		
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<input type="checkbox"/> Status Rpt		
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<input type="checkbox"/> FTB Notice		
		<p>Reviewed by: JF</p> <p>Reviewed on: 10/27/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 12 – Ortega/Arciniego</p>

Petitioner Mcginnis, Angela (Pro Per – Cousin – Petitioner)

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

See petition for details.			<p>NEEDS/PROBLEMS/ COMMENTS:</p> <p><u>Minute Order 8/31/15:</u> Matter is continued to 11/2/15 for proof that a termination of guardianship has been filed in Tulare County.</p> <p><u>As of 10/23/15, nothing further has been filed. The following issue remains noted:</u></p> <p>1. According to the Court Investigator’s report, the minors are currently under a guardianship in Tulare County.</p> <p>Therefore, need proof of service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing per Probate Code §1511 <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence on: - Cindy Marqheim (Guardian)</p>
Cont. from 083115			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg	X	
	Aff.Mail	X	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.	X	
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
✓	CI Report		
✓	Clearances		
✓	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: skc
			Reviewed on: 10/23/15
			Updates:
			Recommendation:
			File 13 – Casner

Petitioner Verduzco, Joaquin (Pro Per – Step-Father)

Petition for Appointment of Guardianship of the Person

Amarrisa Age: 13	<p><u>NO TEMPORARY REQUESTED</u></p> <p>JOAQUIN VERDUZCO, step-father, is petitioner.</p> <p><u>Please see petition for details</u></p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Minute Order of 09/14/2015: Examiner notes provided in open Court.</p> <p>The following issues remain:</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of personal service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for: <ul style="list-style-type: none"> • Jason Ray Boulware (Father of Amarrisa) • Justin Tidey (Father of Krysta) • Deena Fay Kozorra (Mother) • Amarrisa Kozorra (Minor) 3. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for: <ul style="list-style-type: none"> • Paternal Grandparents (of Amarrisa) – Unknown • Paternal Grandfather (of Krysta) – Unknown • Paternal Grandmother (of Krysta) – Unknown • Sandra Frizel (Maternal Grandmother) <p><u>Please see additional page</u></p>	
Krysta Age: 11			
Cont. from 091415			
<input type="checkbox"/> Aff.Sub.Wit.			
<input checked="" type="checkbox"/> Verified			
<input type="checkbox"/> Inventory			
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Reviewed by: LV			
Reviewed on: 10/28/2015			
Updates:			
Recommendation:			
File 14 - Kozorra			

NEEDS/PROBLEMS/COMMENTS continued:

4. UCCJEA is incomplete. Need minors' residence information for the past 5 years.
5. Page #5 of the Guardianship Petition – Child Information Attachment (GC 210(CA)) which pertains to whether the children have Native American Ancestry was not completed. Need declaration with page #5 attached for each of the minors.

Petitioner Bryce David Been (Pro Per Petitioner, proposed ward)
 Petitioner Lynne Marie Been (Pro Per Petitioner, paternal aunt)

Petition for Appointment of Guardian of the Person

		NO TEMPORARY REQUESTED	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 11/2/2015. Minute Order [Judge Petrucelli] states the Court orders that temporary letters shall issue forthwith. Cheryl Been is to file and properly serve any written objections by 10/19/2015, and any response is to be filed and properly served by 10/26/2015. The Court further orders that the minor's counselor provide a written report to the Court.</p> <p>Note: Court records show no objection nor counselor's report has been filed as of 10/28/2015.</p>
		<p>LYNNE MARIE BEEN, paternal aunt, and BRYCE DAVID BEEN, proposed ward, are Petitioners and request appointment of LYNNE MARIE BEEN as Guardian of the Person.</p> <p style="text-align: center;">~Please see Petition for details~</p> <p>Court Investigator's Report was filed on 9/14/2015.</p>	
Cont. from 092115			
	Aff.Sub.Wit.		
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	Notice of Hrg	N/A	
	Aff.Mail		
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	Pers.Serv.		
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✓	Duties/Supp		
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✓	CI Report		
✓	Clearances		
✓	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		
			<p>Reviewed by: LEG</p> <p>Reviewed on: 10/28/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 15 – Been</p>

Petition for Probate of Will and for Letters of Administration with Will Annexed.

Authorization to Administrator under the Independent Administration of Estates Act

DOD: 05/23/15		<p>ROBERT L. LUTZ, son, is Petitioner, and requests appointment as Administrator with Will Annexed without bond.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>CONTINUED FROM 09/28/15</u></p> <p>Note: Waiver of Bond by Helen Sprengel was signed on behalf of Ms. Sprengel by Kaye Whitney, her attorney in fact.</p> <p>Note: If the petition is granted status hearings will be set as follows:</p> <ul style="list-style-type: none"> • Monday, 04/02/16 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal and • Monday, 02/06/17 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution. <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter, the status hearing will come off calendar and no appearance will be required.</p>
Cont. from 092815			
<input type="checkbox"/>	Aff.Sub.Wit. s/p		
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<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
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<input checked="" type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.	<p>All heirs waive bond.</p> <p>Full IAEA – OK</p> <p>Will dated 12/09/05</p> <p>Residence: Fresno Publication: The Business Journal</p> <p>Estimated Value of the Estate: Personal property - \$ 1,000.00 Real property - 275,000.00 Total - \$276,000.00</p> <p>Probate Referee: RICK SMITH</p>	
<input type="checkbox"/>	Pers.Serv.		
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<input checked="" type="checkbox"/>	Letters		
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<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		<p>Reviewed by: JF</p> <p>Reviewed on: 10/23/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 16 - Lutz</p>	

17 Yvonne Remick Revocable Trust Dated 9-22-2011 Case No. 15CEPR00818

Attorney Hurlbutt, James P. (for Petitioners Noel C. Remick, Polly A. Rotan, and Mary J. Brownlee)
Attorney Perkins, Jan T. (for Kevin A. Remick, Successor Trustee)

Petition to Determine Validity of Purported Trust and to Impose Constructive Trust (Prob. Code §17200)

<p>Yvonne Remick DOD: 4/15/15</p>	<p>NOEL C. REMICK, POLLY A. ROTAN, and MARY J. BROWNLEE, Beneficiaries, are Petitioners.</p> <p>Petitioners state the settlor Yvonne Remick died a widow on 4/15/15. She had four children including Petitioners and KEVIN A. REMICK.</p> <p>On or about 9/22/11, the settlor executed a declaration purporting to create a revocable trust. The purported trust gave the entirety of its assets to Kevin A. Remick, Respondent herein.</p> <p>On or about 2/23/12, the settlor executed a document entitled First Amendment to the purported trust, which distributed gifts of \$25,000.00 to Polly A. Rotan and \$42,000.00 to Mary J. Brownlee, and otherwise again distributed all assets to Kevin A. Remick. The document stated that Petitioner Noel C. Remick is to receive no distribution.</p> <p>Petitioners state they are interested persons as they are each the children of the decedent and would be intestate heirs. Kevin A. Remick is the designated successor trustee of the purported trust and has in fact taken possession and control of the decedent's assets after her death under the terms of the purported trust.</p> <p>Petitioners request this Court to rescind and nullify the purported trust and amendment on the following grounds:</p> <p style="text-align: center;"><u>SEE ADDITIONAL PAGES</u></p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: Related case 15CEPR00459 was filed by Kevin Remick on 5/1/15 and consists solely of a Notice to Creditors pursuant to Probate Code §19040(b), 19052.</p> <ol style="list-style-type: none"> The relief requested includes findings of undue influence and fraud that fall under the Welfare and Institutions and/or Civil Codes rather than Probate Code §17200. The Court may require the matter to be properly filed and litigated in the civil court prior to making findings regarding the validity of the trust under Probate Code §17200. Proposed order contains exhibits that appear after the signature line for the judge. Need revised proposed order in compliance with Local Rule 7.6.1.E. <p>Reviewed by: skc</p> <p>Reviewed on: 10/27/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 17 – Remick</p>																																																																					
<table border="1" style="width: 100%;"> <tr><td><input type="checkbox"/></td><td>Aff.Sub.Wit.</td><td></td></tr> <tr><td><input checked="" type="checkbox"/></td><td>Verified</td><td></td></tr> <tr><td><input type="checkbox"/></td><td>Inventory</td><td></td></tr> <tr><td><input type="checkbox"/></td><td>PTC</td><td></td></tr> <tr><td><input type="checkbox"/></td><td>Not.Cred.</td><td></td></tr> <tr><td><input checked="" type="checkbox"/></td><td>Notice of Hrg</td><td></td></tr> <tr><td><input checked="" type="checkbox"/></td><td>Aff.Mail</td><td>W</td></tr> <tr><td><input type="checkbox"/></td><td>Aff.Pub.</td><td></td></tr> <tr><td><input type="checkbox"/></td><td>Sp.Ntc.</td><td></td></tr> <tr><td><input type="checkbox"/></td><td>Pers.Serv.</td><td></td></tr> <tr><td><input type="checkbox"/></td><td>Conf. Screen</td><td></td></tr> <tr><td><input type="checkbox"/></td><td>Letters</td><td></td></tr> <tr><td><input type="checkbox"/></td><td>Duties/Supp</td><td></td></tr> <tr><td><input checked="" type="checkbox"/></td><td>Objections</td><td></td></tr> <tr><td><input type="checkbox"/></td><td>Video Receipt</td><td></td></tr> <tr><td><input type="checkbox"/></td><td>CI Report</td><td></td></tr> <tr><td><input type="checkbox"/></td><td>9202</td><td></td></tr> <tr><td><input checked="" type="checkbox"/></td><td>Order</td><td></td></tr> <tr><td><input type="checkbox"/></td><td>Aff. Posting</td><td></td></tr> <tr><td><input type="checkbox"/></td><td>Status Rpt</td><td></td></tr> <tr><td><input type="checkbox"/></td><td>UCCJEA</td><td></td></tr> <tr><td><input type="checkbox"/></td><td>Citation</td><td></td></tr> <tr><td><input type="checkbox"/></td><td>FTB Notice</td><td></td></tr> </table>	<input type="checkbox"/>	Aff.Sub.Wit.		<input checked="" type="checkbox"/>	Verified		<input type="checkbox"/>	Inventory		<input type="checkbox"/>	PTC		<input type="checkbox"/>	Not.Cred.		<input checked="" type="checkbox"/>	Notice of Hrg		<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			
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<input type="checkbox"/>	FTB Notice																																																																						

First ground: Petitioners state the purported trust was executed as a direct result of undue influence exerted by Kevin A. Remick over the decedent. Respondent occupied a position of trust with the decedent, managed her financial assets, paid all bills and managed her real property. Accordingly, the decedent reposed total trust and confidence in him. Respondent actively procured the purported trust as a part of a pattern of conduct aimed at gaining control of the decedent's assets during her lifetime and obtaining distribution upon her death.

Petitioners state the settlor's husband died 8/8/11 and allege that Respondent called Attorney Mark Edwards on or about that time to schedule an office appointment for the settlor very soon after her husband's death. The trust was prepared by Attorney Mark Edwards on 9/22/11, only 45 days later.

Petitioners state Respondent intentionally and deliberately demeaned and criticized Noel C. Remick to their mother, untruthfully informing her that Noel C. Remick was not attentive to her needs and concerns.

At the time the settlor signed the purported trust and amendment, she was aged and infirm and suffering from memory problems, and as a result was easily influenced and controlled by Respondent. Petitioner state each of them always enjoyed a close relationship with their mother. Respondent took active steps to cause her to execute the purported trust which confers and undue benefit on Respondent. The distributions are unnatural, cutting off the petitioners who are among the natural objects of the decedent's bounty from any substantial distributions.

Second ground: Petitioners state the purported trust was procured by Respondent pursuant to fraudulent representations made by him to the decedent. Petitioners state he represented that he would convey to Petitioner Noel C. Remick a portion of the real property contained in the trust estate for the purpose of inducing her to make no distributions to Noel C. Remick in the trust. Petitioners are informed and believe and allege that the decedent relied on this representation in signing the trust. However, Petitioners state this representation was false and Respondent had no intention of conveying any portion of the estate to Noel C. Remick after her death. But for the false representation, the decedent would have provided for an equitable distribution to Noel C. Remick.

Petitioners state that by virtue of the undue influence exerted over the decedent, and by virtue of Respondent's fraudulent representations to the decedent, Respondent now holds title to all assets contained in the purported trust as well as all income and proceed therefrom as a constructive trust for the benefit of the persons entitled to it without reference to the purported trust.

Attached to the petition is a copy of the trust, the first amendment, and a list of the real property subject thereto, which includes four parcels in Reedley, CA.

Petitioners pray for an order as follows:

1. That the purported trust is void due to undue influence exerted by the Respondent upon the decedent;
2. That the purported trust is void due to fraud exerted by the Respondent upon the decedent;
3. That the Respondent holds the assets of the purported trust in trust for the persons entitled to distribution of the estate of the decedent without reference to the purported trust; and
4. For such other orders and relief as the court may deem proper.

A Response was filed 10/23/15 by Kevin A. Remick, Successor Trustee. Respondent denies that each of the petitioners is entitled to a greater share, because the decedent did not die intestate.

First Affirmative Defense: Petitioners have failed to state facts sufficient to sustain a cause of action for undue influence or fraud.

Second Affirmative Defense: Petitioners have initiated this legal action without probable cause and the provisions of 7.3 of the trust instrument provide that each petitioner forfeits any interest given to him or her under the trust instrument and the amendment thereto.

Respondent prays for an order:

1. Denying the petition in its entirety and finding that the trust instrument dated 9/22/11 is valid and the trust amendment dated 2/23/12 is valid;
2. Finding that each of the Petitioners filed the petition without probable cause and that the provisions of the no-contest clause in the trust instrument and the amendment are enforceable and that each petitioner forfeits any right, title, and interest that he or she may have in trust property;
3. Finding that no constructive trust is imposed on trust property; and
4. For such further relief as the court deems appropriate.

Petitioner: Marcelina Cedillo (pro per)

Petition for Appointment of Guardian of the Person

		MARCELINA A. CEDILLO , paternal grandmother, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Please see petition for details.	
Cont. from		Court Investigator Report filed on 10/27/15	<ol style="list-style-type: none"> 1. Need Notice of Hearing is incomplete. The caption area is blank and should include the names of the minors. #1 of the Notice of Hearing lists the mother, Jessica Medina as the filing party and it should list the name of the petitioner. 2. Need proof of personal service of the Notice of Hearing along with a copy of the petition or Consent and Waiver of Notice or Declaration of Due Diligence on: <ol style="list-style-type: none"> a. Jessica Medina (mother) – Note: Proof of service shows the petitioner serving the documents (the petitioner cannot serve documents they must be served by someone who is not a party to the action.) In addition, the proof of service does not indicate that the documents were personally served nor does it include the date served. 3. Need proof of service of the Notice of Hearing along with a copy of the petition or Consent and Waiver of Notice or Declaration of Due Diligence on: <ol style="list-style-type: none"> a. Robert Valdez (paternal grandfather) b. Maternal grandfather c. Michelle Gomez (sister, age 17) d. Stephanie (last name not listed) (sibling age 14)
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input type="checkbox"/>	Aff.Mail	X	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.	X	
<input checked="" type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input checked="" type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input checked="" type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: KT
			Reviewed on: 10/23/15
			Updates:
			Recommendation:
			File 18 – Valdez

Petition for Appointment of Guardian of the Person

		ANTHONY DE LOS SANTOS, maternal grandfather, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: Continued from 9/9/2015. Minute Order states Mr. De Los Santos requests a continuance in order to seek professional assistance with the paperwork; the temporary petition is continued by the Court to the date of the general petition.
		Court Investigator's Report filed 10/26/2015.	
Cont. from 090915, 091615			<p>The following issues remain:</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing and proof of notice by personal service of the Notice of Hearing with a copy of the Petition for Appointment of Temporary Guardian, or Consent to Appointment of Guardian and Waiver of Notice, for: <ul style="list-style-type: none"> • Ulissa De Los Santos, mother, if Court does not find due diligence • Father. 2. Need proof of notice by mail of the Notice of Hearing with a copy of the Petition for Appointment of Temporary Guardian, or Consent to Appointment of Guardian and Waiver of Notice, or Declaration of Due Diligence, for: <ul style="list-style-type: none"> • Frances De Los Santos, maternal grandmother; • Paternal grandparents. 3. Need Attachment 3 explaining answer to Item 3 of Petitioner's Confidential Guardian Screening form filed 8/31/2015.
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg	X	
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.	X	
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
✓	CI Report		
	Clearances		
✓	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: LEG
			Reviewed on: 10/28/15
			Updates:
			Recommendation:
			File 19 – De Los Santos

20 Athena Rios, Bella Rios, Moses Rios (GUARD/P) Case No. 15CEPR00850

Petitioner: Ezequiel Suarez (pro per)

Petitioner: Angelica Rios (pro per)

Objector: Estevan Valdivia (pro per)

Petition for Appointment of Guardian of the Person

		TEMPORARY EXPIRES 11/2/15	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of personal service of the Notice of Hearing along with a copy of the Petition or Consent and Waiver of Notice or Declaration of Due Diligence on: <ol style="list-style-type: none"> a. Brandon Castillo (father) b. Estevan Valdivia (father) 3. Need proof of service of the Notice of Hearing along with a copy of the Petition or Consent and Waiver of Notice or Declaration of Due Diligence on: <ol style="list-style-type: none"> a. Paternal grandparents of Athena and Bella b. Jesus Valdivia (Moses's paternal grandfather) c. Agatha Valdivia (Moses's paternal grandmother) d. Hermino Rios (maternal grandfather) e. Gloria Padilla (Maternal grandmother)
		<p>EZEQUIEL SUAREZ and ANGELICA RIOS, maternal uncle and aunt, are petitioners.</p> <p>Please see petition for details.</p> <p>Objections of Estevan Valdivia (Moses's father) with POS filed on 9/30/15</p> <p>Court Investigator Report filed on 10/26/15</p>	
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg	X	
<input type="checkbox"/>	Aff.Mail	X	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.	X	
<input checked="" type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input checked="" type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input checked="" type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: KT
			Reviewed on: 10/27/15
			Updates:
			Recommendation:
			File 20 – Rios

21 Ruben Rolando Aleman-Rodriguez (GUARD/P) Case No. 15CEPR00880

Attorney Jacqueline Brown Scott, of San Francisco (for Ruben R. Aleman-Rodriguez, proposed ward)

Petition for Appointment of Temporary Guardian of the Person [SIJS]

		TEMPORARY GRANTED EX PARTE EXPIRES 11/2/2015	NEEDS/PROBLEMS/COMMENTS:
		<u>General Hearing set for 11/12/2015</u>	
Cont. from		RUBEN R. ALEMAN-RODRIGUEZ , proposed ward, is Petitioner and requests appointment of DAGOBERTO CHICAS ALVARENGA , maternal great uncle, as Guardian of the Person.	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg	N/A	
<input type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.	N/A	
<input checked="" type="checkbox"/>	Conf. Screen	Memorandum of Points and Authorities in Support of Petition for Guardianship of Minor Child and to Make Findings Regarding Minor's Eligibility for Special Immigrant Juvenile Status is attached.	
<input type="checkbox"/>	Letters	X	
<input checked="" type="checkbox"/>	Duties/Supp	Declaration of Dagoberto Chicas Alvarenga [proposed Guardian] is attached.	
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order	X	
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input checked="" type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: LEG
			Reviewed on: 10/29/15
			Updates:
			Recommendation:
			File 21 – Rodriguez

DOD: 6/2/11	ELIZABETH CORRALES, VERONICA BERMUDEZ, BARBARA SANCHEZ, and LOUANN GARCIA, Daughters, are Petitioners.	NEEDS/PROBLEMS/COMMENTS:
	40 days since DOD	
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified	No other proceedings	
<input checked="" type="checkbox"/> Inventory		
<input type="checkbox"/> PTC	I&A: \$45,000.00 (real property located at 455 W. Spruce in Fresno)	
<input type="checkbox"/> Not.Cred.		
<input type="checkbox"/> Notice of Hrg	Will dated 2/22/93 devises the entire estate to Petitioners.	
<input type="checkbox"/> Aff.Mail		
<input type="checkbox"/> Aff.Pub.	Petitioners request Court determination that the decedent's 100% interest in the real property passes to them pursuant to the Decedent's will.	
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: skc
		Reviewed on: 10/26/15
		Updates:
		Recommendation: SUBMITTED
		File 22 – Corrales

Petition to Determine Succession to Real Property (Prob. Code §13150)

DOD: 8/1/15	JACKIE EILEEN LEE , Daughter, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>SEE ADDITIONAL PAGES</u></p>
	40 Days since DOD	
	No other proceedings	
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified	I&A: \$95,160.00 (\$60.00 cash plus a 100% interest in real property located at 3949 E. Lowe in Fresno and two vehicles)	
<input checked="" type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg	Will dated 12/8/09 (witnessed 1/19/10) is a California Statutory Will that devises the residence as a specific gift to Petitioner Jackie Eileen Lee, \$20.00 each to Michael Lee, Todd Lee, Willie Lee, Jr., Billy Lee, and Edward Lee, and the balance to Jackie Eileen Lee.	
<input checked="" type="checkbox"/> Aff.Mail w/o		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters	Petitioner requests Court determination that the real property passes to her pursuant to the Decedent's will.	
<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 x		
<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: 10/26/15
		Updates:
		Recommendation:
		File 23 – Lee

1. This petition was filed with a fee waiver. If assets are distributed pursuant to this petition, the filing fee of \$435.00 will be due prior to distribution.
2. Petition states at #9a(2) that the decedent was not survived by a spouse, but does not state whether the decedent was divorced or never married, or whether the spouse is deceased. If deceased, need date of death per Local Rule 7.1.1.D.
3. Need date of death of deceased son Douglas Arnold Lee per Local Rule 7.1.1.D.
4. The I&A includes cash, real property, and two vehicles. Attachment #11 appears to only request that the real property pass to Petitioner pursuant to the will. However, this leaves the cash bequests and vehicles outstanding. In this type of summary proceeding, all successors in interest must petition together for determination of the assets they are entitled to, and determination is made in one order. Assets cannot be left outstanding.

Therefore, an amended petition together with Michael Lee, Todd Lee, Willie Lee, Jr., Billy Lee, and Edward Lee may be necessary.

Alternatively, the Court may accept written receipts from the above people for their \$20 bequests.

5. Also, per above, need clarification: Is Petitioner requesting that the vehicles pass to her also?
6. Need clarification: The will devises \$20.00 to "Todd Lee." Petitioner lists a "Matthew Todd Lee" at #14. Is this the same person?
7. Need clarification: The will devises \$20.00 to "Billy Lee." Petitioner lists "Billy Lee, Jr." at #14. Is this the same person?
8. Petitioner states the addresses of the following relatives, one of whom is an heir, are unknown:
 - Billy Lee, Jr.
 - Bertha Louise Lee

As noted above, the Court may require all heirs to participate in the petition, or may require a receipt from Billy Lee, and may require notice to Billy Lee and Bertha Louise Lee.

9. Need order (Form DE-315) per Local Rule 7.1.1.F.

Attorney Steven R. Mortimer (for Petitioner Timothy Mark Parker)

Petition for Probate of Will and for Letters Testamentary; Authorization to Administer under the Independent Administration of Estates Act

DOD: 8/18/2015	TIMOTHY MARK PARKER , son and named Executor without bond, is Petitioner. (Named Co-Executor deceased.)	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: Court will set Status Hearings as follows:</p> <ul style="list-style-type: none"> • Thursday, April 7, 2016 at 9:00 a.m. in Dept. 303 for the filing of final inventory and appraisal; and • Thursday, January 5, 2017 at 9:00 a.m. in Dept. 303 for the filing of first account and/or petition for final distribution. <p>Pursuant Local Rule 7.5, if the documents noted above are filed 10 days prior to the dates listed, the hearings will be taken off calendar and no appearance will be required.</p>
Cont. from	Full IAEA: OK	
<input checked="" type="checkbox"/> Aff.Sub.Wit.	Will Dated: 11/3/1978	
<input checked="" type="checkbox"/> Verified	Residence: Firebaugh	
Inventory	Publication: Business Journal	
PTC		
Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail W/		
<input checked="" type="checkbox"/> Aff.Pub.	Estimated value of the Estate:	
Sp.Ntc.	Real property - \$275,000.00	
Pers.Serv.	Personal property - \$ 5,500.00	
Conf. Screen	Total - \$280,500.00	
<input checked="" type="checkbox"/> Letters	Probate Referee: Steven Diebert	
<input checked="" type="checkbox"/> Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
<input checked="" type="checkbox"/> Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: LEG
		Reviewed on: 10/27/15
		Updates:
		Recommendation: SUBMITTED
		File 24 – Parker

