

DOD: 6/2/03		<p>MARIA E. MARTIN, surviving spouse and Administrator, is Petitioner.</p> <p>Account Period: (?)</p> <p>Accounting: \$190,408.75 Beginning POH: \$137,900.00 Ending POH: \$137,900.00 (<i>no cash</i>)</p> <p>Petitioner states:</p> <ul style="list-style-type: none"> The Estate consists of a single family home and 14 car frames and parts; The Estate's single family home in Dos Palos has been sold for \$95,000.00 and is currently in escrow (estate will reflect a loss of \$30,000 once the current sale is completed); Petitioner has paid \$52,508.75 of her personal funds for expenses and costs of administration to the estate (<i>reflected as "Other Charges/Other Credits" on Schedule 3</i>); Petitioner filed a creditor's claim against the estate on 7/15/04 for work that she performed working with Decedent as a laborer and for which she never received payment (<i>claim was for \$112,320.00</i>); On 5/5/04, Petitioner filed an I&A showing date of death value of the residence as \$125,000.00 and the value for the car frames and parts as \$12,900.00; on 9/11/08, Petitioner filed an I&A showing a reappraisal value for the residence as \$115,000.00; The estate consists of a mix of Decedent's separate property, and community property; The following are Decedent's heirs under intestate succession and the distributive shares for each: <ul style="list-style-type: none"> Maria E. Martin: 33 and 1/3 % of estate Charles D. Martin: 33 and 1/3% of estate Dawn Salcedo: 33 and 1/3% of estate Petitioner requests a Court order approving and confirming all acts and proceedings of Petitioner as Administrator. 	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Page 1B is the Objections to the First Account, Request for Surcharge, and Petition for Return of Estate Property.</u></p> <ol style="list-style-type: none"> <i>1st Account</i> does not indicate the Account Period; need clarification. Need Final Inventory & Appraisal Need Order. <p>Notes:</p> <ul style="list-style-type: none"> <i>1st Account</i> indicates that Estate Property consists of both community and separate property, yet proposes distribution of the estate as 33 and 1/3% of the estate each to surviving spouse (Petitioner), Charles Duane Martin (son), and Dawn Salcedo (daughter). Per intestate laws of succession (PrC §6400 et seq.), Petitioner's proposed distribution is only proper after Petitioner has received 1/2 of the community property (<u>Note however, this is not a Petition for Final Distribution</u>). Petitioners' Status Conference Statement, filed 9/27/11, states the buyer on the real property has now been approved, and the delay on the sale was the buyer qualifying for a loan and as the home needed some termite repair; Petitioner claims she has not intentionally violated any court order and continues to cooperate with the realtor to facilitate the close of escrow.
Cont. from 083111, 092911			
Aff.Sub.Wit.			
√ Verified			
Inventory	X		
PTC			
√ Not.Cred.			
Notice of Hrg	X		
Aff.Mail	X		
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters	3/18/04		
Duties/Supp			
Objections			
Video Receipt			
CI Report			
√ 9202			
Order	X		
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
√ FTB Notice			
Reviewed by: NRN			
Reviewed on: 10/31/11			
Updates:			
Recommendation:			
File 1A - Martin			

**Objections to First Account of Administrator per Court Order of June 9, 2011,
 Request for Surcharge, and Petition for Return of Estate Property (Prob. C. 9600, et
 seq., 11001)**

DOD: 6/2/03		<p>CHARLES D. MARTIN and DAWN SALCEDO, Decedent’s son and daughter, are Petitioners.</p> <p>Petitioners state:</p> <ol style="list-style-type: none"> Respondent’s <i>Account</i> reports on activity from Decedent’s date of death until June 2011 (a period of 7 years); Respondent Maria Martin has failed to make the estate’s real property (3-bedroom, 2-bathroom home located in Dos Palos, CA (“the Real Property”), and the estate’s primary asset) productive; Respondent failed to obtain rents from the Real Property and allowed it to fall into a progressively more dilapidated condition; Respondent instead used the Real Property as her personal residence; Respondent should therefore be surcharged for the reasonable rental value of the home during that time; as such, Respondent has breached her fiduciary duty to the Estate, amounting to an act of moral turpitude; Respondent only took steps to market the Real Property for sale after Petitioners filed their <i>Petition to Remove Personal Representative, and for Accounting,</i>” (filed 4/28/11); Furthermore, Petitioners are informed and believe that Respondent has intentionally misappropriated significant personal property from the Estate, and intentionally failed to identify such property on the <i>I&A</i> which she filed with the Court - acts amounting to fraud and defalcation; Respondent now seeks reimbursement from the Estate for her living expenses for the last 8 years (PG&E and water bills, totaling \$15,072.00); Finally, Respondent has filed a creditor’s claim with the Estate, however this claim must be denied pursuant to PrC §9253 as it is barred by the 1-year statute of limitations (CCP §366.2) <p>A. Objections to First Account:</p> <ol style="list-style-type: none"> <u>Failure to Make Trust Property Productive and Request for Surcharge</u> *Respondent as personal representative is chargeable with acts of mismanagement, including occupying estate property without attempting to rent it – in violation of her fiduciary duty (per PrC §§9601 et seq. and cited case law) *Respondent’s use of the Real Property without paying or collecting rent constitutes a conflict of interest in breach of said fiduciary duty (PrC § 9601); *The reasonable rental rate for the Real Property has been \$800/mo for the entire period since Respondent was appointed Administrator – a period of 89 months - and a total of \$71,200.00 in lost rent; furthermore, the legal rate of interest should apply pursuant to PrC §9602 and CCP §685.010. <p style="text-align: center;"><u>SEE ATTACHED PAGE</u></p>	NEEDS/PROBLEMS/COMMENTS:
Cont. from 092911			<p><u>Page 1A is Respondent’s First Account</u></p> <p><u>Continued from 9/29/11.</u></p> <p><u>Note: The Court appointed Petitioner Charles Martin as successor administrator with limited authority with bond on 9/29/11 (proof of bond filed 10/12/11).</u></p> <p>1. Need Order.</p>
Aff.Sub.Wit.			Reviewed by: NRN
✓ Verified			Reviewed on: 10/31/11
Inventory			Updates:
PTC			Recommendation:
Not.Cred.			File 1B - Martin
✓ 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			

Objections to First Account Cont'd:**2. Objection to Payment of Personal Expenses from Estate**

- As stated, Respondent's *Account* includes her own living expenses (PG&E bills totaling \$9,744.00 and City of Dos Palos water bill totaling \$5,328.00 for a total of \$15,072.00), for which she seeks Estate reimbursement;
- Payment of a fiduciary's own personal expenses from a trust estate have been characterized as a breach of fiduciary duty rising to the level of moral turpitude (per cited case law), yet Respondent seeks to have this Court sanction her breach of said duty.

3. Objection to Expenses Accrued by Undue Delay

- Respondent indicates the Estate consists of the Real Property and a number of classic cars; these assets should have been sold and/or distributed and a petition for final distribution heard and concluded by 3/18/06; rather, Respondent did nothing to market the Real Property for sale until Petitioners filed their *Petition to Remove* her;
- The Estate expenses, whether or not they are of the type normally allowed, are therefore simply unjustifiable beyond 3/18/06, and accordingly, Petitioners object to each of the claimed expenses beyond that date (note: to the extent the Court imposes a surcharge for the rental values, these expenses could be considered reasonable carrying costs appurtenant to the rental income);

4. Objection to Creditor's Claim

- In her *Account*, Respondent references the creditor's claim she filed on 7/15/04; however, there has been no report of any action taken on said claim pursuant to PrC §10900(a)(2);
- Furthermore, as Respondent filed the claim on 7/10/04 and more than one year after Decedent's death, it is barred by the 1-year statute of limitations (per PrC §9253, a claim barred by the statute of limitations may not be allowed by personal representative or approved by the court or judge);

B. Request for Surcharge:

- A personal representative may be surcharged for acts of misconduct, neglect, waste, mismanagement or other breach of fiduciary duty; said grounds fall under the general category of "all matters relating to an account," which may be contested "for cause shown." (per PrC §11001, 9601; cited case law); although Petitioners believe items of the Estate are missing, the property which Respondent acknowledges have been substantially devalued due to the Administrator's neglect;
- Respondent has failed to safeguard and competently store the classic cars acknowledged in the *I&A*; the cars have been negligently damaged and devalued, as they have been left outside without having been stored in a garage or otherwise covered, and have had valuable parts looted from them;
- Respondent's neglect for the Estate assets has caused a detriment to the Estate in an amount to be proven at trial.

C. Loss of Estate Property and Petition for Return of Estate Property:

- Decedent owned a 2001 Dodge Ram Pickup Truck ("Dodge Truck");
- In May 2003, Respondent Martin filed an *I&A* intentionally omitting the Dodge Truck;
- Approximately 2 years after Decedent's death in 2005, Respondent caused title to the Dodge Truck to be transferred from Decedent to herself in violation of her duty to the Estate;
- Respondent has had use of the Dodge Truck since 6/2/03 (date of Decedent's death);
- Estate has been damaged in the amount of the loss of the use of the Dodge Truck from the date of Respondent's appointment as Administrator on 3/18/04, as well as the interest on this amount, as well as the present value of the Dodge Truck;
- Finally, other Estate property is missing, including Decedent's fully restored an drivable 1930 Ford Model "A" automobile, 1947 Coupe, and 1954 Red and White Packard automobile, and valuable tools; Petitioners believe Respondent also intentionally took and/or spent, or otherwise misused other Estate property, to the detriment of the Estate in an amount to be proven at trial.

D. Request for Supporting Documentation: Petitioners request all documentation supporting the expenses that Respondent claims in the Accounting at pp 9-12 (*totaling \$58,508.75 and consisting of property taxes, bond fees, homeowners' premiums, funeral expenses, home repairs, water and PG&E bills, etc.*)

E. Request for Attorney Fees and Costs:

- If Respondent challenges Petitioners' objections without reasonable cause or in bad faith, Petitioners request attorney's fees pursuant to PrC §11003(b), or alternatively, pursuant to the common fund doctrine (See *In re Reade's Estate (1948) 31 Cal. 2d 669,672* [allowance of attorney's fees from an estate benefitted by contesting administration funds creates a common fund, and awarding attorney's fees from the estate is therefore just]);
- On 6/9/11, this Court issued an order directing Respondent Martin to submit to an inspection of the classic cars by Petitioners and their appraiser on 24 hours' notice;

SEE ATTACHED PAGE

- On 6/15/11, Respondent failed to comply with the Court's order, leading to the Court's finding of contempt as to Respondent on 7/21/11. On 7/29/11, the inspection was completed, but at the added cost to Petitioners of having their appraiser once against travel to the site to complete his inspection. Based upon the Court's adjudication of contempt as to the Administrator, Petitioners request the Court award the cost of the Appraiser's 2nd trip to the site, necessitated by Respondent's contempt of the 6/9/11 order.

Petitioners therefore request:

1. That Respondent Martin's request for confirmation and approval of her acts as Administrator be denied;
2. That Respondent's creditor's claims be deemed denied pursuant to PrC §9253;
3. That Respondent be surcharged in an amount according to proof;
4. That Respondent be ordered to produce the documentation as requested pursuant to PrC §10901;
5. The return of Trust property pursuant to PrC §850 and for statutory damages pursuant to PrC §859;
6. A finding by the Court that Respondent's misappropriation and misuse of Estate property constitutes fraud and defalcation;
7. Costs and attorney's fees payable pursuant to PrC §11003 (b) and/or pursuant to the common fund doctrine, pursuant to the Court's finding of contempt or otherwise;

***Note:** Petitioners' *Status Conference Statement*, filed 9/21/11, states that Respondent Martin indicates in her Account that the residence would be sold for \$95,000.00; however, the home is still not sold, as (per Respondent's realtor) the buyer has not qualified for a loan and the realtor was still waiting on an appraisal to provide the lender. Petitioners request the Court immediately remove Respondent as Administrator for her failure to competently administer the estate and for her contempt of Court orders (Petitioners state per Court order of 6/9/11, Respondent was to list the residence for sale, to which she agreed, and the Court was clear with Respondent that if she did not comply with said orders, she would be removed).

*****Respondent's Status Conference Statement, filed 9/27/11, states the buyer has now been approved, and the delay on the sale was the buyer qualifying for a loan and as the home needed some termite repair; Respondent has not intentionally violated any court order and continues to cooperate with the realtor to facilitate the closure of the escrow.**

Respondent's Reply to Petitioners' Objections, filed 9/27/11, states:

- Respondent admits living in the residence continuously from Decedent's death and never filed a request for a formal probate homestead, but denies allowing the property to fall into a dilapidated condition – it is an older home with regular wear and tear;
- Respondent did not intentionally misappropriate assets or fail to report estate assets; she did fail to report the Dodge Truck in the I&A – which was more of an oversight by Respondent's counsel;
- During the administration, Respondent made several offers to purchase the Real Property directly from Petitioners, who never responded, and as such should be stopped from seeking back rents on the Real Property; Respondent also offered Petitioners the vehicles – but Petitioners never sought to retrieve them or contribute to the vehicles' upkeep; finally, Respondent continued to pay the taxes on the Real Property and homeowner's insurance and should receive credit for said payments such that they be approved;
- Respondent believes a more reasonable value of rent is \$500-\$600/mo for years 2004-2007 and \$600-\$700 for years 2008-2011;
- Respondent denies taking the 1930 Ford Model A, 1947 Coupe, and 1954 Packard, as well as Decedent's tools: in fact it was Petitioner Charles Martin who broke into the house after Decedent's death and took the tool; further, Respondent is not clear as to what Petitioners are talking about in reference to the 1930 Ford or 1947 Coupe, and Respondent is only aware of a Red & White Buick (as opposed to a 1954 Packard); and finally, it was Petitioner who took other vehicles from the estate, namely a late 1980's Porsche and a 1990's car called a Lelhan Orange;
- Respondent admits to having the Dodge Truck and apologizes for not including it the I&A; it was a gift from Decedent to Respondent and was community property --- **a new amended I&A will be filed shortly;**
- **Respondent will provide the requested documentation for her expenses, which Respondent believes should be approved until the estate is close;**
- **Respondent should not be surcharged since Petitioners' conduct constitutes a waiver.**

Order to Show Cause Re: Failure to File the Ninth and Final Account of Trustee

	<p>SUZANNE DURAN KELPSAS, former Trustee without bond filed her Eighth Account and Report of Trustee.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>
<p>Cont. from</p>	<p>Supplemental Order following the hearing on the Eighth Account ordered in relevant part:</p>	<p>1. Need ninth account or current status report.</p>
<p>Aff.Sub.Wit.</p>	<p>1. The resignation of Suzanne Duran Kelpsas, as Trustee, was accepted, effective 7/20/2011, and Bruce Bickel was appointed Successor Trustee effective that same date;</p>	
<p>Verified</p>	<p>2. Suzanne Duran Kelpsas was ordered and directed to file her Ninth and Final Account for the period 1/1/11 through 7/20/11, no later than 15 days prior to the hearing set by the court on 9/14/11. In her accounting petitioner shall disclose the mileage on the Suburban owned by the Trust to allow the Court to determine whether a new vehicle should be purchased by the Trust.</p>	<p>Reviewed by: KT</p>
<p>Inventory</p>	<p>Minute order from 9/14/11 states Mr. Roberts informs the Court that Mr. Barrus is requesting a continuance to complete the accounting. The Court sets the matter for an Order to Show Cause. The Court orders Suzanne Kelpsas to be present on 11/3/11. If the accounting is filed by 11/3/11, no appearance will be necessary by Suzanne Kelpsas.</p>	<p>Reviewed on: 10/31/11</p>
<p>PTC</p>		<p>Updates:</p>
<p>Not.Cred.</p>		<p>Recommendation:</p>
<p>Notice of Hrg</p>		<p>File 2 - Duran</p>
<p>Aff.Mail</p>		
<p>Aff.Pub.</p>		
<p>Sp.Ntc.</p>		
<p>Pers.Serv.</p>		
<p>Conf. Screen</p>		
<p>Letters</p>		
<p>Duties/Supp</p>		
<p>Objections</p>		
<p>Video Receipt</p>		
<p>CI Report</p>		
<p>9202</p>		
<p>Order</p>		
<p>Aff. Posting</p>		
<p>Status Rpt</p>		
<p>UCCJEA</p>		
<p>Citation</p>		
<p>FTB Notice</p>		

Probate Status Hearing Re: Termination of Proceeding for Deceased Conservatee
 (Prob. C. § 1860, et seq.)

DOD: 1/2011	<p>ROSE MARY TORRES is conservator of the person and estate.</p> <p>This status hearing was set for the filing of termination of proceedings for deceased conservatee.</p> <p>Status Report filed on 9/9/2011 states the conservatee passed away in January, 2011. The Conservator states that just after her mother’s funeral she had surgery and was unable to function for approximately 4 months. Now she is looking at another surgery. Conservator states she met with her attorney on 9/3/11 and now that the information has been delivered to her attorney she will be able to prepare the accounting. Conservator requests the status hearing be continued for an additional 45 days.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 9/19/11.</p>	
Cont. from 091911			
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: 10/28/11
			Updates:
		Recommendation:	
		File 3 - Rodriguez	

(1) First and Final Account and Administration Report, and (2) Petition for Final Settlement and (3) for Allowance of Statutory and Extraordinary Commissions to Administrator, Statutory Fees to Attorney, for a Lien on Real Property for Payment of Commissions and Fees and (4) Final Distribution

DOD: 07/02/02	LISA LEPPER , Administrator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
	Account period: 12/09/08 – 06/30/11	
	Accounting - \$266,533.15	
	Beginning POH - \$259,783.15	
Cont. from	Ending POH - \$240,290.39 (all real property and accounts receivable)	
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified	Administrator - \$8,176.50 (statutory)	
<input checked="" type="checkbox"/> Inventory	Administrator x/o fees - \$870.00 (14.5 hours @ \$60/hr. for locating additional assets and calculating various income and/or liabilities)	
<input checked="" type="checkbox"/> PTC	Petitioner states that there are no cash assets remaining in the estate and requests that the Administrator's statutory commission and requested extraordinary fees become a recordable lien against the real property of the estate in favor of the Administrator.	
<input checked="" type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail w/	Attorney - \$8,176.50 (statutory)	
Aff.Pub.	Petitioner states that there are no cash assets remaining in the estate and requests that the Attorney's statutory commission become a recordable lien against the real property of the estate in favor of the Attorney.	
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters 02/06/09		
Duties/Supp		
Objections		
Video Receipt	Closing - \$1,500.00	
CI Report	Distribution, pursuant to intestate succession, is to:	
<input checked="" type="checkbox"/> 9202	Estate of Alice Shu Ying Lee, Lisa Lepper, Administrator	
<input checked="" type="checkbox"/> Order	- 50% undivided interest	
Aff. Posting	Marie Laure M. Rulhmann - 7.14% undivided interest	
Status Rpt	Violet Shin - 2.38% undivided interest	
UCCJEA	Moses Cho - 2.38% undivided interest	
Citation	Abraham Cho - 2.38% undivided interest	
<input checked="" type="checkbox"/> FTB Notice	Euclid D.Y. Lee - 2.38% undivided interest	
	Reginald Lee - 2.38% undivided interest	
	Byron Lee - 2.38% undivided interest	
	Francis Sur - 7.14% undivided interest	
	Gary Lee - 2.38% undivided interest	
	Vernon Lee - 2.38% undivided interest	
	Charlene Ysihida - 2.38% undivided interest	
	Mi Ok Lee Chu - 1.79% undivided interest	
	Dal Soo Lee - 1.79% undivided interest	
	Ae Sun Lee Roberston - 1.79% undivided interest	
	Suzie C.S. Birdsong - 2.38% undivided interest	
	Dal Sup Lee - 1.79% undivided interest	
	Robert K.Y. Lee - 2.38% undivided interest	
	Daisy C.C. Yang - 2.38% undivided interest	

Reviewed by: JF
Reviewed on: 10/28/11
Updates:
Recommendation:
File 4 - Lee

DOD:9-24-06		<p>NORBERT JOSEPH DIAS, Son and Administrator with Full IAEA without bond, is Petitioner.</p> <p>Account period: 2-10-09 through 8-1-11</p> <p>Accounting: \$36,751.12 Beginning POH: \$0 Ending POH: \$36,751.12</p> <p>Administrator: \$5,248.21 (Reimbursement for costs of administration - itemized)</p> <p>Attorney: \$1,470.04 (Statutory)</p> <p>Distribution pursuant to intestate succession:</p> <ul style="list-style-type: none"> • Norbert Joseph Dias: 1/5 of the property of the estate • Clifford Allen Paul Dias: 1/5 of the property of the estate • Richard Dias: 1/5 of the property of the estate • Joseph Junior Dias: 1/5 of the property of the estate • Mark Edward Morgan: 1/15 of the property of the estate • Joseph Marty Morgan: 1/15 of the property of the estate • Michael Dean Morgan: 1/15 of the property of the estate 	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>CONTINUED TO 11-28-11</u> <u>at Attorney Bruce's request</u></p> <p>1. Petitioner did not file a date-of-death Inventory and Appraisal per Probate Code §8802 reflecting the residence originally estimated at \$132,000.00. Instead, Petitioner states property on hand at the beginning of the account period was \$0, and reflects \$36,751.12 in net proceeds from the sale of the house as "receipts." <u>Need clarification.</u> Was the house an asset of the estate on the date of death? <u>If so, the account is presented in a manner inconsistent with Probate Code §1060. Need Corrected I&A and Amended Accounting.</u></p> <p>2. If not, the Final I&A filed 8-16-11 is missing Attachment 1 and is incomplete at #5 (property tax certificate information).</p> <p>3. Some costs may not be reimbursable. The court may disallow the following line items per Local Rule 7.17: - Court parking fees \$7.00 - Postage \$86.00 - Overnight courier \$77.61</p> <p>4. The Petition does not address Probate Code §9202(b) (notice to the Victim Compensation Board).</p> <p>5. The Petition does not address Probate Code §9202(c) (notice to the Franchise Tax Board).</p> <p>6. Need Order. The order should comply with Local Rule 7.6.1. (Monetary distributions must be stated in dollars and not as a percentage of the estate.)</p>
Cont. from 092211			
Aff.Sub.Wit.			
✓ Verified			
✓ Inventory	X		
PTC	X		
✓ Not.Cred.			
✓ Notice of Hrg			
✓ Aff.Mail	W		
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
✓ Letters	2-10-09		
Duties/Supp			
Objections			
Video Receipt			
CI Report			
✓ 9202	X		
Order	X		
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice	X		
Reviewed by: skc			
Reviewed on: 10-28-11			
Updates:			
Recommendation:			
File 5 – Dias			

Age: 11 years DOB: 6/24/00	<u>TEMPORARY EXPIRES 11/3/11</u>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> Need proof of personal service, 15 days prior to the hearing of the <i>Notice of Hearing</i> along with a copy of the <i>Petition</i> or consent and waiver of notice or declaration of due diligence on: <ol style="list-style-type: none"> Jose Francisco (father) (Note: Proof of service indicates Robert Cross attorney for Jose Francisco was mailed notice on 9/29/11. There is nothing in the file indicating Mr. Francisco is represented by Mr. Cross. Also, Probate Code §1511 requires the father to be personally served.) Need Order Need Letters
	<p>JOEL ALVARADO and ELIZABETH ALVARADO, maternal grandfather and maternal step-grandmother, are petitioners.</p>	
Cont. from 092811	Father: JOSE FRANCISCO	
Aff.Sub.Wit.		
✓ Verified	Mother: CRYSTAL AGUILAR – <i>consents and waives notice.</i>	
Inventory		
PTC	Paternal grandfather: Elias Francisco	
Not.Cred.	Paternal grandmother: Irma Francisco	
✓ Notice of Hrg	Maternal grandmother: Griselda Cavazos – <i>consents and waives notice.</i>	
✓ Aff.Mail	W/	
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
✓ Conf. Screen	Petitioners state the mother has requested that Joel and Elizabeth Alvarado have guardianship of Carmen. She needs access to a good education and educational assistance in which Elizabeth can provide as a teacher. She needs to be provided for and allowed to be a happy healthy child.	
Letters	X	
✓ Duties/Supp	Court Investigator Julie Negrete's report filed on 9/22/11.	
Objections		
Video Receipt		
✓ CI Report	Declaration of Irma Francisco Regarding Visitation with the Minor filed on 9/28/11. Ms. Francisco states before she filed for guardianship the minor practically lived with her. She states she had many concerns regarding the mother but was unable to prove them during the court proceedings. It wasn't long after the court proceedings that the minor was at her home a significant amount of time again. Through the summer of 2011 the minor was spending weeks at a time at her home. At the temporary hearing on August 16, 2011, the guardians and Ms. Francisco were able to come to an agreement regarding visitation until the general hearing on 9/28/11. Ms. Francisco states the minor visits in her home every other weekend from Friday at 4:00 p.m. until Saturday at 8:00 p.m.	
9202		
Order	X	
Aff. Posting		
Status Rpt		
✓ UCCJEA		
Citation		
FTB Notice		
	<i>Please see additional page</i>	

Declaration of Irma Francisco continued: Ms. Francisco states it has been brought to her attention that the Petitioners indicate they have concerns regarding the minor while in her care. Ms. Francisco states she believes that the guardians are trying to hinder the relationship the minor has with her paternal relatives.

Ms. Francisco states she is bringing this to the court attention as she believes that it would be highly detrimental to the minor's well-being if the Petitioners hinder the relationship the minor has with Ms. Francisco.

(1) Petition for Final Distribution on Waiver of Accounting (2) (And for Petition for Attorney Fees) (Probate Code 10400-10406, 10954, 11600-11642, 10810)

DOD: 04/27/09	KRYSTAL CARBAJAL , Executor, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. The Petition does not state that notice was given to the Franchise Tax Board as required by Probate Code § 9202(c). <i>The Examiner notes, however, that The Franchise Tax Board is listed in the schedule of creditors that was given notice and included in the proof of service the Notice of Administration of The Estate filed 07/07/10.</i> 2. The Order does not specify the dollar amount to be distributed to <u>each beneficiary</u> . Pursuant to Local Rule 7.6.1 A - All orders or decrees in probate matters must be complete in themselves. Orders shall set forth all matters ruled on by the court, the relief granted, and the names of persons, descriptions of property and/or amounts of money affected with the same particularity required of judgments in general civil matters. <u>Monetary distributions must be stated in dollars, and not as a percentage of the estate.</u>
	Accounting is waived.	
Cont. from	I & A - \$163,676.68	
<input type="checkbox"/> Aff.Sub.Wit.	POH - \$163,676.68	
<input checked="" type="checkbox"/> Verified	Executor - Not addressed	
<input checked="" type="checkbox"/> Inventory	Attorney (statutory) - \$5,910.30	
<input checked="" type="checkbox"/> PTC	Costs - \$750.00 (filing fees)	
<input checked="" type="checkbox"/> Not.Cred.	Closing - \$7,200.00	
<input checked="" type="checkbox"/> Notice of Hrg	Distribution, pursuant to decedent's Will, is to:	
<input checked="" type="checkbox"/> Aff.Mail w/	Krystal Carbajal - ½ share	
<input type="checkbox"/> Aff.Pub.	Billy Owens - ½ share	
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters 04/07/10		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input checked="" 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 checked="" type="checkbox"/> FTB Notice		
	Reviewed by: JF	
	Reviewed on: 10/31/11	
	Updates:	
	Recommendation:	
	File 7 - Owens	

Atty Panzak, Gordon G. (Self-represented/son - Petitioner)

Atty Shekoyan, James E.; Paloutzian, Dirk; Woo, Andrew; of Baker Manock & Jensen (for Respondents John R. Panzack, Jr., Executor/Trustee; Sharon Panzak; Andrea Clifft; and John Robert Panzak, III)

Petitioner's First Amended Petition

		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>OFF-CALENDAR;</u> <u>ORDER SIGNED</u> <u>11/1/11.</u></p>
Cont. from 092911		
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: NRN
		Reviewed on: 11/1/11
		Updates:
		Recommendation:
		File 8 - Panzak

Petition for Settlement of Account and Report and for Approval of Distribution of Trust Assets and for Approval of Trustee and Attorney Fees [Prob. C. 17200(b)(5), (b)(9)]

		PAUL E. QUINN , Trustee, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Account period: 4/26/07 – 6/30/11	<u>Please see page 9B.</u>
Cont. from 081711, 092811		Accounting - \$11,325,750.74	
<input type="checkbox"/>	Aff.Sub.Wit.	Beginning POH - \$ 9,482,277.28	
<input checked="" type="checkbox"/>	Verified	Ending POH- \$ 294,137.85	
<input type="checkbox"/>	Inventory	Trustee - \$5,000.00 (Trustee has already been paid \$288,369.51 during this account period and requests an additional \$5,000 for services to be rendered).	
<input type="checkbox"/>	PTC	Attorney - \$1,500.00 (Attorney has already been paid \$73,634.00 and \$2,937.20 for costs during this account period and requests an additional \$1,500 for services to be rendered)	
<input type="checkbox"/>	Not.Cred.	Closing - \$15,000.00	
<input checked="" type="checkbox"/>	Notice of Hrg	Distribution of remaining property on hand, pursuant to the terms of the trust, is to:	
<input checked="" type="checkbox"/>	Aff.Mail	Richard Jeffery, Jr. - \$24,212.62	
<input type="checkbox"/>	Aff.Pub.	Joan Berry Roderick- \$24,212.62	
<input type="checkbox"/>	Sp.Ntc.	Carleen J. Jeffery - \$24,212.62	
<input type="checkbox"/>	Pers.Serv.	<i>Please see additional page</i>	
<input type="checkbox"/>	Conf. Screen		Reviewed by: KT
<input type="checkbox"/>	Letters		Reviewed on : 10/31/11
<input type="checkbox"/>	Duties/Supp		Updates:
<input checked="" type="checkbox"/>	Objections		Recommendation:
<input type="checkbox"/>	Video Receipt		File 9A - Jeffery
<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		

Objections to Trustee's Petition for Settlement of Account filed by Richard E. Jeffery, Jr. on 8/16/11 states the Report and Account is incomplete in the following respects:

- A. The Trustee has failed to furnish any vouchers to support any item of receipt or disbursement of Trust money.
- B. The Trustee has failed to provide details of the specific time spent by the trustee for which he seeks approval.
- C. The Trustee has chosen to pay attorney fees without prior notice to the beneficiaries or prior approval by the Court and has made himself amenable to surcharge to the extent the fees are not determined by either to be reasonable or necessary.
- D. Schedule A to the Account does not show all assets belonging to the Trust at the beginning of the account period on April 26, 2007.
- E. The copy of the Trust attached as Exhibit A to the Report does not include the Schedule A referenced in Article 1 of the Trust document.
- F. The personal business records of Richard E. Jeffrey, Pauline D. Jeffrey and Jeffery-Scott, Inc the wholly owned corporation, are assets of the Trust and subject to distribution to the Trust beneficiaries.
- G. The Accounting fails to satisfy the requirements of Probate Code 16063 subdivisions (a)(1), (a)(2), (a)(4), (a)(5) and (a)(6).

Objector alleges the Trustee has multiple conflicts of interest that have resulted in loss to this estate:

- A. The Trustee is the Trustee of this Trust, creating a fiduciary duty to Richard E. Jeffrey and Pauline D. Jeffrey during their lifetimes and to Objector, Joan Berry (Roderick) and Carleen Jeffrey after the deaths of Richard E. Jeffrey and Pauline D. Jeffrey.
- B. The Trustee is also a Trustee of a separate Trust established by Pauline D. Jeffrey, the Pauline D. Jeffrey Trust. The beneficiaries of this separate Trust are Joan Berry (Roderick), and Carleen Jeffrey. Objector is not a beneficiary of the separate Trust.
- C. As a result of his position as Trustee of this Trust, the Trustee is the sole shareholder, sole director and managing officer of Jeffrey-Scott, Inc. and wholly owned by the this Trust.
- D. The Trustee is also a certified public accountant rendering professional accounting services to this Trust and the Pauline D. Jeffrey Trust.
- E. Objector is informed and believes that for many years prior to 2007 the Trustee was employed as a certified public accountant by Richard E. Jeffrey and Pauline D. Jeffrey, their respective Trusts, and JSI. Objector believes that the Trustee has not secured written agreements from the Trust beneficiaries, JSI, Richard E. Jeffrey or Pauline D. Jeffrey waving any of these conflicts of interest.

Objector believes as a result of the foregoing relationships and positions and the conflicts of interest the Trustee has:

1. Paid expenses of the Pauline D. Jeffrey Trust and JSI from assets of this Trust
2. Improperly allocated exemptions and assets on the Estate Tax Returns;
3. Improperly paid from the assets of the Trust income taxes payable by Joan Berry (Roderick), Carleen Jeffrey and/or the Pauline D. Jeffrey Trust.

Please see additional page

Objections continued:

Objector alleges the Trustee has breached his duty of loyalty and has caused losses to the Trust.

- A. The Trustee has self-dealt assets of this Trust by paying himself Trustee fees and expenses and fees and expenses of members of his accounting firm that are in excess of reasonable compensation.
- B. Probate fees for the Trustee and his attorney could have been avoided.
- C. The Trustee has self-dealt with assets of this Trust by paying himself money from JSI that was (1) in excess of the reasonable amount necessary for the management of the business and (2) for a period long beyond it becoming apparent that a bankruptcy proceeding should be filed for JSI thereby excessively reducing the cash on hand in JSI to pay creditors and the Trust beneficiaries.
- D. The Trustee did not have any written employment or engagement letters between himself or Richard E. Jeffrey, Pauline D. Jeffrey, JSI or any Trust beneficiaries regarding his furnishing accounting services to any of such persons or entities at any time.

Objector alleges the Trustee failed to render periodic reports and accounts and to furnish information to beneficiaries upon request.

Objector alleges the Trustee failed to pursue collection of \$200,000 indebtedness owed by Joan Berry Rodrick to Richard E. Jeffrey and his Trust.

The Trustee breached his duty to take and keep possession of trust assets by failing to retain income tax returns, business records and accounting records of JSI, Richard E. Jeffrey and Pauline D. Jeffrey that he has created or taken possession of in the course of his serving as a certified public accountant for such persons or entities.

The Trustee has failed to give access to Objector and/or distribute to Trust beneficiaries accounting and personal business records of Richard E. Jeffrey, Pauline D. Jeffrey and JSI belonging to this Trust.

Wherefore Objector prays:

1. That the Report and Account in its present form to be approved and the Trustee be ordered to amend and supplement his Report and Account in the specifics set forth herein and in compliance with the law;
2. That the Trustee be surcharged to the extent and in the amount which he has (a) paid himself and his attorneys excessive compensation; (b) paid expenses of the Pauline D. Jeffrey Trust and JSI from the assets of this Trust; (c) failed to pursue collection of indebtedness from Joan Berry Roderick to this Trust; and (d) paid himself excessive compensation from JSI for his management services and retention of the operation of the business beyond a reasonable period of time in light of its insolvency.
3. For Objector's reasonable attorney fees and costs incurred in connection with this Objection.

Please see additional page

9A (additional page 3 of 4) Richard E. & Pauline D. Jeffery Revocable Trust
Case No. 10CEPR00865

Petitioner's Response to Richard E. Jeffery, Jr.'s Objections filed on 9/2/11 states Petitioner recognizes that at the August 17, 2011 hearing on the Petition the Court urged the parties to meet in this matter in an attempt to resolve whatever issues and disagreements exist between the parties. So that Petitioner and Richard E. Jeffery, Jr. ("Rick") could have a starting point in terms of discussion, Petitioner prepared this response so that all items could be fully vetted and adequate documentation provided. After filing this response, Petitioner and Petitioner's counsel will contact Rick and his counsel to meet prior to the September 28, 2011 hearing, so that the parties can ultimately reach a solution. Petitioner's responses to the allegations in the Objections are included in the response.

Second Declaration of Robert G. Fishman in Support of Approval of Attorney Fees filed on 9/2/11 states since receipt of the objection, Mr. Fishman and other attorneys at his firm have spent considerable time reviewing Rick's various allegations and contentions and determining the legal implications of such allegations and contentions. In addition, Mr. Fishman and other attorneys at his firm have spent considerable time drafting and preparing a response to each and every contention raised in the Objection. The additional fees total \$11,982.00. Notwithstanding the above incurred and the resulting fees of \$11,982.00, Mr. Fishman's firm will apply a \$1,000 professional discount and only seek payment of \$10,982.0 for such time incurred.

Second Declaration of Paul E. Quinn in Support of Approval of Trustee Fees filed on 9/2/11 states on 8/16/11 he received an e-mail from attorney Michael Milnes, Richard E. Jeffery, Jr.'s ("Rick") written objections to the Petition. As a result of the allegations of misconduct and breach of duty raised in the objections, Mr. Quinn attended the hearing on the Petition. Since receipt of the Objections, Mr. Quinn states he has spent considerable time reviewing Rick's various allegations and contentions. The additional fees total \$3,620.

Third Declaration of Paul E. Quinn in Support of Approval of Trustee Fees filed on 10/19/11 states since the filing of the Petition Ryan, Christie, Quinn and Horn ("RCQ&H") have spent significant time in administering the Trust for which RCQ&H has not been compensated. In particular RCQ&H personnel have done the following since the filing of the petition:

- Respond to issues, allegation and contentions raised by Rick in his Objections.
- Responded to multiple telephone calls from trust beneficiaries regarding their position that the Trust not incur additional expenses responding to additional requests for documents from Rick.
- Meet repeatedly with attorneys regarding Rick's document request.
- Gather, organize and produce records in response to the Document Request (which consisted of approximately 59 separate binders of information, some of which had already been provided to Rick on several occasions).
- Prepare and organize historical invoices of RCQ&H to the Trust and
- Retrieve computer archived records to comply with Document Request which requested certain pre-2004 documents.

Since July 1, 2011 RCQ&H personnel have charged fees totaling \$33,364.50 in the performance of their duties, to which they have not yet been compensated.

Please see additional page

Third Declaration of Robert G. Fishman in Support of Approval of Attorney Fees filed on 10/19/11 states since the filing of the Petition, Fishman, Larson, Goldring & Zeitler (“FLGZ”) attorneys have spent significant time representing Petitioner for which FLGZ has not yet been compensated. In particular, FLGZ attorneys have spent considerable time responding to the allegations raised by Rick in the Objections and responding to the Document Request propounded by Rick. **Since July 1, 2011 through October 14, 2011 the attorneys’ have recorded fees totaling \$28,617.50 in the performance of their duties. In addition the attorneys have incurred direct and indirect costs totaling approximately \$1,286.10.**

Petitioners assert that Rick acted both without reasonable cause and in bad faith. As to the issue of reasonable cause, most, if not all, of the accusations in Rick's Objection are frivolous, without any objective basis in law or fact. Some of Rick's Objections are redundant and have previously been addressed by Paul, while others are general unsupported allegations. **The bulk of the Objections can be categorized as follows:**

- **Related to JSI.** Rick makes allegations regarding Paul's lack of accounting of JSI, however, ignores the established fact that JSI is a corporation and furthermore is not a Trust asset.
- **\$200,000 Loan to Joan.** Rick argues, despite previous investigation of this claim by Paul, that Joan owes an additional \$200,000 to the Trust. Rick provides no documentary proof of this allegation and does not address the documentation by Paul provided to him previously, which shows no evidence of such indebtedness.
- **Incomplete Report.** Rick alleges that Paul filed an incomplete report citing that Paul failed to either provide certain documentation, obtain approvals from beneficiaries for certain actions, or purportedly failed to follow administrative procedures. Rick does not cite legal authority to support his allegations that Paul did not perform functions as he was supposed to.
- **Conflicts of Interest.** Without citing authority, Rick challenges the Account based on Paul's roles as executor of Richard's and Pauline's estates, as trustee of Pauline's Separate Property Trust, and as trustee of the Trust, stating that it creates a conflict of interest. In fact, Paul was never the trustee of Pauline's Separate Property Trust.
- **Account Updates.** Rick alleges that Paul failed to provide him with periodic reports and updates of the trust administration and stonewalled him when Rick requested information. This allegation, as most of Rick's Objection, is not based in reality. Paul's Response indicates specific instances when Paul provided information or attempted to provide information and Rick has simply ignored him.

In light of the foregoing, Petitioners respectfully request that:

1. This Court find that Rick has acted without reasonable cause and in bad faith in objecting to the Account;
2. This Court order that the Trust be awarded against Rick all compensation, expense, costs, and attorney's fees incurred by the Trust in defending Paul from the Objection, to the extent unreasonable in amounts according to proof;
3. This Court order Petitioners be awarded Petitioners' costs and attorney fees in bringing this Petition, and otherwise opposing Rick's Objection, according to proof to be provided by Petitioners;
4. This Court order that such awards be against Rick to be charged first against Rick's interest in the Trust estate, and to the extent that such interest is insufficient, Rick be held personally liable for the deficiency, and be ordered to pay such deficiency immediately.

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

Age: 7	<p style="text-align: center;"><u>TEMPORARY EXPIRES 11/03/11</u></p> <p>JACQUELINE GREGORY, maternal grandmother, is Petitioner.</p> <p>Father: TANIELU DAVID DEVINE, <i>personally served 03/16/11</i></p> <p>Mother: NATASHA AYALA, <i>consent and waiver of notice filed 06/15/11.</i></p> <p>Paternal grandfather: UNKNOWN Paternal grandmother: DEANA DEVINE, <i>served by mail 04/20/11</i> Maternal grandfather: NOT LISTED</p> <p>Petitioner states mother is using illegal drugs, has been arrested for drug abuse in the past and is currently on probation. Mother is required to drug test as a condition of probation and tested positive for meth on 2/11/11. Mother was requested to enter an inpatient rehab facility, but has refused. Mother has a history of leaving minor for days at a time with other people who use illegal drugs. Mother is unstable and needs to go to rehab. Further, mother has past gang affiliations. Father has been incarcerated for the past five years and was recently released. Father has a history of drug abuse. On 3/8/11, Mother appeared at Petitioner's home with 5 men, requesting Petitioner give Mother the minor.</p> <p>Court Investigator Julie Negrete's report was filed 06/16/11.</p> <p>Court Investigator Julie Negrete's supplemental report was filed 08/08/11.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>CONTINUED FROM 08/11/11</u> Minute Order from 08/11/11 states: The Court notes for the record that Mr. Devine's correct name is Tanielu Daniel Devine. The Court directs that visitation between the minor and the father be determined by the parties.</p> <p>As of 10/28/11, the following remains outstanding:</p> <p>1. Need proof of mail service at least 15 days before the hearing of <i>Notice of Hearing</i> along with a copy of the <i>Petition for Guardianship or Declaration of Due Diligence or Consent and Waiver of Notice</i> on:</p> <ul style="list-style-type: none"> - Paternal grandfather (unknown) - Maternal grandfather (not listed) - Deanna Devine *It is noted that Ms. Devine was served by mail on 04/20/11, however the Notice of Hearing erroneously stated that the hearing date was 05/11/11 instead of 5/12/11. It is unclear if the Notice of Hearing served to Ms. Devine indicated the correct date. Ms. Devine was not re-served for the continued date of 06/23/11.
DOB: 04/06/04		
Cont. from 05/12/11, 062311, 081111		
Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
Inventory		
PTC		
Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
<input checked="" type="checkbox"/> Pers.Serv.		
<input checked="" type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters		
<input checked="" type="checkbox"/> Duties/Supp		
Objections		
Video Receipt		
<input checked="" type="checkbox"/> CI Report		
9202		
<input checked="" type="checkbox"/> Order		
Aff. Posting		
Status Rpt		
<input checked="" type="checkbox"/> UCCJEA		
Citation		
FTB Notice		
Reviewed by: JF		
Date reviewed: 10/28/11		
Recommendation:		
Updates:		
File 10 - Devine		

Petition for Probate of Will and for Letters Testamentary; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

DOD: 08/28/11		<p>SUSAN QUINN and RHONDA WALLACE, named co-executors without bond, are Petitioners.</p> <p>Full IAEA – not published for</p> <p>Will dated 08/26/11</p> <p>Residence: Fresno Publication: The Business Journal</p> <p><u>Estimated Value of the Estate</u> Personal property - \$300,000.00 Annual income - 30,000.00 Total - \$330,000.00</p> <p>Probate Referee: STEVEN DIEBERT</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Publication does not states that the petitioner requests full authority to administer under IAEA. Need revised publication or amended petition. 2. Notice to Administer Estate is not marked that the Petitioners are requesting full IAEA authority.
Cont. from			
Aff.Sub.Wit.	s/p		
<input checked="" type="checkbox"/> Verified			
Inventory			
PTC			
Not.Cred.			
<input checked="" type="checkbox"/> Notice of Hrg			
<input checked="" type="checkbox"/> Aff.Mail	w/		
<input checked="" type="checkbox"/> Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
<input checked="" type="checkbox"/> Letters			
<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: JF	
		Reviewed on: 10/31/11	
		Updates:	
		Recommendation:	
		File 11 - Quinn	

Petition to Invalidate Irrevocable Trust (Prob. C. §§ 21350, 21380 and 17200)

Age:		NEEDS/PROBLEMS/COMMENTS: Continued to 12/14/11 at the request of the attorney.
DOD:		
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
	Reviewed by: KT	
	Reviewed on: 10/28/11	
	Updates:	
	Recommendation:	
	File 12 - Lininger	

DOD: 11/4/2000		<p>AMY NIETO, surviving spouse, is Petitioner.</p> <p>No other proceedings.</p> <p>Decedent died intestate.</p> <p>Petitioner requests court confirmation that Decedent’s entire interest in two parcels of real property, located in Fresno County, pass to her pursuant to intestate succession.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>	
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			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
√	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: NRN	
			Reviewed on: 10/31/11	
			Updates:	
			Recommendation: SUBMITTED	
			File 13 - Naito	

DOD: 3/6/88		<p>ELIZABETH LOMELI, step-sister, is Petitioner.</p> <p>All heirs waive bond (?) – <u>See Examiner Note #2</u></p> <p>Decedent died intestate</p> <p>Full IAEA – <i>need</i></p> <p>Residence – Fresno Publication – <i>need</i></p> <p>Estimated value of estate:</p> <table> <tr> <td>Personal property</td> <td>\$</td> <td>0</td> </tr> <tr> <td>Annual income</td> <td></td> <td>0</td> </tr> <tr> <td>Real property</td> <td></td> <td>\$174,667.00</td> </tr> <tr> <td>Total</td> <td></td> <td>\$174,667.00</td> </tr> </table> <p>Probate Referee: Rick Smith</p>	Personal property	\$	0	Annual income		0	Real property		\$174,667.00	Total		\$174,667.00	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Jess R. Contreras, father and other heir at law, signed a waiver of bond waiving the bond requirement for <i>himself</i> (not Petitioner) as <i>Executor</i> (not as Administrator as requested herein). Court may require clarification. <u>Declaration filed 11/1/11 by Attorney Waddell states the waiver language was in error and that Jess Contreras, Petitioner's stepfather, requested that Petitioner serve as Administrator; Declaration further states an amended waiver can be submitted if the Court so requires.</u></p> <p>2. Need Order. Submitted 11/1/11</p> <p>3. Need Letters. Submitted 11/1/11</p>
Personal property	\$		0												
Annual income			0												
Real property			\$174,667.00												
Total			\$174,667.00												
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	x														
✓ Duties/Supp															
Objections															
Video Receipt															
CI Report															
9202															
✓ Order	x														
Aff. Posting															
Status Rpt															
UCCJEA															
Citation															
FTB Notice															
		<p>Reviewed by: NRN</p> <p>Reviewed on: 10/31/11</p> <p>Updates: 10/31/11, 11/2/11</p> <p>Recommendation:</p> <p>File 14 - Contreras</p>													

Petition for Letters of Administration; Authorization to Administer Under IAEA
 (Prob. C. 8002, 10450)

Age:		NEEDS/PROBLEMS/COMMENTS:
DOD:		
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Continued to <u>12/6/11</u> at the request of the attorney.
		Reviewed by: KT
		Reviewed on: 10/28/11
		Updates:
		Recommendation:
		File 15 - Mendez

Petition for Appointment of Temporary Guardian of the Person (Prob. C. 2250)

Age: 2 years	<p><u>PETITION GRANTED EX PARTE;</u> <u>TEMPORARY EXPIRES 11/3/11;</u></p> <p style="text-align: center;"><u>GENERAL HEARING 1/5/12</u></p> <p>ANTHONY SIMS AND MARIA SIMS, paternal grandmother and step grandfather, are Petitioners.</p> <p>FATHER: MICHAEL CATUIZA, SR.; <i>personally served 10/27/11</i></p> <p>MOTHER: ANGEL JONES; <i>personally served 10/27/11</i></p> <p>PATERNAL GRANDFATHER: ARTHUR CATUIZA</p> <p>MATERNAL GRANDFATHER: UNKNOWN</p> <p>MATERNAL GRANDMOTHER: MARY JONES; <i>Deceased</i></p> <p>Petitioners state: The minor has lived with them since she was approximately 3 days old, however the minor has maintained a relationship with her parents. Both mother and father are habitual drug users, and smoke around the minor, who has asthma. Recently, when the minor was in her mother's or the minor's maternal great grandmother, she (the minor) was molested (<i>pediatrician report and notes attached to Petition</i>). Petitioners believe mother and father are using the minor for the money, and to buy drugs. After visiting with her parents, the minor returns sick, tired, and hungry. Minor's parents are also very violent and fight verbally and physically in the minor's presence, and will often put the minor in harm's way when fighting with each other. Mother recently gave birth to two stillborn twins, and Petitioners believe this was caused by drugs. The minor's mother is not capable of taking care of the minor, nor is the minor's father, who has admitted he is a drug addict.</p>	NEEDS/PROBLEMS/COMME
DOB: 8/10/09		
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 checked="" type="checkbox"/> Notice of Hrg		
<input type="checkbox"/> Aff.Mail		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input checked="" type="checkbox"/> Pers.Serv. w		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input checked="" type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202 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: NRN
		Reviewed on: 10/31/11
		Updates:
		Recommendation:
		File 16 - Catuiza

		<p>VALERIE PIERCE, Guardian, petitioned the court for approval of attorney fees and coats for efforts to protect the interests of the minor relating to the Estate of James Gardner Jr. father of James Gardner III.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>OFF CALENDAR.</u> Order approving attorney fees and costs was signed on 9/29/11.</p>
<p>At the hearing on 9/29/11 counsel advised the court that he was reducing the costs by \$104.50. The court granted the petition as to attorney fees and reserved the issue regarding costs. The Court on its own motion set this status hearing for review of costs. If the costs are approved, no appearance will be necessary and the matter will be taken off calendar.</p>			
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<input type="checkbox"/>	Aff.Sub.Wit.		
<input type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
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<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order		
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<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: KT
			Reviewed on: 10/31/11
			Updates:
			Recommendation:
			File 17 - Gardner

Atty Knudson, David N. (for Robert B. Davis, Successor Trustee)

Atty Rube, Melvin (for Judy L. Schroeter, Objector)

Status Hearing Re: Possible Settlement

	<p>ROBERT B. DAVIS, Successor Trustee, filed a Petition for Approval of First & Second Accounts of Trustee on 07/20/11.</p> <p>JUDY SCHROETER, beneficiary, filed Objections to Petition for Approval of First & Second Accounts of Trustee and Request for Surcharge and Other Remedies and Request of Judy L. Schroeter for an Evidentiary Hearing; and Supporting Memorandum of Points and Authorities on 08/31/11.</p> <p>Minute Order from hearing on 09/01/11 set this matter for status and states: Mr. Rube advises the Court that he believes there is a possibility of resolving this matter and would like to set this matter for a Status Conference.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need status update.</p>
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Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
	Reviewed by: JF	
	Reviewed on: 10/31/11	
	Updates:	
	Recommendation:	
	File 18 – Davis	

Petition for Letters of Administration; Authorization to Administer Under IAEA
 (Prob. C. 8002, 10450)

DOD: 11/29/10		SYLVIA MARTINA TORRES, daughter, is petitioner and requests appointment as executor without bond.	NEEDS/PROBLEMS/COMMENTS: Continued from 9/1/11. Minute order states examiner notes are provided petitioner. <i>As of 10/31/11 the following issues remain:</i> <ol style="list-style-type: none"> #1a(1) of the petition requests appointment as executor. #3e(1) of the petition states the decedent died intestate. An executor can only be appointed for someone named as executor in a decedent's Will. Therefore petitioner should have requested appointment as Administrator. #5a(2) of the petition states both the decedent was divorced or never married and spouse deceased. Need clarification. If the spouse is deceased need name and date of death pursuant to Local Rule 7.1.1D. #5a(6) of the petition states the decedent was not survived by children however the petitioner states she is decedent's daughter and the other intestate heirs listed are also listed as decedent's daughters. #5(a) 7 or 8 was not answered re: issue of predeceased child. Petition states all heirs waive bond. Need waivers of bond from daughters; Grace Torres, Isabelle Ballardo and Susie Calderon or bond set at \$60,000.00. Need Notice of Petition to Administer Estate. Need proof of service of the Notice of Petition to Administer Estate on: <ol style="list-style-type: none"> Grace Torres Isabelle Ballardo Susie Calderon Need Affidavit of Publication showing publication in the Kerman News. 	
Cont. from 090111				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
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<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.			
<input type="checkbox"/>	Conf. Screen			
<input checked="" type="checkbox"/>	Letters			
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<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			

Full IAEA - ?

Decedent died intestate.

Residence: Kerman
 Publication: **NEED**

Estimated value of the Estate:
 Personal property - \$60,000.00

Probate Referee: Steven Diebert

Reviewed by: KT

Reviewed on: 10/31/11

Updates:

Recommendation:

File 19 – Ballardo