1 **Ulysses Williams Special Needs Trust** **Case No. 02CEPR01013**

Attorney **Poochigian, Mark S. (for Westamerica Bank, Trustee)**

Sixth Account and Report of Trustee and Petition for Approval Thereof, and for Allowance of Trustee's Compensation and Attorneys' Fees

				NEEDS/PROBLEMS/COMMENTS:
				CONTINUED TO 12/2/15
				Per Attorney request
	Aff.Sub.Wit.			
	Verified			
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg			
	Aff.Mail			
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
	Order			
	Aff. Posting			**Reviewed by:** skc
	Status Rpt			**Reviewed on:** 10/27/15
	UCCJEA			**Updates:**
	Citation			**Recommendation:**
	FTB Notice			**File 1 - Williams**

Dept. 303, 9:00 a.m. Tuesday, November 3, 2015

2A **Wanda H. Bingham (CONS/PE)** **Case No. 11CEPR00949**

Attorney Roberts, David A. (Petitioner – Attorney for Former Conservator)
Attorney Janisse, Ryan M. (for Randy Grace – Current Conservator – Objector)
Attorney Boyett, Deborah (Court appointed attorney for Conservatee)

Petition for Order Awarding Attorneys Fees

			See petition for details.
Cont. from 050515, 060215, 061215, 072015, 082415, 092815			
	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		

NEEDS/PROBLEMS/ COMMENTS:

This matter was continued to trail the new accounting at Page B per Minute Order 8/24/15.

<u>Note</u>: Deborah Boyett, Court appointed attorney for Conservatee, field Notice of Non-Opposition on 5/29/15.

1. **Petitioner requests compensation from the conservatorship estate for services in connection with the conservatee's trust. The Court may require clarification or payment from the trust rather than the conservatorship estate.**

Reviewed by: skc
Reviewed on: 10/26/15
Updates:
Recommendation:
File 2A - Bingham

Dept. 303, 9:00 a.m. Tuesday, November 3, 2015

2B **Wanda H. Bingham (CONS/PE)** **Case No. 11CEPR00949**

Attorney **Magness, Marcus D. (for Randy Grace – Successor Conservator – Petitioner)**

Fourth Amended Account and Report of Conservator

			See petition for details.
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	w	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
✓	2620(c)	x	
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

NEEDS/PROBLEMS/COMMENTS:

<u>Minute Order 8/24/15 (Third Amended Account), in relevant part</u>: The Court will allow Mr. Magness to complete the accounting so that it shows a balanced account through the date Ms. St. Louis stopped acting as Conservator. The Petition for Order Awarding Attorney's Fees (Page A) will trail the new accounting.

<u>Note</u>: The order as submitted indicated "Fourth Account." Examiner interlineated the order to reflect "Fourth Amended Account."

1. **Need account statements for the closing date of the account period pursuant to Probate Code §2620(c). (Only the June 2012 IRA statement is provided.)**

2. **The Court may require clarification regarding the IRA Bank fee of approx. $175/month. (The above-noted statements may clarify.)**

Reviewed by: skc

Reviewed on: 10/26/15

Updates:

Recommendation:

File 2B – Bingham

Dept. 303, 9:00 a.m. Tuesday, November 3, 2015

3 Wilfred Carl Mell (Estate) Case No. 12CEPR00225

Attorney: Randolf Krbechek (for Executor Dale G. Mell)
Attorney: Leigh W. Burnside (for Objector Dale L. Mell)

Probate Status Hearing RE: Filing of an Amended Petition

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	

DALE GEORGE MELL, executor, filed his petition for first and final account.

DALE L. MELL filed objections to the first and final account of Executor, Dale G. Mell.

A court trial was held on 10/6/15. Minute order states Mr. Krbechek represents that the parties have settled, and the Court notes aa Notice of Entry of Dismissal was filed by Ms. Burnside on 10/5/15. Mr. Krbechek will file an amended petition; no appearance is necessary on 11/3/15 if said petition is filed at least two court days prior.

NEEDS/PROBLEMS/COMMENTS:

1. **Need amended account or current written status report** pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.

Reviewed by: KT
Reviewed on: 11/28/15
Updates:
Recommendation:
File 3 – Mell

Dept. 303, 9:00 a.m. Tuesday, November 3, 2015

4 Ali Nagi Tareb (Estate) Case No. 13CEPR00452

Atty **Bagdasarian, Gary G. (for Maler Ali Tareb – Administrator)**

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

DOD: 08/14/11	**MALER ALI TAREB,** son, was appointed as Administrator on 07/03/13. Letters of Administration were issued on 07/03/13. Final Inventory & Appraisal filed 07/15/13 - $85,000.00 **Status Report** filed 09/25/15 states: the sole asset of the estate is real property located on S. Winery in Fresno. The Administrator has attempted to work with Wells Fargo Bank on adjusting the loan amount secured by the real property in order to allow a sale of the property in an amount that would benefit the estate. It has just been determined that Wells Fargo has denied all requests for reconsideration. Consequently, a 30 day continuance is requested in order to file a Petition to close the estate and abandon the real property asset of the estate.	**NEEDS/PROBLEMS/COMMENTS:** **<u>CONTINUED FROM 09/29/15</u>** **Minute Order from 09/29/15 states: Counsel requests 30 days; no appearance is necessary if the petition is filed at least two court days prior.** **As of 10/27/15, nothing further has been filed.** 1. Need Account/Report of Administrator and Petition for Final Distribution.
		Reviewed by: JF
		Reviewed on: 10/27/15
		Updates:
		Recommendation:
		File 4 - Tareb

Cont. from 090514, 092314, 121614, 021715, 042115, 092815

	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	

5 Virginia N. Granz (Estate) Case No. 13CEPR00644

Attorney **Wright, Janet L. (for Donald J. Granz – Executor/Petitioner)**

Petition for Approval of First Account and Report, Approval of Payment of Statutory Attorney's Fees, Approval of Payment of Executor's Statutory Fees and for Preliminary Distribution

DOD: 05/23/13		
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	09/03/13
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
✓	**9202**	
✓	**Order**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
✓	**FTB Notice**	

DONALD J. GRANZ, Executor, is Petitioner.

Account period: **05/23/13 – 06/30/15**

Accounting: **$730,626.75**
Beginning POH: **$703,662.25**
Ending POH: **$652,672.63**
($263,177.06 is cash)

Executor: **$8,056.62** (representing 50% of the Statutory Fee of $16,113.25)

Attorney: **$14,501.92** (representing 90% of the Statutory Fee of $16,113.25)

Petitioner states that the estate is not is a condition to be closed at this time. An additional Inventory & Appraisal – Supplemental, reporting miscellaneous securities recently located and currently being marshaled remains to be filed. It is anticipated that an additional $1,000.00 - $5,000.00 in date of death value will be reported. In addition to filing the Supplemental Inventory & Appraisal, the only remaining estate administration matters are: (1) the conversion of the Decedent's remaining stock certificates to book shares through RBC Wealth Management; and (2) filing of the estate's fiduciary income tax returns.

Petitioner requests authority to make preliminary distributions, pursuant to Decedent's Will, as follows:

Donald J. Granz - $58,500.00 cash, plus various securities

Sandra G. White - $58,500.00 cash, plus various securities

Donald J. Granz, as Trustee of the Catherine G. Thornton Special Needs Testamentary Trust - $58,500.00 cash, plus various securities

NEEDS/PROBLEMS/COMMENTS:

1. Probate Code § 11623(a)(2) states that the aggregate of all property in preliminary distributions should not exceed 50% of the net value of the estate. It is unclear from the information provided in the Petition whether the proposed distributions equate to more than 50% of the net value of the estate. The Court may require more specific information as to the dollar value of each proposed distribution and the value of the assets that will be remaining in the estate after the proposed preliminary distributions are made.

Reviewed by: JF
Reviewed on: 10/29/15
Updates:
Recommendation:
File 5 – Granz

6 Richard C. Strong (Estate) Case No. 13CEPR00703

Attorney Erlach, Mara M. (for Pamela Strong – Former Executor)
Attorney Kruthers, Heather (for Public Administrator – Successor Executor)

Probate Status Hearing Re: Filing of the Final Account

DOD: 07/13/2013		
Cont. from 072815		
	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	

PAMELA STRONG, spouse, was appointed Executor with limited IAEA authority without bond on 09/16/2013. Letters issued on 09/14/2013.

Pursuant to Minute Order of 03/24/2015 the Public Administrator was appointed. Minute Order states: based on the information contained in the Status Report, the Court finds good cause to remove Pamela Strong as Executor and appoints the Public Administrator forthwith.

Minute Order of 03/24/2015 set this status hearing for the filing of the First and Final Account.

Status Report Regarding Failure to File Final Account filed 10/23/2015 by the Public Administrator states the attorney, Mara Erlach, on behalf of her client, Pamela Strong, filed a status report that she had lost contact with her client and that she believed through a third party that Pamela Strong moved to Southern California and was hospitalized. On 03/24/2015, the Court removed Pamela Strong as the Administrator and appointed Public Administrator (PA) as successor. At the hearing, the PA requested a continuance to further investigate this case. The PA provided the following information to County Counsel on 08/06/2015:

- Assets of the estate on the Partial No.: 1 Inventory and Appraisement filed 03/14/2014 listed $40,000.00 cash, but there is no indication where it was held. The Final Inventory and Appraisement filed 03/19/2014 lists real property at 774 E. Wood Duck Circle, Fresno, Ca. 93730. This real property was valued by the Probate Referee at $315, 000.00. The property was held as Richard C. Strong and Pamela J. Strong, Husband and Wife, Community Property on the Deed of Trust recorded 12/28/2006 as instrument no. 2006-0270999.

Please see additional page

NEEDS/PROBLEMS/COMMENTS:

1. Need Final Account.

Reviewed by: LV
Reviewed on: 10/29/2015
Updates:
Recommendation:
File 6 – Strong

During the time Pamela Strong was Executor, there were two offers on the home on Wood Duck, one on 04/09/2014 for $275,000.00, and a second all cash offer for $225, 000.00 on 04/15/2015. Both were intended to be Short Sales, but neither sale was completed. Subsequently, the PA found on the Recorder's website a Notice of Trustee's Sale scheduled for 06/01/2015. The total unpaid balance with costs, expenses and advances at the time of the initial Notice of Sale was listed as $328,793.07. The PA contacted the Trustee, The Mortgage Law Firm, PLC in Temecula, and learned that the Trustee's Sale was continued to 07/10/2015, at which time the property was sold for $265,201.00. The total costs at the time of this sale were reportedly in excess of $384,000.00. The Probate Petition lists the Wood Duck Circle home as having a value of $321,124.00 and encumbrances of $296,057.00, leaving a net value of the property of $25,067.00.

- There was nothing in the former attorney's file concerning the location of disposition of the $40,000.00 listed in the Partial No.:1 Inventory.
- There is one Creditor Claim for $217.45 from Capital One, dated 01/08/2015, which has been neither approved nor denied. The First and Final Account prepared and filed on 01/15/2015 by the former attorney indicates that no claims were presented to the estate, which appears to be inaccurate.
- At the time of Richard Strong's death, Pamela Strong was residing at 774 E. Wood Duck Circle, Fresno, Ca. 93730, according to the Probate Petition. On a Notice of Change of Address filed by Ms. Erlach, dated 11/13/2014, Pamela Strong's address was listed as 829 Chickadee Court, Fresno, Ca. 93730.
- The beneficiaries of the estate are:
  Holy Spirit Church $1,000.00 cash gift
  Pamela J. Strong All other property
- Included with the former attorney's filed was a $1000.00 check written to Holy Spirit Catholic Church, dated 12/02/2014, from account no. 1340591686 from Pamela Strong. This check appears to have been mailed on the same date to Ms. Erlach at McCromick Barstow and received 12/05/2014. The return address for Pamela Strong as of the date on the envelope is 754 Robin Lane, Fresno, Ca.

The PA provided the following additional information on 10/20/2015.

- The PA attempted to contact Pamela Strong at the Robin Lane address, but she no longer lives there. There is an indication that she lives in Irvine Ca. The PA will attempt to call her at the number found. Her son Andrew Strong reportedly lives in Fresno, but the PA believes he will not talk to them because of criminal/probation matter. They will attempt anyway.
- Since the PA has the account number from which the $1,000.00 check was issued, she will call the bank to determine the status of the $40,000.00 listed on the I&A by the former administrator.

The PA estimates that it will take another 60 days to complete her investigation and file a final report. Therefore, she requests that the next status hearing be set no sooner than December 15, 2015.

7 Daniel Kandarian (SNT) Case No. 13CEPR00796

Attorney **Johnson, Mark D (for Tom Avedesian and Louise Avedesian – Co-Trustees)**

Probate Status Hearing RE: Proof of Bond

Age: 62 **DOB: 5-29-52**	**TOM and LOUISE AVEDESIAN** were appointed as Co-Trustees of the **DANIEL KANDARIAN SPECIAL NEEDS TRUST** on 3-28-14 with bond of $52,514.00. At the hearing on 10/19/2015 regarding the Petition on First Accounting and Request for Attorney Fees, the Court set this status hearing for Proof of Bond.	**NEEDS/PROBLEMS/COMMENTS:** 1. Need Proof of Bond.
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		**Reviewed by:** LV
Status Rpt		**Reviewed on:** 10/29/2015
UCCJEA		**Updates:**
Citation		**Recommendation:**
FTB Notice		**File 7 – Kandarian**

8A Julia M. Tubbs (Estate) Case No. 13CEPR01094

Attorney Burnside, Leigh W. (for Petitioner Abraham Isaak Tubbs, Jr., Administrator, son)
Attorney Deal, Leonard E., (for Objector Jesse R. Tubbs, son)

First Amended (1) Petition for Settlement of First and Final Account; (2) for Allowance of Compensation for Ordinary Services as Administrator, (3) for Reimbursement of Advanced Costs, and (4) for Allowance of Ordinary and Extraordinary Attorneys' Fees, and (5) for Final Distribution Subject to a Real Property Lien for Costs of Administration and Debts Owed by the Estate

DOD: 12/30/2011

Cont. from 063015, 081115, 092915

	Aff.Sub.Wit.	
✓	Verified	
✓	Inventory	
✓	PTC	
✓	Not.Cred.	
✓	Notice of Hrg	
✓	Aff.Mail	W/
	Aff.Pub.	
✓	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	013014
	Duties/Supp	
✓	Objections	W/ POS
	Video Receipt	
	CI Report	
✓	9202	
✓	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
✓	FTB Notice	

ABRAHAM ISAAK TUBBS, JR., son and Administrator, is Petitioner.

Account period: 12/30/2011 – 12/31/2014

Accounting - **$45,204.74**
Beginning POH - **$45,204.74**
Ending POH - **$45,204.74**
(real property and $204.74 cash)

Administrator - **$1,808.19**
(statutory)

Attorney - **$1,808.19**
(statutory)

Attorney XO - **$1,693.50**
(per Declaration filed 3/11/2015; for preparation of affidavit-death of joint tenant to clear title (1.10 paralegal hours totaling $148.50); collection of unclaimed property held by Controller's office @ .10 attorney hours and 7.40 paralegal hours totaling $1,050.00; attempts to sell property to satisfy claim of DOH @ .70 attorney hours and 1.80 paralegal hours totaling $495.00;)

Court Costs - **$870.00**
(filing fees; due prior to distribution;)

Attorney Costs - **$667.61**
(recording fees, probate referee, publication, certified copies;)

~Please see additional page~

NEEDS/PROBLEMS/COMMENTS:

Page 8B is the *Status Hearing Re Settlement*.

Continued from 9/29/2015.

1. The previously submitted order appears to be superseded by the stipulation for settlement and distribution noted on Page 8B. Need revised proposed order pursuant to Local Rule 7.1.1(F), which provides a proposed order shall be submitted with all pleadings that request relief.—*Revised order submitted 11/2/2015; reviewed and placed in case file for Court's consideration.*

Reviewed by: LEG
Reviewed on: 10/29/15
Updates: 11/2/15
Recommendation:
File 8A - Tubbs

Petitioner states:

- Creditor's Claims were filed by the Department of Health (DOH); **$47,781.76** for benefits to **ABRAHAM TUBBS**, predeceased spouse of Decedent; and **$132,174.44** for Decedent); both of the heirs of the estate filed hardship waivers with DOH; the hardship waiver filed by Petitioner Abraham Isaak Tubbs, Jr., was denied by DOH as to both Creditor's Claims;
- Based on information and belief, DOH approved the hardship waiver for **JESSE ROGER TUBBS**, son, as to the Creditor's Claim filed regarding the Decedent, but denied the hardship waiver as to the claim for Abraham Tubbs (Decedent's spouse);
- The estate does not have cash available to pay the creditors' claims and they remain unpaid;
- The DOH has requested that Petitioner include the following language in both the P*etition* and order for final distribution:
    1. "Distribution is subject to a LIEN *[in the amount of **$33,750.00**]* in favor of the STATE OF CALIFORNIA, DEPARTMENT OF HEALTH CARE SERVICES, on the real property located in the County of Fresno, State of California, described as *[real property legal description omitted; terms of repayment omitted]*;
- Initially, it was believed that 3 unclaimed properties may belong to the estate; **$204.74** from ADT Security is an estate asset *[included on a Supplemental I & A filed 10/27/2014]*; upon further research, it was discovered that in fact **$4,616.73** was monies deposited by Petitioner's parents while Petitioner was incarcerated and belongs to Petitioner as his sole and separate property; a safe deposit box was established by Decedent's parents at Guarantee Savings (acquired by Citibank) and Petitioner's father included Petitioner's name as a signer for accessing the contents; Petitioner found the following in the safe deposit box:
    1. One man's gold wedding band, belonging to Petitioner's father (Decedent's husband); Petitioner still has this gold band in his possession;
    2. One woman's gold wedding ring with seven small diamonds, belonging to Decedent; Petitioner still has this gold ring in his possession;
    3. One small baby ring with two small diamonds on gold band; Petitioner alleges this ring belonged to him and he has sold the ring;
    4. Two small children's gold bracelets; Petitioner alleges these bracelets belonged to him and he has sold the bracelets;
- Petitioner has been unable to proceed with the sale of the real property and house to pay the costs of administration and debts of the estate due to the fact that the remaining heir, **JESSE ROGER TUBBS**, son, resides in the house and refuses to vacate the premises or pay rent;
- Based on information and belief, all real property taxes due and payable by the estate have been paid by **JESSE ROGER TUBBS**;
- Unpaid costs of administration include filing fees of **$870.00**; DOH claims of **$47,781.76** and **$132,174.44**; Petitioner's compensation of **$1,808.19**; statutory and **$1,693.50** extraordinary compensation of **$1,808.19** to Petitioner's attorney; **$667.61** costs advanced by attorney; closing expenses [*listed fully on Page 7 paragraph 25 (A) through (G)]*.

~Please see additional page~

Proposed Distribution pursuant to intestate succession is to:

1. **ABRAHAM ISAAK TUBBS, JR.** – One man's gold wedding band; and **½ interest in real property**, **subject to the following liens** payable in the following order of priority pursuant to Probate Code § 11420, due upon the death of the distributees, or the sale or transfer of the real property, or escrow funding, or default in payments:
   - Court filing fees of **$870.00** less **$204.74** cash in estate for a total of **$665.26**;
   - Statutory attorney fees of **$1,808.19** and extraordinary fees of **$1,693.50** and costs advanced of **$667.61** for a total of **$4,169.30**;
   - Statutory administrator commissions to Petitioner of **$1,808.19**;
   - Lien in favor of the State of California, Department of Health Care Services, on the real property (including the terms as stated in the proposed order).

2. **JESSE ROGER TUBBS** – One woman's gold wedding ring with 7 small diamonds; and **½ interest in real property, subject to the following liens** payable in the following order of priority pursuant to Probate Code § 11420, due upon the death of the distributees, or the sale or transfer of the real property, or escrow funding, or default in payments:
   - Court filing fees of **$870.00** less **$204.74** cash in estate for a total of **$665.26**;
   - Statutory attorney fees of **$1,808.19** and extraordinary fees of **$1,693.50** and costs advanced of **$667.61** for a total of **$4,169.30**;
   - Statutory administrator commissions to Petitioner of **$1,808.19**;
   - Lien in favor of the State of California, Department of Health Care Services, on the real property (including the terms as stated in the proposed order).

Request by JESSE R. TUBBS to Take Judicial Notice of State of California Department of Health Care Services Action and California Code of Regulations; and Declaration of Leonard E. Deal to Support Request was filed 6/19/2015, and states:

- Respondent requests the Court take judicial notice of the attached copies of documents:
  1. Grant of Hardship Waiver: Under Evidence Code §§ 451(b) and 452(c) as an official act of an executive department:
     - State of California Department of Health Care Services 8/27/2014 grant to Jesse Tubbs of 22 CCR § 50963(a)(4) hardship waiver of lien claim against the Estate of Julia Tubbs;
  2. California Code of Regulations: Under Evidence Code § 452(b):
     - Section 50960.36, definition of Voluntary Post-Death Lien, agreed to and placed on real property to secure payment of lien;
     - Section 50961(e), Estate Claims, subject to waiver of proportionate share when granted;
     - Section 50963(a)(4), Substantial Hardship Criteria;
     - Section 50965(d)(e), Voluntary Post-Death Lien, monthly amount based on ability to pay and full payment due on sale of property;
  3. Respondent **JESSE R. TUBBS** submits that the exhibits attached hereto are sufficient information for the Court to take judicial notice of the documents and contents to the extent allowed by law.

~Please see additional page~

***Declaration of Leonard Deal* states all of the items attached to the request to take judicial notice are true and accurate copies of the documents represented; h**e obtained the 8/27/2014 grant of hardship from Respondent Jesse R. Tubbs; he obtained all items represented as California Code of Regulations from the Westlaw Next California Code of Regulations website.

Response of JESSE R. TUBBS to ABRAHAM ISAAK TUBBS, JR., to First Amended Petition for Settlement of First and Final Account, etc., filed on 6/19/2015 states:

- Jesse Tubbs, a widower, responds and objects to the Petitioner's First Amended Petition, and repeats the relevant portions of Respondents 4/17/2015 Response to the original petition to avoid the need for referral back to the 4/17/2015 response;
- Summary of Response, Objections, and Proposed Lien: Petitioner and Jesse are the only two children and therefore the only two heirs of the intestate Decedent Julia Tubbs and her late husband, Abraham Tubbs; the objections and contentions involve the Department of Health Care Services liens on the residence on West San Joaquin Street in Fresno; the contentions also relate to the form of the proposed lien, not the need for a lien for securing payment of the Court filing fee, compensation, and costs;
- Respondent Jesse Tubbs denies that the **$4,616.73** was deposited for Petitioner's benefit; and also denies that the small baby ring or the children's bracelets belonged to Petitioner; in the interest of resolving this case, Respondent does not object to the accounting; Respondent does not object to the requested attorney fee for ordinary services, administrator commission, advanced costs, or statement of unpaid court filing fees; Respondent takes no position on the request for extraordinary attorney fee;
- Respondent Jesse Tubbs consents to the proposed distribution of the man's gold wedding band and the woman's wedding ring;
- Respondent Jesse Tubbs will consent to the distribution of the residence to Petitioner Abraham Isaak Tubbs, Jr., and Jesse R. Tubbs, as tenants in common, each as to an undivided 50% interest, with Respondent's consent conditioned upon allocation and statement of the liens proposed in the form set forth by Respondent herein;
- Respondent Jesse Tubbs consents to a voluntary post death lien in favor of the State of California Department of Health Care Services in the amount of **$11,500.00** against his undivided **50%** interest in the form set forth herein;
- Respondent Jesse Tubbs objects to the form of distribution as proposed by Petitioner as failing to adequately state the interests of the distributees in substance and form;
- History of Residence and Occupancy: Jesse Tubbs resided in the residence from the purchase in 1973 at his age 10 until leaving for college; Jesse returned to the residence in June 1997 after a disability discharge from the U.S. Army as the result of an injury; Jesse has resided in the property since 1997 continuously to the present time;
- Jesse Tubbs has paid all of the property taxes, insurance, and maintenance on the residence since the death of Julia M. Tubbs in December 2011; before and after the death of Abraham Tubbs on 5/6/2001, Jesse Tubbs has paid a portion of and sometimes all of taxes, insurance, and maintenance; No residence would still exist if Jesse Tubbs had not paid the taxes, insurance, maintenance and other expenses; Abraham Tubbs Jr. has not ever paid any of the taxes, insurance, maintenance and other expenses of the residence;
- Out of failure to understand the need for a creditor's claim, Respondent Jesse Tubbs missed the deadline to file a creditor's claim for reimbursement of expenses paid for the residence;
- Jesse Tubbs did not agree to the demand by the administrator's attorneys to vacate the premises for the practical reason that living in the property and paying expenses preserved the property; no legal basis existed for a demand to pay rent;

~Please see additional page~

Response of JESSE R. TUBBS filed 6/19/2015, continued:

- The result of complying with the demands would have been the loss of the benefit of the waiver by the Department of Health Care Services, generation of additional attorney fee and administrator commission, and would have missed the opportunity to use the hardship waiver granted by the Department of Health Care Services;
- Department of Health Care Services Waiver of Proportionate Share of Claim as to Jesse R. Tubbs: Respondent Jesse Tubbs applied for waivers of his proportionate share of the Department of Health Care Services claims against the estates of his father Abraham Tubbs and his mother Julia Tubbs (Decedent); the waiver was granted to Jesse Tubbs as to the estate of Julia Tubbs (*copy attached)*;
- The wavier was denied to Respondent Jesse Tubbs as to the estate of Abraham Tubbs; the 4/30/201 letter of Attorney Joy Docktor (*copy at Exhibit A*), notes that Respondent Jesse Tubbs did not pursue the appeal through Central California Legal Services; Respondent nonetheless appealed the administrative denial, and the appeal was denied after the hearing;
- Respondent Jesse Tubbs alleges that under the law and regulations, the distribution by this Court needs to reflect the grant of the waiver to Respondent Jesse Tubbs as to the Department of Health Care Services claim against Julia Tubbs;
- Respondent Jesse Tubbs further alleges that under the regulations the amount that the Department of Health Care Services will require Jesse Tubbs to pay based on his income and expenses will differ from the amounts that Abraham Tubbs will be required to pay;
- Respondent Jesse Tubbs alleges that the full amount of both Department of Health Care Services claims at the appraised value of the Decedent's estate would be **$45,000.00**; Respondent Jesse Tubbs alleges that prior to the 4/27/2015 hearing in this Court the amount of the Department of Health Care Services asserted line was **$22,500.00**; since that hearing the Department of Health Care Services has raised the total claim to **$33,750.00**, an additional **$11,250.00**;
- Respondent Jesse Tubbs alleges that the additional **$11,250.00** in the Department of Health Care Services claim is ½ of the **$22,500.00** relating to the Estate of Julia Tubbs;
- The attached copy of the letter from Joy Docktor, Central California Legal Services, to Respondent Jesse Tubbs analyzing the Department of Health Care Services lien, and concluding that the waiver granted to Respondent reduced his proportional share of the total claim to **$11,250.00**;
- Respondent alleges that that ½ interest of Abraham Tubbs Jr. in the residence would be subject to a proportionate share claim of **$22,500.00**;
- Corrections Needed to Distribution Paragraphs: Respondent alleges the lien for reimbursement to the Department of Health Care Services does not reflect the granting of the waiver to Respondent Jesse Tubbs and deprives Respondent of the waiver, contrary to law; the proposed lien does not reflect that Abraham Tubbs Jr. and Respondent Jesse Tubbs may be required to make different monthly payments to the Department of Health Care Services;

Respondent Jesse Tubbs requests that the Court order that Petitioner Abraham Tubbs Jr. is required to submit to the Court and Respondent's review an order for distribution in *[the form stated on Pages 8 to 12 of Response; omitted here.]*

Respondent Jesse R. Tubbs Points and Authorities in Support of Response and Objections to First Amended Petition for Settlement*, etc.*, was filed on 6/25/2015, with proof of service to Attorney Burnside and Department of Health.

Memorandum of Points and Authorities in Reply *to Jesse Tubbs' Response, etc.*; and
Request for Judicial Notice in Support of Reply *to Jesse Tubbs' Response, etc.*, were filed 6/29/2015.

8B Julia M. Tubbs (Estate) Case No. 13CEPR01094

Attorney **Burnside, Leigh W. (for Petitioner Abraham Isaak Tubbs, Jr., Administrator, son)**
Attorney **Deal, Leonard E., (for Objector Jesse R. Tubbs, son)**

Probate Status Hearing Re: Settlement

DOD: 12/30/2011		
Cont. from 081115, 092915		
	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	
✓	Aff.Mail	
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
	Order	X
	Aff. Posting	
✓	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

ABRAHAM ISAAK TUBBS, JR., son and Administrator, filed a *First Amended (1) Petition for Settlement of First and Final Account; etc.*, on 5/19/2015.

Response of JESSE R. TUBBS to ABRAHAM ISAAK TUBBS, JR., to *First Amended Petition for Settlement of First and Final Account, etc.*, was filed on 6/19/2015.

***Minute Order* dated 6/30/2015** from the *First Amended Petition* set a Status Hearing Re Settlement on 8/11/2015.

***Stipulation by Abraham Isaak Tubbs, Jr., as Administrator and Beneficiary, and Jesse R. Tubbs, as Beneficiary for (1) Settlement of Jesse R. Tubbs Objections; and (2) Agreed Final Distribution of Estate at Continued Hearing* filed by JESSE R. TUBBS on 10/16/2015 states [*in most pertinent part*]:**

- **ABRAHAM ISAAK TUBBS, JR.**, will receive distribution of **100%** interest in man's gold wedding band and woman's gold wedding ring, both of which he has possession;
- **JESSE R. TUBBS** will receive distribution of **100%** interest in the real property residence on W. San Joaquin Street and all furnishings and contents, of which he has possession, subject to a **$33,750.00** Department of Health Care Services lien and the obligations in connection with the lien *[including monthly payments to the Department of Health as set by the Department]*;
- **JESSE R. TUBBS** will supply funds to pay the Court filing fees of **$870.00**, attorney costs of **$372.87** after application of estate cash of **$204.74** held in attorney trust account, the Administrator commission of **$1,808.19**, the attorney fee for services of **$1,808.19**, and the attorney fee for extraordinary services of up to **$1,693.50**;
- Dowling Aaron as attorney for Administrator will prepare the distribution order using the approved language and submit to Attorney Deal for approval as to form.

Declaration of Leornard E. Deal to Report Jesse R. Tubbs Agreement with DHCS for Voluntary Post Death Lien was filed 10/21/2015, outlining the terms of his agreement with the Department of Health Care Services, which includes a "tag" on his signed Stipulation for Lien form of DHCS, indicating that the signed post-death lien may not be recorded by DHCS until the Courr approves a recordable order distributing the 100% interest in the real property to ***Jesse R. Tubbs***.

NEEDS/PROBLEMS/COMMENTS:

Continued from 9/29/2015.
***Minute Order* states counsel represent that the parties have agreed on the terms of a stipulated distribution and the lien issue is resolved; a written agreement is nearly completed and should be filed within a week or so. Ms. Burnside will be providing an order.**—*Revised order submitted 11/2/2015; reviewed and placed in case file for Court's consideration*

Reviewed by: LEG
Reviewed on: 10/29/15
Updates: 11/2/15
Recommendation:
File 8B – Tubbs

Dept. 303, 9:00 a.m. Tuesday, November 3, 2015

9 **William Leon Kermoyan (Estate)** **Case No. 14CEPR00227**

Attorney **Coleman, William H**

First and Final Account and Report of Administrator and Petition for its Settlement, for Allowance of Compensation to Administrator and Attorneys for Ordinary Services and Extraordianry Services and for Final Distribution

Age:				NEEDS/PROBLEMS/COMMENTS:
DOD:				**CONTINUED TO 12/07/15**
				Per request of Counsel
Cont. from				
	Aff.Sub.Wit.			
	Verified			
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg			
	Aff.Mail			
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
	Order			
	Aff. Posting			Reviewed by:
	Status Rpt			Reviewed on: 10/27/15
	UCCJEA			Updates:
	Citation			Recommendation:
	FTB Notice			File 9 – Kermoyan

Dept. 303, 9:00 a.m. Tuesday, November 3, 2015

10 **Mary Jo Lane (Estate)** **Case No. 14CEPR00372**

Attorney **Magness, Marcus D. (for Administrator Brittney Marie Lane)**

Final Account and Report of Administrator and Petition for Its Settlement, and Petition for Final Distribution, and for Allowance of Compensation to Administrator and Attorneys for Ordinary Services

DOD: 4/3/14		
	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	

BRITTNEY MARIE LANE, Administrator With Full IAEA without bond, is Petitioner.

Account period: 4/3/14 – 9/11/15
Accounting: $294,164.09
Beginning POH: $284,806.04
Ending POH: $ 64,856.52 ($9,913.54 cash, a $1,718.00 expected 2013 IRS Tax Refund, a Promissory Note valued at $43,224.98, and a vehicle valued at $10,000.00.)

Administrator (Statutory): $8,883.28.
Petitioner and her brother have agreed that Petitioner will receive the vehicle valued at $10,000.00 as a distribution. Petitioner requests that this distribution be applied as payment of Petitioner's compensation, which will result in an overpayment of $1,116.72, which Petitioner will reimburse to the estate.

Attorney (Statutory): $8,883.28

Attorney Costs: $1,695.00 (filing fees, certified copies, publication, appraisal, copies of creditor's claims, and delivery fee)

Administrator costs: Not stated
Due to a lack of cash in the estate, Petitioner has paid expenses and costs of administration out of her own pocket. Her brother, the other beneficiary, has reimbursed her for one-half of the funds advanced. Petitioner states she makes no claim for reimbursement from the estate.

Petitioner states the real property was sold pursuant to Notice of Proposed Action to William V. Jenson for $270,000.00, which sale included satisfaction of the Creditor's Claim filed by Mr. Jensen for $112,606.35. The estate received a promissory note from Mr. Jensen in the amount of $43,224.87 at 3.875% payable in 60 equal monthly installments.

NEEDS/PROBLEMS/ COMMENTS:

SEE ADDITIONAL PAGES

Reviewed by: skc
Reviewed on: 10/28/15
Updates:
Recommendation:
File 10 - Lane

Petitioner requests this Court to order:

1. That administration of this estate be brought to a close;
2. The first and final account of Petitioner as Administrator be settled, allowed, and approved as filed;
3. That all acts and proceedings of Petitioner as Administrator be confirmed and approved;
4. That Petitioner be ordered to contribute cash to the estate of $1,116.72 (for distribution of vehicle as in-kind statutory compensation);
5. That Petitioner be ordered to pay the sum of $9,913.54 to Gilmore Magness Leifer, a Professional Corporation ($8,883.28 as compensation for ordinary legal services to Petitioner and to the estate and $1,695.00 to reimburse for costs advanced on behalf of Petitioner and the Estate);
6. That BRANDON MICHAEL KENNETH LANE and BRITTNEY MARIE LANE be ordered to each pay one-half of the fees for the preparation of the final fiduciary tax returns and income taxes, if any, owed;
7. That Petitioner be ordered to distribute the assets of the estate as follows:

   Brittney Marie Lane: $225.99 cash plus the vehicle, a one-half interest in the promissory note, and a one-half interest in the 2013 tax refund

   Brandon Michael Kenneth Lane: $225.99 cash plus a one-half interest in the in the promissory note, and a one-half interest in the 2013 tax refund

8. That final distribution of the decedent's estate in Petitioner's hands and any other property of the decedent or the estate not now known or discovered be distributed as set forth in the Petition;
9. That should any property of the decedent or the estate not now known or discovered become known or discovered, such property be distributed one-half to BRITTNEY MARIE LANE and one-half to BRANDON MICHAEL KENNETH LANE; and
10. That any further orders be made as the Court considers proper.

SEE ADDITIONAL PAGES

Page 3 – NEEDS/PROBLEMS/COMMENTS:

1. Need clarification regarding the sale transaction of the real property. Petitioner states the real property was sold for the appraised value, $270,000.00 by including satisfaction of the creditor's claim of $112,606.35 previously filed by the buyer, and apparently by the estate carrying a note of $43,224.98 at 3.875% for 60 months for the buyer.

   - First, need clarification with reference to Probate Code §9920, which requires Court authorization for exchange of property for other property (in this case, exchanging the estate's real property for a promissory note).

   - Second, need clarification as to how the sale price is calculated at $270,000.00, when the total of the creditor's claim of $112,606.35 plus the note of $43,224.98 equals $155,831.33. This appears to actually be $114,168.67 loss to the estate. Note: This affects statutory compensation calculation.

2. Calculation of the statutory compensation also includes receipts such as escrow refunds and a payment on the above-referenced promissory note. The Court may require clarification and/or authority for use of these items as receipts for purposes of statutory compensation calculation.

3. Attorney Costs appear to include items considered by the Court to be costs of doing business and not reimbursable, including copies ($38.00) and delivery fee ($45.00). Need clarification per Local Rule 7.17. The Court may reduce the costs by $83.00 to $1,612.00.

4. Petitioner states unspecified expenses of administration were paid out of pocket, and half was reimbursed to her by the other heir. However, Petitioner does not state what the expenses were or what the total was. Need clarification with reference to Local Rule 7.17.

5. Petitioner requests that the Court order heir Brandon Lane to pay one-half of the fees for preparation of the final fiduciary tax returns and income taxes, if any, after distribution. Need authority for this order, or consent from Mr. Lane for this receipt of this liability.

6. Need written consent of Brandon Lane for receipt of the promissory note and expected tax refund in undivided interests pursuant to Local Rule 7.12.3.

11 Willie Young (Estate) Case No. 14CEPR00420

Attorney: Elise M. Balgley of Newark, CA (for Petitioner Howard Young)

Report of Sale and Petition for Order Confirming Sale of Real Property

DOD: 6/17/13		
Cont. from		
	Aff.Sub.Wit.	
✓	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
✓	**Notice of Hrg**	
✓	**Aff.Mail**	W/O
✓	**Aff.Pub.**	
✓	**Sp.Ntc.**	W/O
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
	Order	X
✓	**Aff. Posting**	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

HOWARD YOUNG, Administrator with limited IAEA authority, is petitioner.

Sale price - $75,000.00
Overbid - $79,250.00

Reappraisal - Need

Property - 321 S. 38th Street, Richmond, CA

Publication - Contra Costa News Register

Buyers - Ramir R. Milay and Germaine Willkom-Milay

Broker - $3,000.00 (4% - payable to Preferred Brokers Wanda Thompson

NEEDS/PROBLEMS/COMMENTS:

1. Need proof of service of the Notice of Hearing on buyers Ramir R. Milay and Germaine Willkom-Milay pursuant to Probate Code §10308(c).
2. Proof of service does not indicate that the Notice of Hearing was served with a copy of the petition as required by Probate Code §1252 to Steven Diebert and Sheryl Noel pursuant to their Requests for Special Notice.
3. Proof of Publication filed on 9/22/15 shows publication for another estate (the Estate of Mary Etta Bohn) and not for this Report of Sale.
4. Need reappraisal for sale. Probate Code §10309(a)(1).
5. #4a of the petition does not state the manner of vesting title.
6. Petition does not address whether or not the funds will be bonded or blocked.
7. Need Order.

Reviewed by: KT

Reviewed on: 10/28/15

Updates:

Recommendation:

File 11 – Young

Dept. 303, 9:00 a.m. Tuesday, November 3, 2015

12 Leara M. Reily (Estate) Case No. 15CEPR00181

Attorney: Janet L. Wright (for Petitioner/Administrator Jacob C. Liles)

Petition to Close and Distribute Estate on Waiver of Account and Approval of Attorneys Statutory Fees

DOD: 11/21/14			
Cont. from			
	Aff.Sub.Wit.		
✓	**Verified**		
✓	**Inventory**		
✓	**PTC**		
✓	**Not.Cred.**		
✓	**Notice of Hrg**		
✓	**Aff.Mail**	W/	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
✓	**Letters**	4/6/15	
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
✓	**9202**		
✓	**Order**		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
✓	**FTB Notice**		

JACOB C. LILES, Administrator/sole heir is Petitioner.

Accounting is waived.

I & A	-	**$521,717.04**
POH	-	**$519,653.54**
Administrator	-	**waives**
Attorney (statutory)	-	**$13,434.14**

Distribution, pursuant to intestate succession, is to:

Jacob C. Lilies - real property and $380,219.40.

NEEDS/PROBLEMS/COMMENTS:

Reviewed by: KT

Reviewed on: 10/28/15

Updates: 10/30/15

Recommendation: SUBMITTED

File 12 – Reily

13 Deanna Claudette Molina (Estate) Case No. 15CEPR00442

Attorney: Paulette Janian (for Administrator Debra Molina)

Probate Status Hearing RE: Filing of the Inventory and Appraisal

DOD: 2/25/15	**DEBRA MOLINA** was appointed Administrator with full IAEA authority and without bond on 6/2/15. Letters issued on 6/2/15. Minute order dated 6/2/15 set this status hearing for the filing of the inventory and appraisal.	**NEEDS/PROBLEMS/COMMENTS:** 1. **Need Inventory and Appraisal or current written status report** pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		**Reviewed by: KT**
Status Rpt		**Reviewed on: 10/28/15**
UCCJEA		**Updates:**
Citation		**Recommendation:**
FTB Notice		**File 13 – Molina**

Dept. 303, 9:00 a.m. Tuesday, November 3, 2015

14 Glen A. Webster (CONS/PE) Case No. 15CEPR00446

Attorney: Flora Istanboulian (Court Appointed for Conservatee)
Attorney: Heather Kruthers (for Conservator Public Guardian)

Petition for Attorney Fees, for Reimbursement of Fees advanced and for Termination of Services of Attorney

			FLORA ISTANBOULIAN, petitioner was Court appointed to represent the Conservatee on 6/1/15. Please see petition for details.	**NEEDS/PROBLEMS/COMMENTS:**
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			**Reviewed by:** KT
	Status Rpt			**Reviewed on:** 10/28/15
	UCCJEA			**Updates:**
	Citation			**Recommendation:**
	FTB Notice			**File 14 – Webster**

Dept. 303, 9:00 a.m. Tuesday, November 3, 2015

15 Jessie Salaiza (Estate) Case No. 15CEPR00682

Petitioner Braddock, Sylvia Salaiza (Pro Per – Daughter)

Petition for Letters of Administration; Authorization to Administer Under the Independent Administration of Estates Act

DOD: 03/11/2006			**SYLVIA SALAIZA BRADDOCK**, daughter, is petitioner and requests appointment as Administrator without bond. All heirs waive bond. Full IAEA – o.k. Decedent died intestate Residence: Coalinga Publication: The Business Journal **Estimated value of the estate:** Personal property - $100,000.00 Probate Referee: Steven Diebert	**NEEDS/PROBLEMS/COMMENTS:** **Minute Order of 09/29/2015: The Court indicates that it will be ordering bond in the amount of $100,000.00.** **Note: If the petition is granted status hearings will be set as follows:** • **Tuesday, 12/01/2015 at 9:00a.m. in Dept. 303** for the filing of the Bond if required **and** • **Tuesday, 04/05/2016 at 9:00a.m. in Dept. 303** for the filing of the inventory and appraisal **and** • **Tuesday, 01/03/2017 at 9:00a.m. in Dept. 303** for the filing of the first account and final distribution. 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.
Cont. from 082515, 092915				
	Aff.Sub.Wit.			
✓	**Verified**			
	Inventory			
	PTC			
	Not.Cred.			
✓	**Notice of Hrg**			
✓	**Aff.Mail**	w/		
✓	**Aff.Pub.**			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
✓	**Letters**			
✓	**Duties/Supp**			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	**Order**			
	Aff. Posting			**Reviewed by:** LV
	Status Rpt			**Reviewed on:** 10/28/2015
	UCCJEA			**Updates:**
	Citation			**Recommendation:**
	FTB Notice			**File 15 - Salaiza**

16 Justus Vargas-Sage (GUARD/P) Case No. 15CEPR00775

Petitioner: Sergio Robert Arreola (pro per)
Objector: Joey Vargas (pro per)

Petition for Appointment of Guardian of the Person

			THERE IS NO TEMPORARY. Temporary was denied.
			SERGIO ROBERT ARREOLA, non-relative, is petitioner.
			Objection filed 8/18/15 by Joey Vargas
			Department of Social Services Report of Social Worker filed on 10/13/15
Cont. from 101315			
	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**		
	9202		
✓	**Order**		
	Aff. Posting		
	Status Rpt		
✓	**UCCJEA**		
	Citation		
	FTB Notice		

NEEDS/PROBLEMS/COMMENTS:

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:
   a. Joseph Ronnie Munoz (father)
   b. Joey Vargas (mother)
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:
   a. Paternal grandparents
   b. Kevin Sage (maternal grandfather)
   c. Guilien Dix (maternal grandmother)

Reviewed by: KT
Reviewed on: 10/28/15
Updates:
Recommendation:
File 16 – Vargas-Sage

Dept. 303, 9:00 a.m. Tuesday, November 3, 2015

17 Frank Luna (GUARD/P) Case No. 15CEPR00847

Petitioner: Sarah Melcher (pro per)

Petition for Appointment of Guardian of the Person

			There is no Temporary. Temporary was denied. **SARAH MELCHER**, maternal grandmother, is petitioner. **Please see petition for details.** **Court Investigator Report filed on 10/27/15**	**NEEDS/PROBLEMS/COMMENTS:** 1. 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: a. Paternal grandparents
Cont. from				
	Aff.Sub.Wit.			
✓	**Verified**			
	Inventory			
	PTC			
	Not.Cred.			
✓	**Notice of Hrg**			
✓	**Aff.Mail**	W/		
	Aff.Pub.			
	Sp.Ntc.			
✓	**Pers.Serv.**	W/		
✓	**Conf. Screen**			
✓	**Letters**			
✓	**Duties/Supp**			
	Objections			
	Video Receipt			
✓	**CI Report**			
✓	**9202**			
	Order			
	Aff. Posting			**Reviewed by:** KT
	Status Rpt			**Reviewed on:** 10/29/15
✓	**UCCJEA**			**Updates:**
	Citation			**Recommendation:**
	FTB Notice			**File 17 – Luna**

Dept. 303, 9:00 a.m. Tuesday, November 3, 2015

18 Kristin Taylor Reynolds (GUARD/P) Case No. 15CEPR00853

Petitioner: Cipriano Manuel Ramirez (pro per)

Petition for Appointment of Guardian of the Person

			TEMPORARY EXPIRES 11/3/15
			CIPRIANO MANUEL RAMIREZ, former step-father, is petitioner.
Cont. from			Please see petition for details.
	Aff.Sub.Wit.		
✓	**Verified**		**Court Investigator Report filed on 11/22/15**
	Inventory		
	PTC		
	Not.Cred.		
✓	**Notice of Hrg**		
✓	**Aff.Mail**	W/	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
✓	**Conf. Screen**		
✓	**Letters**		
✓	**Duties/Supp**		
	Objections		
	Video Receipt		
✓	**CI Report**		
	9202		
✓	**Order**		
	Aff. Posting		
	Status Rpt		
✓	**UCCJEA**		
	Citation		
	FTB Notice		

NEEDS/PROBLEMS/COMMENTS:

1. 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:
   a. Cydene O'Hanlon, Paternal grandmother – unless court dispenses with notice.
   b. Paternal grandfather – Unknown – **Note:** Jimmy Reynolds was noticed on 10/28/15 (5 days-notice and not the required 15 days) however his relationship is not stated.

Reviewed by: KT

Reviewed on: 10/29/15

Updates: 10/30/15

Recommendation:

File 18 – Reynolds

Dept. 303, 9:00 a.m. Tuesday, November 3, 2015

19 Caleb DeLong (GUARD/P) Case No. 15CEPR00858

Attorney: James L. Miller (for Petitioner Janeen Langenheim)

Petition for Appointment of Guardian of the Person

			TEMPORARY EXPIRES 11/3/15.	**NEEDS/PROBLEMS/COMMENTS:**
			JANEEN LANGENHEIM, maternal grandmother, is petitioner.	
			Please see petition for details.	
Cont. from			**Court Investigator Report filed on 10/26/15**	
	Aff.Sub.Wit.			
✓	**Verified**			
	Inventory			
	PTC			
	Not.Cred.			
✓	**Notice of Hrg**			
✓	**Aff.Mail**	W/		
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
✓	**Conf. Screen**			
✓	**Letters**			
✓	**Duties/Supp**			
	Objections			
	Video Receipt			
✓	**CI Report**			
	9202			
✓	**Order**			
	Aff. Posting			**Reviewed by: KT**
	Status Rpt			**Reviewed on: 10/29/15**
✓	**UCCJEA**			**Updates:**
	Citation			**Recommendation:**
	FTB Notice			**File 19 - DeLong**

Dept. 303, 9:00 a.m. Tuesday, November 3, 2015

20 Julio Zanudo, Kimberly Zanudo, Kayla Zanudo, & Kaylee Zanudo (GUARD/P)

Case No. 15CEPR00860

Petitioner **Norma Rivera (Pro Per)**

Petition for Appointment of Guardian of the Person

			TEMPORARY EXPIRES 11/3/2015	**NEEDS/PROBLEMS/COMMENTS:**
			NORMA RIVERA, maternal grandmother, is Petitioner.	**Note:** *Minute Order* dated 9/15/2015 from the hearing on the temporary petition states the Court orders that there shall be no visits for either parent until they come to Court.
Cont. from			***~Please see Petition for details~***	
	Aff.Sub.Wit.			
✓	**Verified**		**Court Investigator's *Report* was filed on 10/14/2015.**	
	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**			
✓	**Clearances**			
✓	**Order**			
	Aff. Posting			**Reviewed by:** LEG
	Status Rpt			**Reviewed on:** 11/2/15
✓	**UCCJEA**			**Updates:**
	Citation			**Recommendation:**
	FTB Notice			**File 20 – Zanudo**

Dept. 303, 9:00 a.m. Tuesday, November 3, 2015

21 **Neil George Prather (Estate)** **Case No. 15CEPR00897**

Attorney **Vallis, James H. (of Kingsburg, CA, for Sharron Y. Warehime – Petitioner)**

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

				NEEDS/PROBLEMS/COMMENTS:
				See Page 27.
	Aff.Sub.Wit.	S/P		
✓	**Verified**			
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg	x		
	Aff.Mail	x		
✓	**Aff.Pub.**			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
✓	**Letters**			
✓	**Duties/Supp**			
✓	**Objections**			
	Video Receipt			
	CI Report			
	9202			
✓	**Order**			
	Aff. Posting			**Reviewed by:** skc
	Status Rpt			**Reviewed on:** 10/27/15
	UCCJEA			**Updates:**
	Citation			**Recommendation:**
	FTB Notice			**File 27 – Prather**

Dept. 303, 9:00 a.m. Tuesday, November 3, 2015

22 **Pao Vue Xiong (SNT)** **Case No. 15CEPR00936**

Attorney **Barton, Robert (of Los Angeles, CA, for Petitioner Nicole Ballard)**

Petition for Order: (1) Domesticating Petitioner's Minnesota Adult Guardianship Order; (2) Removing Teng Yang as Trustee; (3) Appointing Guardian Nicole Ballard as Successor Trustee; and (4) Transferring Situs of Trust to Minnesota

	Aff.Sub.Wit.	
✔	Verified	
	Inventory	
	PTC	
	Not.Cred.	
✔	Notice of Hrg	
	Aff.Mail	x
	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	

EX PARTE ORDER HOLDING FUNDS IN ABEYANCE PENDING HEARING was granted 9/25/15.

NICOLE BALLARD, Guardian of the Person as appointed in Hennepin County, MN, is Petitioner.

Petitioner states the **PAO VUE XIONG SPECIAL NEEDS TRUST** was established 2/17/00 in **Fresno Superior Court Case 0627917-8** (Pao Vue Xiong, et al, v. National Railroad Passenger Corporation, et al.) following a train accident in Fresno, CA, which left Pao permanently disabled. Pao's mother, **TENG YANG**, was appointed trustee and continues to hold this title.

Pao and Teng moved to Minnesota in approx. 2012; however, situs of the trust has not been transferred to Minnesota.

Petitioner and Teng were were appointed as Co-Guardians of Pao on 4/12/12.

Petitioner states Teng has not been involved in Pao's care on a consistent basis and is difficult to contact. Teng has not given any of the trust money to Pao since August 2014. On 9/10/15, Teng was removed as co-guardian and Petitioner was appointed sole guardian of the person in Hennepin County, MN, Case No. 27-GC-PR-12-53.

Pao resides in Mendota Heights, MN. Petitioner resides in St. Paul, MN. Teng's last known residence was in Minneapolis, MN; however, it is unknown if she actually resides there.

SEE ADDITIONAL PAGES

NEEDS/PROBLEMS/COMMENTS:

<u>CONTINUED TO 12/17/15</u>

Per attorney request

<u>Note</u>: Order on Ex Parte Application for Order Holding Funds in Abeyance Pending Hearing on the Petition was entered 9/25/15 and requires that "Wilton (formerly CAN Structured Settlements), Custodian of Settlement Funds" is ordered to hold any funds received for Pao's benefit pending this hearing.

SEE ADDITIONAL PAGES

Reviewed by: skc

Reviewed on: 10/29/15

Updates: 11/2/15

Recommendation:

File 22 – Xiong

Petitioner states as trustee, Teng agreed to hold the following property for the benefit of Pao:

a) $25,506.89, which was used to set up the trust;
b) $650/month in aid, which was paid to the trust until Pao turned 18;
c) $1,643.06/month in aid, which would continue for Pao's life with 20 years guaranteed, commencing 12/20/11 and increasing at 2% compounded interest annually.

Petitioner requests an order domesticating Petitioner's Minnesota Adult Guardianship Order pursuant to Probate Code §2013. *(Examiner's Note: This section is effective 1/1/16. See issues.)*

Petitioner requests Teng be removed as trustee pursuant to Probate Code §15642. Petitioner states Teng has committed a breach of trust by failing to make distributions or act as trustee since August 2014. Despite Petitioner's attempts, she has been unable to locate or communicate with Teng in over a year. The trust makes it clear that there exist basic living needs that public benefit programs for the disabled may not provide. Thus, it is *vitally important* that Pao continue to receive such additional services to meet these needs in order to maintain an adequate level of human dignity and humane care. Because Teng's failure to provide distributions leads to an inadequate level of human dignity and care for Pao, the Court has good cause to remove her as trustee.

Petitioner requests appointment as successor trustee. Petitioner states the named successor trustee, Tong Houa Xiong, Father of Pao, is incarcerated and unable to act as successor trustee. Petitioner is a a professional fiduciary and Pao's guardian and is the best person to serve in this capacity and consents to serve as trustee.

Petitioner requests to transfer the situs of the trust to Hennepin County, Minnesota pursuant to Probate Code §2802(c) (transfer of personal property out of state) and Probate Code §17401 and §17404 (transfer of trust property or place of administration). Petitioner states Pao resides in Mendota Heights, Minnesota. Because Pao is permanently disabled and the purpose of the trust is to provide Pao with necessary supplemental funding to ensure his proper care, it would be in the best interest of the trust to be located in the jurisdiction in which he resides. Transferring the place of administration would not violate any terms of the trust.

Petitioner prays as follows:

1. **For an order domesticating Petitioner's Minnesota guardianship order to California;**
2. **For an order removing Teng Yang as trustee of the trust;**
3. **For an order appointing Nicole Ballard as successor trustee of the trust;**
4. **For an order transferring the trust property and place of administration to Hennepin County, State of Minnesota; and**
5. **For such other and further relief as the Court deems proper.**

SEE ADDITIONAL PAGES

Page 3 – NEEDS/PROBLEMS/COMMENTS:

1. **It does not appear Petitioner has standing as guardian of the person to bring this petition on behalf of beneficiary Pao Vue Xiong without appointment as Guardian Ad Litem in this matter pursuant to Probate Code §1003. Need Petition and Order Appointing Petitioner as Guardian Ad Litem for Pao Vue Xiong. See Judicial Council Forms GC-100 and GC-101.**

2. **Petitioner requests Registration of Order of Conservatorship under Probate Code §2013; however, Probate Code §§ 2011 et seq., do not go into effect until 1/1/16. Note: Petitioner is Guardian of the Person only in Minnesota. §2013 is for registration of conservatorship of the person and estate. §2011, when effective, is the section that will apply.**

   Per code commentary, the purpose of registration is to facilitate enforcement of conservatorship orders of other states or to facilitate real estate or care transactions in California. This does not appear to be the case here, so it is unclear what the purpose of registration would be, unless it is simply for standing for the filing this petition. If so, appointment as GAL is necessary as noted above. Regardless, these registration sections are not currently in effect.

   If the Court determines that registration under §2011 is appropriate or will be appropriate upon its effective date, the Registration of Order of Conservatorship should be filed as a separate case pursuant to Local Rules 7.1.2 and 7.19, and will be subject to a separate filing fee, separate notice, and filing of documents as follows:
   - Judicial Council Cover Sheet (beginning 1/1/16);
   - Certified copies of Order Appointing Guardian and Letters per Probate Code §2011;
   - Duties of Conservator (GC-348) per Probate Code §§ 2015, 1834, 1835;
   - Service of Notice of Intent to Register Conservatorship on the Court supervising the conservatorship (County of Hennepin, State of Minnesota District Court, Fourth Judicial District, Probate-Mental Health Division), every person who would be entitled to notice of a petition for the appointment of a conservator in Minnesota and in California (see Probate Code §1821 et seq.).

3. **Need proof of service of Notice of Hearing at least 30 days prior to the hearing per Probate Code 17203 and Cal. Rule of Court 7.51 on:**
   - Pao Vue Xiong (Ward and Beneficiary)
   Note: Per Cal. Rule of Court 7.51, Pao Vue Xiong must be served directly, and not "c/o" his guardian, who is the petitioner herein, unless notice is dispensed.

4. **Proof of Service attached to Notice of Hearing filed 9/24/15 indicates that service on Teng Yang (Mother and Trustee), Tong Houa Xiong (Father and named successor trustee), and Wilton (formerly CAN Structured Settlements) (Custodian of settlement funds) was made via overnight courier. Because the Probate Code does not provide for service in this manner, the Court may require proof of receipt or further proof of service by first class mail pursuant to Probate Code §1215.**

SEE ADDITIONAL PAGES

Page 4 – NEEDS/PROBLEMS/COMMENTS (Cont'd):

5. **It appears this special needs trust was established in 2000 within the minor's compromise in Fresno Superior Court Case No. 0627917-8, but the trust itself was never properly filed in the Probate Court for review and continuing Court supervision, as required for special needs trusts. The trust does not require bond or any accounting by the trustee and is missing substantially all the language and provisions required for special needs trusts in California.**

   At this time, the trust has now been brought under the jurisdiction and supervision of this Probate Court and the Court will require compliance with Local Rule 7.19, which includes bond and probate accounting. No payment of fees to attorneys or trustee may be made without prior Court approval.

6. **The Court may require clarification of how payments were made and distributed and used prior to August 2014 or accounting by the trustee or custodian pursuant to Cal. Rule of Court 7.903(c) and Probate Code §§ 1060 et seq., and 2620, et seq.**

7. **Petitioner requests transfer of the trust situs to Minnesota with reference to Probate Code §2802(c) and 17401 and 17404. Section 2800 et seq., appears to apply to personal property of a conservatee, not trust assets, and it is unclear how §17404 applies to special needs trusts. The Court may require further authority for transfer of the trust situs to Minnesota. <u>Note</u>: If this section is applicable, need all information contained in Probate Code §2803 and notice to all relatives within the second degree.**

8. **If Petitioner is appointed as successor trustee, the Court will require bond pursuant to Probate Code §§ 15602, 2620 et seq., and Cal. Rule of Court 7.903(c). Based on the allegation that the trust consists of monthly income of at least $1,643.06, increasing by 2% annually, beginning 2011, examiner calculates the current monthly income at approx. $1,778.50, which would require bond including cost of recovery of $23,476.20. (This assumes there income only, no principal.)**

9. **Petitioner states she is a professional fiduciary. The Court may require license information. For an example of the information that may be required, see Judicial Council Form GC-210(A-PF) Professional Fiduciary Attachment to Petition for Appointment of Guardian or Conservator.**

10. **Petitioner states Teng's failure to provide distribution leads to an inadequate level of human dignity and care for the beneficiary. According to the The Court may require further information regarding the beneficiary's current residence and care. Does he reside in a care facility? Does he have other relatives that may be entitled to notice, such as a spouse or siblings?**

11. **Need proposed order pursuant to Local Rules 7.1.1.F and 7.6.**

23 Nelta Lee Clark (Estate) Case No. 15CEPR00938

Attorney: Gary G. Bagdasarian (for Petitioner Kennith E. Horn)

Petition for Letters of Administration with IAEA & Limited Authority

DOD: 6/18/15			**KENNITH E. HORN**, son, is petitioner and requests appointment as Administrator without bond. Limited IAEA – o.k. Decedent died intestate. Residence: Fresno Publication: Fresno Business Journal **Estimated value of the estate:** Real property - $142,000.00 **Probate Referee: Steven Diebert.**
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		

NEEDS/PROBLEMS/COMMENTS:

Note: If the petition is granted, status hearings will be set as follows:

- **Wednesday, March 30, 2016** at 9:00 a.m. in Department 303, for the filing of the inventory and appraisal.
- **Wednesday, January 25, 2017** at 9:00 a.m. in Department 303, for the filing of the first account or petition for final distribution.

Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.

Reviewed by: KT
Reviewed on: 10/28/15
Updates:
Recommendation: SUBMITTED
File 23 – Clark

Dept. 303, 9:00 a.m. Tuesday, November 3, 2015

24 Gertrude Barajas (Det. Succ) Case No. 15CEPR00940

Petitioner Barajas, Daniel G. (pro per – son)

Petition to Determine Succession to Real Property

DOD: 01/19/02		
Cont. from		
	Aff.Sub.Wit.	
✓	**Verified**	
✓	**Inventory**	
	PTC	
	Not.Cred.	
	Notice of Hrg	x
	Aff.Mail	x
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
	Order	x
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

DANIEL G. BARAJAS, son, is Petitioner.

40 days since DOD.

No other proceedings.

I & A - $75,000.00

Decedent died intestate.

Petitioner requests Court determination that decedent's 100% interest in real property located at 1214 S. Hubert Avenue in Fresno pass to him pursuant to intestate succession.

NEEDS/PROBLEMS/COMMENTS:

1. The Inventory & Appraisal filed 09/23/15 indicates that inventoried property represents a portion of the decedent's property at the time of death. Pursuant to Probate Code § 13152(a)(2) – to use this summary proceeding, the gross value of the decedent's real and personal property in this state cannot exceed $150,000.00. Need more information regarding the other assets of decedent's estate to determine that the total value of the estate is $150,000.00 or less.

2. The petition is not marked at item 9(a)(7 or 8) regarding issue of a predeceased child.

3. Need Notice of Hearing and proof of service by mail at least 15 days before the hearing of the Notice of Hearing on all interested parties.

4. Need Order.

Reviewed by: JF

Reviewed on: 10/29/15

Updates:

Recommendation:

File 24 – Barajas

Dept. 303, 9:00 a.m. Tuesday, November 3, 2015

25 Sherman Brinkley (Spousal) Case No. 15CEPR00947

Attorney **Keene, Thomas J., of Dos Palos (for Petitioner David Brinkley)**

Spousal or Domestic Partner Property Petition

DOD: 2/18/2010		
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	

DAVID BRINKLEY, son and Administrator of the *Estate of Charlotte Christina Brinkley* (Decedent's post-deceased spouse), is Petitioner.

No other proceedings.

Will dated 4/24/1989 devises entire estate to Decedent's spouse, **CHARLOTTE BRINKLEY**.

Petitioner states all property owned by Decedent and Decedent's spouse was changed to community property by virtue of the *Community Property Declaration (Attachment 8)*; it was their intent that all of their property be treated as community property regardless of the form in which title was taken.

***Community Property Declaration* dated 4/24/1989** states Decedent and his spouse were married 7/3/1955, reside in Fresno County, and all property is community property of the Decedent and Decedent's spouse and was acquired by them during the course of their marriage.

Petitioner requests Court determination that ½ interest in several real properties and in shares of stock passes to the Petitioner as Administrator of the Estate of Decedent's spouse, **CHARLOTTE BRINKLEY** *[Case 11CEPR00651]*, and Court confirmation that ½ interest in several real properties and in shares of stock belongs to the Petitioner as Administrator of the Estate of Decedent's spouse, **CHARLOTTE BRINKLEY** *[Case 11CEPR00651]*.

NEEDS/PROBLEMS/COMMENTS:

Note Re Related Case: *Minute Order* dated 9/29/2015 from the *Petition for Order to Continue to Operate Decedent's Business Under Probate Code Section 9760* filed 7/22/2015 in the *Estate of Charlotte Christina Brinkley*, *Case 11CEPR00651*, states: Mr. Keen represents that he received late notice from the Probate Referee that there were errors made in the Inventory and Appraisal. Also, a Spousal Property Petition for the deceased spouse *[Sherman Brinkley]* has been filed and is set for 11/3/2015; requests 30 days. Additionally, Mr. Keene advises that he will be retiring/subbing out of his matters.

Reviewed by: LEG
Reviewed on: 10/29/15
Updates: 11/2/15
Recommendation: SUBMITTED
File 25 – Brinkley

26 Emma Strickland, Gillian Strickland (GUARD/P) Case No. 15CEPR01039

Attorney Aguilar, Nellie R. (for Janice Kasparian – maternal grandmother/Petitioner)

Petition for Appointment of Temporary Guardian of the Person

Emma, 11			**GENERAL HEARING: 01/05/16**
Gillian, 4			**JANICE STRICKLAND,** maternal grandmother, is Petitioner.
			Father: **JOHN STRICKLAND, JR.** – *currently incarcerated*
Cont. from			Mother: **KELLY STRICKLAND** – *Consent & Waiver of Notice filed 10/20/15*
	Aff.Sub.Wit.		Paternal grandfather: JOHN STRICKLAND Paternal grandmother: DECEASED
✓	**Verified**		Maternal grandfather: JOHN FORD, III
	Inventory		Siblings: JOHN STRICKLAND, III
	PTC		**Petitioner states** [see Petition for details].
	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		
	9202		
✓	**Order**		
	Aff. Posting		
	Status Rpt		
✓	**UCCJEA**		
	Citation		
	FTB Notice		

NEEDS/PROBLEMS/COMMENTS:

1. Need *Notice of Hearing*.
2. Need proof of personal service at least 5 court days before the hearing of *Notice of Hearing* with a copy of the *Petition for Appointment of Temporary Guardian of the Person* or Consent & Waiver of Notice or Declaration of Due Diligence for:
   A. John Strickland, Jr. (father)

Reviewed by: JF

Reviewed on: 10/29/15

Updates:

Recommendation:

File 26 – Strickland

27A **Neil George Prather (Estate)** **Case No. 15CEPR00897**

Attorney **Amaro, Matthew T. (of Hanford, CA, for Phyllis Vieira – Daughter – Petitioner)**

Attorney **Vallis, James H. (of Kingsburg, CA, for Sharron Y. Warehime – Daughter – Objector)**

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

DOD: 9/4/15

Cont. from 102615

	Aff.Sub.Wit.	S/P
✓	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	

PHYLLIS VIEIRA, Daughter and Third Named Executor without bond, is Petitioner and requests appointment as Executor with Full IAEA without bond.

Full IAEA – ok

Will dated 8/8/05

Residence: Selma, CA
Publication: Selma Enterprise

Estimated value of estate:

Personal property:	$ 500.00
Real property:	$180,000.00
Total:	$180,500.00

Probate Referee: Rick Smith

Objection filed 9/22/15 by Sharron Warehime, Daughter, states she is the first nominated executor in the decedent's will dated 8/12/09 and has been handling the decedent's business affairs and health care through a power of attorney since 5/9/08. She has not been contacted by her sister or the attorney about whether or not she would decline to act, which would then be proper grounds for Phyllis to petition. Objector has filed herewith her own petition asserting right to letters testamentary. Further, it is also their sister Kaye Prather's desire that their father's wishes be respected and that Objector be appointed executor. Objector prays that letters testamentary not be granted to Petitioner Phyllis Vieira.

NEEDS/PROBLEMS/COMMENTS:

Note: A competing petition filed by Sharron Y. Warehime is Page B.

Minute Order 10/26/15: Counsel represent they will work towards resolution in the interim.

1. **The competing petition filed by Objector provides a more recent will dated 8/12/09 that revokes prior wills. Need clarification with reference to Probate Code §6120(a).**
2. **Need original will dated 8/8/05 pursuant to Probate Code §8200.**
3. **Petitioner is the third named executor of the will dated 8/8/05. The decedent's predeceased spouse is the first, and Ms. Warehime is the second. Therefore, a declination to act would be required from Ms. Warehime for appointment of Petitioner. However, as noted above, Ms. Warehime has filed a competing petition.**
4. **Publication appears to contain outdated language. The Court may require further publication.**

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

- **Tuesday April 5, 2016 for filing the Inventory and Appraisal**
- **Tuesday January 3, 2017 for filing the first account or petition for final distribution.**

If the proper items are on file per Local Rule 7.5, the status hearing may come off calendar.

Reviewed by: skc

Reviewed on: 10/27/15

Updates:

Recommendation:

File 27 – Prather

27B **Neil George Prather (Estate)** **Case No. 15CEPR00897**

Attorney **Vallis, James H. (of Kingsburg, CA, for Sharron Y. Warehime – Petitioner)**

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

DOD: 9/4/15			
	Aff.Sub.Wit.	S/P	
✓	**Verified**		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg	x	
	Aff.Mail	x	
✓	**Aff.Pub.**		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
✓	**Letters**		
✓	**Duties/Supp**		
✓	**Objections**		
	Video Receipt		
	CI Report		
	9202		
✓	**Order**		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

SHARRON Y. WAREHIME, Daughter and Named Executor without bond, is Petitioner.

Full IAEA – ok

Will dated 8/12/09

Residence: Selma, CA
Publication: Selma Enterprise

Estimated value of estate:
Personal property: $ 55,000.00
Real property: $185,000.00
Total: $240,000.00

Probate Referee: Rick Smith

NEEDS/PROBLEMS/COMMENTS:

1. **Need Notice of Petition to Administer Estate and proof of service on the heirs listed at #8: Phyllis Vieira and Kaye Prather.**

   Note: Petitioner filed a "Notice of Hearing" with reference to the hearing on 10/26/15 and her objections to the petition filed by Phyllis Vieira; however, Notice of Petition to Administer Estate is required by Probate Code §8100, 8110.

2. **Publication appears to contain outdated language. The Court may require further publication.**

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

- **Tuesday April 5, 2016 for filing the Inventory and Appraisal**
- **Tuesday January 3, 2017 for filing the first account or petition for final distribution.**

If the proper items are on file per Local Rule 7.5, the status hearing may come off calendar.

Reviewed by: skc
Reviewed on: 10/27/15
Updates:
Recommendation:
File 27 – Prather

Dept. 303, 9:00 a.m. Tuesday, November 3, 2015

28 William J. Miller (Estate) Case No. 13CEPR00875

Attorney Gary L. Winter (for Petitioner Heather D. Sandstrom, Administrator)

First Amended First and Final Account and Report of Status of Administration and Petition for: (1) Settlement Thereof; (2) Allowance of Statutory Attorney's and Administrator's Compensation; (3) Allowance of Extraordinary Attorney's Compensation; (4) Reimbursement of Costs Advanced; and (5) Final Distribution

DOD: 9/3/2013

Cont. from 052115, 061815, 102715

	Aff.Sub.Wit.	
✓	Verified	
✓	Inventory	
✓	PTC	
✓	Not.Cred.	
✓	Notice of Hrg	
✓	Aff.Mail	W/O
	Aff.Pub.	
✓	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	120413
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
✓	9202	
✓	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
✓	FTB Notice	

HEATHER D. SANDSTROM, daughter and Administrator, is Petitioner.

Account period: 9/4/2013 – 9/15/2015

Accounting	-	**$451,788.59**
Beginning POH	-	**$306,950.59**
Ending POH	-	**$396,734.20** *($109,134.20 cash)*
Administrator *(statutory)*	-	**$9,097.77**
Attorney *(statutory)*	-	**$9,097.77**
Attorney XO	-	**$2,450.50**

(for 11.90 hours @ attorney rates from $265 to $285 per hour; for meetings for settlement of interest with Heidi Miller; for sale of real property;)

Administrator Costs - **$17,746.87**
(per Declaration attached as Exhibit C; for funeral expenses of $15,802.63; other expenses of $1,944.24 for telephone service, publication, probate referee, filing fees, certified copies;)

Proposed Distribution pursuant to intestate succession is to:

- **HEIDI MILLER** – 1/3 of the estate consisting of Layton/Skyline Trailer, wood splitter, and 10 cords of mixed oak and pine firewood; and **$66,578.76 cash** (includes deduction for filing fee of **$435.00** for *Heidi Miller's Objection to the Petition for Probate* filed on 11/6/2013).
- **HEATHER SANDSTROM** – 1/3 of the estate consisting of 1959 Woody, **50%** undivided interest in household appliances, **50%** undivided interest in single family dwelling in Tollhouse; **50%** undivided interest in music equipment; and **50%** undivided interest in remaining estate cash;
- **SHANNON WITT** – 1/3 of the estate consisting of **50%** undivided interest in household appliances, **50%** undivided interest in single family dwelling in Tollhouse; **50%** undivided interest in music equipment; and **50%** undivided interest in remaining estate cash.

NEEDS/PROBLEMS/COMMENTS:

OFF CALENDAR

***Order on First Amended First and Final Account, etc.* signed 10/29/2015.**

Reviewed by: LEG
Reviewed on: 11/2/15
Updates:
Recommendation:
File 28 – Miller

Dept. 303, 9:00 a.m. Tuesday, November 3, 2015

29 Helen Marie Sircy Ratliff (CONS/PE) Case No. 14CEPR00319

Attorney **Boyett, Deborah K. (for Melinda Murray & Melanie Welch – Co-Conservators/Petitioners)**

Amended First Account and Report of Co-Conservators; Petition for Allowance of Fees to Attorney for Co-Conservators

Age: 83

Cont. from 102715

	Aff.Sub.Wit.	
	Verified	x
	Inventory	
	PTC	
	Not.Cred.	
✓	**Notice of Hrg**	
✓	**Aff.Mail**	w/o
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
✓	**CI Report**	
✓	**2620(c)**	
✓	**Order**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

MELINDA MURRAY and **MELANIE WELCH,** Co-Conservators, are Petitioners.

Account period: **07/07/14 – 06/30/15**

Accounting: **$85,411.44**
Beginning POH: **$38,414.25**
Ending POH: **$60,712.88**

Conservators: **not addressed**

Attorney: **$4,290.00** (per itemization, for 15.6 attorney hours @ $275/hr.)

Petitioners pray for an Order:

1. Approving, allowing and settling the first account and report of co-conservators; and
2. Authorizing the attorney fees.

Court Investigator Julie Negrete filed a report on 08/06/15.

NEEDS/PROBLEMS/COMMENTS:

CONTINUED FROM 10/27/15

Minute Order from 10/27/15 states: Counsel is to file a verification; if upon receiving said verification the Court is able to approve the matter, then the 11/03/15 hearing may come off calendar.

As of 11/02/15, no verification has been filed.

1. The Petition is not verified by the Petitioners.

Note: If the Petition is granted, a status hearing will be set as follows:

- **Tuesday, August 30, 2016 at 9:00am in Dept. 303** if a one-year accounting is due;

  -or-
- **Tuesday, August 29, 2017 at 9:00am in Dept. 303** if a two-year accounting is due.

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.

Reviewed by: JF

Reviewed on: 11/02/15

Updates:

Recommendation:

File 29 – Ratliff

30 Barbara R. Morgan (Estate) Case No. 14CEPR00428
Attorney Winter, Gary L. (for Aimee Holland – Executor – Petitioner)

First and Final Account and Report of Executor and Petition for Final Distribution and for Allowance of Compensation to Executor and Attorneys for Ordinary Services

DOD: 10/20/13			**AIMEE HOLLAND**, Step-Granddaughter and Executor with Full IAEA without bond, is Petitioner.	**NEEDS/PROBLEMS/COMMENTS:**
				OFF CALENDAR
			Account period: 10/20/13 – present Accounting: $244,350.55 Beginning POH: $176,863.21 Ending POH: $244,350.55 ($194,550.55 cash plus two vehicles and a mobile home)	**Order signed 10/28/15**
Cont. from 102715				
	Aff.Sub.Wit.			
✓	**Verified**			
✓	**Inventory**			
✓	**PTC**			
✓	**Not.Cred.**		Executor (Statutory): $7,902.01	
✓	**Notice of Hrg**		Attorney (Statutory): $7,902.01	
✓	**Aff.Mail**	w/o	Closing: $5,000.00	
	Aff.Pub.			
	Sp.Ntc.		Distribution pursuant to Decedent's will:	
	Pers.Serv.			
	Conf. Screen		Aimee Holland, as trustee of the Morgan Family Revocable Living Trust: Entire estate	
✓	**Letters**			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
✓	**9202**			
✓	**Order**			
	Aff. Posting			**Reviewed by:** skc
	Status Rpt			**Reviewed on:** 11/2/15
	UCCJEA			**Updates:**
	Citation			**Recommendation:**
✓	**FTB Notice**			**File 30 – Morgan**

31A Jaime N. Ruiz (CONS/P) Case No. 15CEPR00451

Attorney Teixeira, J. Stanley (for Ruiz, Rosa P. –Spouse)
Attorney Guerrero, Danielle R. (for Elizabeth A. Vasquez –Daughter)
Attorney Horton, Lisa (Court Appointed for Proposed Conservatee)

Probate Status Hearing

Age: 78			NEEDS/PROBLEMS/COMMENTS:
			31B and 31C are the competing Petitions for Appointment of Conservator.
Cont. from 102715			Minute Order of 10/27/2015: Counsel is admonished with regard to the late filings. Ms. Horton makes an oral request for appointment of the Public Guardian as Temporary Conservator. The Court wants a copy of the Trust filed by noon tomorrow for reference. The matter is short-set for consideration of issuing ex parte orders, without prejudice, appointing the Public Guardian as temporary Conservator. The Court orders that no additional money is to be spent. (Clerk re-sets the underlying competing petitions for 11/03/2015 as well as for disposition.
	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: 10/29/2015
	UCCJEA		Updates:
	Citation		Recommendation:
	FTB Notice		File 31A – Ruiz

31B Jaime N. Ruiz (CONS/P) Case No. 15CEPR00451

Attorney Guerrero, Danielle R. (for Elizabeth A. Vasquez – Petitioner – Daughter)
Attorney Horton, Lisa (Court Appointed for Proposed Conservatee)
Attorney Teixeira, J. Stanley (for Ruiz, Rosa P. – Objector/Competing Petitioner - Spouse)

Petition for Appointment of Probate Conservator of the Person

Age: 78			**NO TEMPORARY REQUESTED**	**NEEDS/PROBLEMS/COMMENTS:**
			ELIZABETH A. VASQUEZ, daughter, is petitioner.	**31C is the competing petition for Appointment of Probate Conservator of the Person and Estate filed by Rosa P. Ruiz, spouse/objector.**
Cont. from 061115, 071615			**Please petition for details**	**Note: This petition is for appointment of probate conservatorship of the person only.**
	Aff.Sub.Wit.			**Court Investigator Advised Rights on 05/28/2015.**
✓	Verified			1. Need Order.
	Inventory			2. Need Letters.
	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			**Reviewed by:** LV
	Status Rpt			**Reviewed on:** 10/29/2015
	UCCJEA			**Updates:**
✓	Citation			**Recommendation:**
	FTB Notice			**File 13B - Ruiz**

Dept. 303, 9:00 a.m. Tuesday, November 3, 2015

31C Jaime N. Ruiz (CONS/PE) Case No. 15CEPR00451

Attorney Guerrero, Danielle R. (for Elizabeth A. Vasquez – Competing Petitioner – Daughter)
Attorney Horton, Lisa (Court Appointed for Proposed Conservatee)
Attorney Teixeira, J. Stanley (for Ruiz, Rosa P. – Petitioner - Spouse)

Petition for Appointment of Probate Conservator of the Person and Estate

Age: 78		
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	x
✓	CI Report	
	9202	
✓	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
✓	Citation	
	FTB Notice	

ROSA P. RUIZ, spouse, is petitioner.

Please see petition for details

NEEDS/PROBLEMS/COMMENTS:

Court Investigator Advised Rights on 07/14/2015.

1. Need Video viewing receipt for each conservator pursuant to Local Rule 7.15.8(A).

Note: If the petition is granted status hearings will be set as follows:

- **Thursday, 04/05/2016 at 9:00a.m. in Dept. 303** for the filing of the inventory and appraisal **and**
- **Thursday, 02/07/2017 at 9:00a.m. in Dept. 303** for the filing of the first account.

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.

Reviewed by: LV
Reviewed on: 10/29/2015
Updates:
Recommendation:
File 13C – Ruiz

Dept. 303, 9:00 a.m. Tuesday, November 3, 2015