



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

Second and Final Account and Report of Victoria Pumarejo, Executor, and Petition for Allowance of Statutory Fees to Attorney for Executor and for Final Distribution

DOD: 8/24/2008		VICTORIA PUMAREJO , Executor, is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> Petition was not verified. Probate Code §1021. Petition states the account period is from the date of death through 9/29/15. This second account should begin at the end of the first account (Although it appears that this account does just cover the period from the last account 2/28/15 to 9/29/15). Summary of Account does not balance. The charges must equal the credits. (It appears that the attorney didn't list the amounts correctly, however the account itself does balance.) Petition does not contain a statement regarding Probate Code §216 and 9202(b) re: notice to the Director of Victims Compensation and Government Claims Board. Petition does not contain a statement regarding Probate Code §216 and 9202(a) re: notice to the Director of Health Care Services. Attorney costs includes reimbursement for postage in the amount of \$11.27. Local rule 7.17 states postage is considered to be a normal cost of doing business and is therefore not a reimbursable cost.
		Account period: 8/24/08 – 9/29/15	
Cont. from		Accounting - \$51,387.99	
<input type="checkbox"/>	Aff.Sub.Wit.	Beginning POH - \$51,337.59	
<input type="checkbox"/>	Verified	Ending POH - \$51,187.99	
<input checked="" type="checkbox"/>	Inventory	Executor - waives	
<input checked="" type="checkbox"/>	PTC	Attorney (statutory) - \$3,168.00	
<input checked="" type="checkbox"/>	Not.Cred.	Attorney costs - \$906.77	
<input checked="" type="checkbox"/>	Notice of Hrg	(filing fees, certified copies, postage)	
<input checked="" type="checkbox"/>	Aff.Mail	Closing - \$500.00	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.	Distribution, pursuant to Decedent's Will, is to:	
<input type="checkbox"/>	Conf. Screen	Victoria Pumarejo - \$6,659.04	
<input checked="" type="checkbox"/>	Letters	Isabel Hernandez - \$6,659.04	
		Eduvijen Fira - \$6,659.04	
	Duties/Supp	Ruby Sanchez - \$6,659.04	
	Objections	Barbara Cortez - \$6,659.04	
	Video Receipt	Luciano Lara - \$6,659.04	
	CI Report	Carmen Lara - \$6,659.04	
	9202		
<input checked="" type="checkbox"/>	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
<input checked="" type="checkbox"/>	FTB Notice		
		Reviewed by: KT	
		Reviewed on: 11/2/15	
		Updates:	
		Recommendation:	
		File 3 – Maestas	

Petitioner

Hill, Andrew (pro per – father)

Petition for Termination of Guardianship

Age: 7	ANDREW HILL, father, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: <u>CONTINUED FROM 10/08/15</u> Minute order from 10/08/15 states: Mr. Hill represents that the paternal grandparents are Hallidie Hill and Francis Gilbo. Late-filed notices show service of the mother and the paternal grandmother; the Examiner is to review the documents forthwith and let Mr. Hill know if there are any problems with them. Mr. Hill is to have Francis Gilbo properly noticed. The Court is prepared to grant the petition upon proper service 1. Need proof of service by mail at least 15 days before the hearing of <i>Notice of Hearing</i> or <i>Consent & Waiver of Notice</i> or <i>Declaration of Due Diligence</i> for: a. Francis Gilbo (paternal grandfather)
	DONAVAN MORRISON and PRISCILLA MORRISON , maternal grandparents, were appointed as Co-Guardians on 07/12/11. – <i>Consent of both guardians filed 05/21/15.</i>	
Cont. from 072115, 090115, 100815	Mother: STEPHANIE MORRISON – personally served on 09/22/15	
Aff.Sub.Wit.	Paternal grandfather: FRANCIS GILBO	
✓ Verified	Paternal grandmother: HALLIDIE HILL – personally served on 09/17/15	
Inventory	Petitioner states [see file for details].	
PTC	Court Investigator Jennifer Young filed a report on 07/14/15.	
Not.Cred.		
✓ Notice of Hrg		
Aff.Mail	x	
Aff.Pub.		
Sp.Ntc.		
✓ Pers.Serv.	w/	
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
✓ CI Report		
9202		
✓ Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: JF
		Reviewed on: 11/02/15
		Updates:
		Recommendation:
		File 4 – Morrison

5A Nathaniel Collins & Malichi Collins (GUARD/P) Case No. 12CEPR00561

Petitioner Collins, Angelina Denise (pro per – mother)
 Attorney Walters, Jennifer (for Lana Pratt – maternal grandmother/Guardian)
 Petition Visitation

Nathaniel, 5		ANGELINA D. COLLINS, mother, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
Malichi, 4			
Cont. from 080415, 082415, 100515		LANA PRATT, maternal grandmother, was appointed Guardian on 11/26/12. – Served by mail on 10/27/15 (9 days' notice)	CONTINUED FROM 10/05/15
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified	Paternal grandfather: NOT LISTED – Declaration of Due Diligence filed 10/27/15	
<input type="checkbox"/>	Inventory		Paternal grandmother: NOT LISTED – Declaration of Due Diligence filed 10/27/15
<input type="checkbox"/>	PTC	Maternal grandfather: KURT RICARDO – served by mail on 10/27/15 (9 days' notice)	
<input type="checkbox"/>	Not.Cred.		Petitioner states [see file for details].
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail	w/	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order	x	
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			1. Proof of service filed 10/27/15 indicates that Notice was mailed to the Guardian and maternal grandfather on 10/27/15 (only 9 days before the hearing). Probate code § 1460 requires 15 days' notice.
			2. Need proof of service by mail at least 15 days before the hearing of Notice of Hearing or Consent & Waiver of Notice for: a. Nathaniel Comenger (father) b. Paternal grandparents Note: Declaration of Due Diligence filed 10/27/15 states that Petitioner only has a contact number for a paternal aunt who stated that the father is "on the run" and that she and the paternal grandmother want nothing to do with the situation.
			Reviewed by: JF
			Reviewed on: 11/02/15
			Updates:
			Recommendation:
			File 5A – Collins

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

DOD: 1/9/14		<p>EARLEEN M. LESHER, Sister, was appointed Executor with Full IAEA without bond and Letters issued on 3/20/14.</p> <p>At the hearing on 3/20/14, the Court set this status hearing re: Filing of the First Account or Petition for Final Distribution.</p> <p>Inventory and Appraisal filed 9/23/14 reflects a total estate value of \$3,660,626.66 consisting for the most part of various real property.</p> <p>Report of Status of Administration filed 5/7/15 states the estate is not in a condition to close at this time because the estate lacks sufficient funds to pay administration expenses. The City of Fresno is negotiating with the estate for the acquisition of permanent and temporary construction easements for the construction of an underground pipeline to be located on the estate's property in Fresno County. It is anticipated that these negotiations will be completed within the next six months and the sale of the easement rights will generate enough cash to pay administration expenses. Petitioner requests that the time for administering the estate be extended for one year.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 5/22/15</p> <p>1. Need First Account or Petition for Final Distribution or written status report pursuant to Local Rule 7.5.</p>	
Cont. from 052215				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input checked="" type="checkbox"/>	Inventory			
<input checked="" type="checkbox"/>	PTC			
<input checked="" type="checkbox"/>	Not.Cred.			
<input checked="" type="checkbox"/>	Notice of Hrg			
<input checked="" type="checkbox"/>	Aff.Mail			W
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input checked="" type="checkbox"/>	Letters			
<input type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input checked="" type="checkbox"/>	9202 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: skc				
Reviewed on: 11/2/15				
Updates:				
Recommendation:				
File 7 - Leshar				

DOD: 5-29-12	LORI SHIBATA , Trustee, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
	Petitioner states: Michael A. Lee established the Michael A. Lee Declaration of Trust dated 5-27-11 and was the initial trustee until his death on 5-29-12. The Trust is now irrevocable.	Page A is Trustee Lori Shibata's Petition for Instructions.
Cont from 111314, 031815, 041615, 052115, 070915, 091015, 100115	The sole remainder beneficiary of the trust is Alyssa Lee, who is currently 20 years old. The trust provides that all remaining assets of the trust are to be held in trust for the benefits of Alyssa Lee, with income to be used for her support, including educational, medical, dental, hospital, and nursing expenses. One half of the trust's assets are to be distributed to Ms. Lee at age 30, free of trust, and the other half are to be distributed to Ms. Lee, free of trust, at age 35.	Page B is Trustee Lori Shibata's First Account.
<input type="checkbox"/> Aff.Sub.Wit.		Minute Order 10/1/15: Mr. Rube represents that a tentative settlement has been reached. Mr. Rube will be preparing a formal agreement and mutual release contingent upon Mr. Knudson's client inspecting the home.
<input checked="" type="checkbox"/> Verified		Note: On 7/9/15, the Court deferred its decision as to Ms. Lee's filing fees (for objections to both petitions) until it is determined if Ms. Lee is entitled to any compensation from the underlying action.
<input type="checkbox"/> Inventory		Attorney Rube's status report filed 9/9/15 states: The trustee provided the documents requested by Mr. Knudson. The Wells Fargo checking acct has a balance of \$3,204.51 and savings has a balance of \$1,303.24. There are no other liquid assets in the trust. The estimated cost to repair the residence is approx. \$14,000 (estimate attached). The parties, by and through counsel only, have met in order to try to resolve the matter. Petitioner has offered to deed the subject real property over to respondent and terminate the trust. Petitioner does not want to try this case as there is no money to litigate further. If respondent is unwilling to accept the house "as is" and terminate the trust then Petitioner is willing to submit on the verified petition, objections, account, etc., for the court's decision.
<input type="checkbox"/> PTC		1. Petitioner requests costs. The Court may require clarification or itemization.
<input type="checkbox"/> Not.Cred.		2. Need order.
<input checked="" type="checkbox"/> Notice of Hrg		Reviewed by: skc
<input checked="" type="checkbox"/> Aff.Mail W		Reviewed on: 11/2/15
<input type="checkbox"/> Aff.Pub.		Updates:
<input type="checkbox"/> Sp.Ntc.		Recommendation:
<input type="checkbox"/> Pers.Serv.		File 9A – Lee
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input checked="" type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
9202		
<input type="checkbox"/> Order X	<p>Petitioner states the only assets of the trust are a Wells Fargo checking account containing approx. \$18,000.00 and residential real property in Fresno appraised at \$140,000.00. The trust's only income is the interest earned on the checking account, which is negligible at best. The residential real property is vacant and in very poor condition and cannot be rented until deferred maintenance is done and substantial repairs are made. Monthly expenses including utilities and gardening amount to approx. \$165 per month or \$1,980 per annum. Property taxes for 2013 amounted to \$1,502.28 annually or approx. \$125 per month. Expenses to provide for the care of Ms. Lee in compliance with the trust consist of the payment of her health insurance premiums of \$281 per month or \$3,372 per year.</p> <p>On 3-5-13, Robyn L. Esraelian, attorney for Petitioner, sent a Notice of Proposed Action Pursuant to Probate Code §16500 to Ms. Lee informing her of Petitioner's proposed action to list the property for sale. However, Ms. Lee objected in writing to the sale.</p> <p style="text-align: center;">SEE ADDITIONAL PAGES</p>	
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		

Petitioner states the trust does not contain enough liquid assets to pay the maintenance and repairs on the home to make it habitable and income-producing, to pay current trustee's fees, and to meet the monthly obligations associated with the residence and the beneficiary. If repairs are made, the residence could probably only be rented for no more than \$950/month, which would not generate enough income to pay the monthly expenses as outlined above and ongoing costs of administration such as property management fees and trustee's fees, and would certainly not generate enough income to fulfill the intent of the Trustor.

Petitioner states selling the subject residence and investing the net sales proceeds would generate sufficient principal and income to fulfill the intent of the Trustor to provide for Ms. Lee as set forth in Article Five, Paragraph C of the Trust.

Petitioner prays for an order:

- 1. Directing her, as Successor Trustee of the Michael A. Lee Declaration of Trust, to sell the residential real property located at 773 E. Ellery in Fresno, CA;**
- 2. For costs herein; and**
- 3. For such other orders as the Court may deem proper.**

Beneficiary Alyssa Lee filed an Objection on 12-12-14. Ms Lee states she is aware of the condition of the residence and cost to maintain it, and has proposed that she or a family member be allowed to live there at a fair rental value. Respondent believes rent of \$1100/month, offset by utilities and gardening, would result in a net rental income to the trust of \$800-900, which would generate income for payment of taxes and insurance. Respondent believes that at a reasonable rental, a tenant would be responsible for gardening and property maintenance and would pay their own utilities, eliminating those expenses for the trust. Respondent also believes the sum of \$151,000 is less than fair market value, even considering the necessary repairs. Zillow.com shows the current value at \$185,000.

The residence was Respondent's father's residence and is a very meaningful property to her. She has offered to handle repairs, maintenance and upkeep, through rental, but the trustee continues to refuse to consider the beneficiary's wishes and/or cooperate with her in maintaining the residence. See email communications.

The actions of the trustee in failing to consider the wishes of the beneficiary and adopting an authoritarian and imperious attitude raise the issue of whether the trustee is in violation of the "Duty of Loyalty" Probate Code §16002(a) which requires that a trust be administered solely in the interest of the beneficiaries.

Respondent states sale of the residence resulting in proceeds to be invested over time exposes the trust to market risk. Respondent doesn't believe that a sale would further the interests of the Trustor in providing for Respondent as beneficiary. The Trustor, Michael Lee, was Respondent's father. She has a strong emotional attachment to the residence, and would like it maintained and preserved.

Respondent states she has requested information concerning the assets of the trust, but to date has received no specific or verifiable responses from the trustee about certain issues, including account balances at her father's death. Accounting information shows round numbers, but source documents have not been provided, and bank accounts seldom have round numbers. Respondent has requested information concerning personal property passing to her and her brother, and prepared a list of items known, but the trustee has failed to respond to her request for information.

SEE ADDITIONAL PAGES

Page 3

Respondent states her father had a truck that is not shown as an asset of the trust. Prior to his death, her father made statements that, "they took my car." No information has been provided regarding the vehicle.

Respondent states she was advised that at or about the time of his death, her father had placed \$40,000 in two envelopes, \$20,000 each, for each of his children. Respondent has requested information regarding those envelopes, but the trustee has failed to provide information, although the trustee has acknowledged that the envelopes existed. This money should be accounted for as trust asset.

Counsel for the trustee has twice provided accounting information about the trust. In fall of 2012, following the Trustor's death, information was provided regarding accounts and expenses incurred by the trustee (attached). In January 2014, an "informal accounting" provided additional documentation of transactions through the end of 2013. Total cash at that point was \$30,882.88. This petition indicates assets have decreased to \$18,000. The accounting is not prepared in the form prescribed by the Probate Code and failed to show the required information.

Accordingly, Respondent requests the trustee prepare an accounting in the form prescribed by law. Respondent also requests the Court review the appropriateness of the fees charged by the trustee (\$60/hour or \$5,185.20).

Petitioner requests reimbursement for costs. Respondent believes costs may be payable by the trust.

Respondent requests that:

- 1. The Court deny the petition for instructions in so far as it requests authority to list and/or sell the property and instruct the trustee to maintain and rent the residence at an appropriate rental;**
- 2. That the trustee be ordered to provide additional information concerning the trust assets and administration issues, together with additional information concerning the trust assets;**
- 3. That the trustee be ordered to file and serve on the beneficiary a revised accounting showing the assets on hand at date of death, remaining as of closing of the accounting, and to bring the account current through a date not less than 60 days prior to the rendering of the revised accounting;**
- 4. That the Court review the trustee's requested compensation;**
- 5. That the trustee's request for costs be denied; and**
- 6. For all other and proper orders.**

DOD: 5/29/12	<p>LORI SHIBATA, Trustee, is Petitioner.</p> <p>Account period: 5/29/12 -12/31/14 Accounting: \$222,217.13 Beginning POH: \$217,835.61 Ending POH: \$153,215.26 (\$13,215.26 cash plus residential real property valued at \$140,000.00)</p> <p>Trustee fee: \$3,870.00 Petitioner has been paid \$5,185.20 for services through 12-31-13 and requests \$3,870.00 for services from 1/1/14 through 12/31/14.</p> <p>Trustee reimbursement: \$428.94 Exhibit B-2 itemizes expenses including bills, travel, services. Receipts also attached.</p> <p>Petitioner states she has made disbursements for the maintenance of the residence owned by the trust and for the support and maintenance of Alyssa Lee and her minor daughter Ariana. Petitioner, upon taking over as trustee, determined that the real property owned by the trust was not in a condition to be rented to a third party. The cost to repair is approx. \$15,000.00. See inspection report attached. In addition, the sewer is in need of repair to make the real property habitable, which additional cost is \$1,200-\$1,400.</p> <p>Rent would likely be approx. \$950/month. With the cost of property taxes, insurance, manager, yard care, and general maintenance, and health insurance premiums, there would not be sufficient funds to provide for the support and maintenance of the beneficiary and her minor child. See breakdown. The decedent intended that income to the trust was to be used to provide for Alyssa Lee until she was 35. Decedent as trustor authorized the invasion of principal (i.e., the sale of the residence) to accomplish this goal. The primary goal was not to allow Alyssa to live in the house, but to provide income until she reached 35.</p> <p style="text-align: center;">SEE PAGE 2</p>	NEEDS/PROBLEMS/ COMMENTS:
		Minute Order 10/1/15: Mr. Rube represents that a tentative settlement has been reached. Mr. Rube will be preparing a formal agreement and mutual release contingent upon Mr. Knudson's client inspecting the home.
		Note: On 7/9/15, the Court deferred its decision as to Ms. Lee's filing fees (for objections to both petitions) until it is determined if Ms. Lee is entitled to any compensation from the underlying action.
Cont from 041615, 052115, 070915, 091015, 100115		
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input checked="" type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: skc
		Reviewed on: 11/2/15
		Updates:
		Recommendation:
		File 9B- Lee

Page 2

Petitioner states she has delivered all personal property to Alyssa Lee as requested, and is unaware of any other personal property referred to by Alyssa Lee. Petitioner has responded to requests for "missing property" on numerous occasions and has advised her that there is no other personal property and nothing has been removed from the home other than the items taken by Alyssa Lee and her mother and brother. Petitioner has responded to Alyssa Lee's inquiries re the truck on several occasions. See Exhibits D-1 and D-2 which show the transfer of the truck to the decedent's parents.

The decedent withdrew money from his checking account prior to his death and delivered the cash to his father. At the time, there was no written instruction as to the disposition of the cash. Therefore, upon his death, his father delivered the cash to Petitioner to deposit to the trust.

Petitioner prays for an order as follows:

- 1. Approving, allowing, and settling the First Account;**
- 2. Authorizing the trustee fees and reimbursement;**
- 3. For such other and further relief as the Court considers proper.**

Objections filed 5-7-15 by Alyssa Lee, Beneficiary, state the primary asset of the trust is the residence on Ellery in Fresno. From the time of her father's death, Alyssa has repeatedly requested that the house be retained for her eventual use and benefit, but the trustee has rejected those claims and assertions, even when provided information and an agreement by beneficiary and other family members to maintain the residence. Twice she has sought to sell the house by giving notice of proposed action; both times Alyssa has objected. Alyssa also objected to the Petition for Instructions, requesting additional information and an accounting. Alyssa now makes the following objections:

1. Trustee's Fees. The trustee's fees as reported and requested are excessive, both fees already paid, and fees for which approval is requested. Objector specifically references travel time, rate of approx. \$70.36/hr, and food purchases for two persons.
2. Attorney's Fees. While Objector acknowledges that the trustee is entitled to representation and advice in administration of the trust, there is no showing that the attorney's fees incurred were for the benefit of the trust and the beneficiary. Given the circumstances and the overall situation of the trust, it appears the trustee is incurring excessive attorney fees that are not in the best interest of the trust or its beneficiaries.

SEE ADDITIONAL PAGES

3. Trustee is not administering the trust in the best interest of the beneficiary and has refused to consider the beneficiary's requests, unilaterally interposing her own will in spite of requests by the beneficiary. Objector believes the Trustee has thwarted and attempted to destroy or remove any memories or links to her father. She was not advised of nor given the opportunity to attend the memorial service; she was not invited to go with the trustee and other family members on a chartered boat trip to dispose of his ashes. See accounting for documentation of funds spent on these events, including boat, luncheon for "Mike's family," limousine service, etc. Various items of jewelry that her father held her for in the residence were not given to her, nor has the trustee been accommodating in seeking their return from family members who may have taken them. Prior to his death, Michael Lee was working on remodeling and refurbishing the house. There were various materials, including shelving, flooring, in the house. However, the trustee refused to proceed with any of the work and told Objector and/or Objector's mother that those items would be given away or thrown away. As the materials amounted to a substantial investment, the items were removed and are in storage at Objector's residence to be installed in the Ellery residence.

Objector and her mother also proposed the house be rented to a family member at \$850/month, with the family member to pay for water, garbage, lawn care, but in an email to Objector's mother Elizabeth Rocha-Lee, the trustee displayed a condescending and unyielding attitude. The trustee characterized the proposed rental as sub-par, even though this was an amount determined with reference to deductions for property management fees and other costs based on information provided by the trustee.

Alyssa also presented estimates for repair, which were discarded and discounted by the trustee. Now, after the trust has dissipated more than \$10,000 of available trust cash in carrying costs on the residence, payment of attorney's fees, and trustee's fees for trips back and forth to Fresno, Ms. Shibata now states the trust does not have the money to place the residence in rentable condition. At the time these proposals were made in 2013, there was and would have been sufficient cash to repair the residence with the assistance of the beneficiary and other family members who have an interest in preserving and maintaining it – an interest that the trustee does not share.

Accordingly, the trustee's actions with respect to the residence have not been in the beneficiary's interest, nor consistent with her wishes for preservation of the residence for her eventual long term use and enjoyment.

4. Trustee has been uncommunicative and uncooperative.
 - a. In May 2012, the trustee opened an account for Alyssa's benefit, and deposited \$500 into it. However, when Alyssa withdrew the funds for her use, as provided by the terms of the trust, the trustee refused to deposit more funds and then closed the account.
 - b. The trustee persuaded to and did provide Kaiser medical insurance for the beneficiary; however, Alyssa does qualify for Medi-Cal and may determine that private medical insurance is no longer required. Alyssa has a young daughter, who, when born was also covered under Kaiser insurance, however, when that daughter was eligible for Medi-Cal, Alyssa requested that Kaiser for the child be cancelled. The trustee, however, misunderstood and sought to cancel Alyssa's medical insurance.

SEE ADDITIONAL PAGES

- c. Other than paying the premiums on the medical insurance, the only benefit the trustee has provided to Alyssa was paying \$376.83 for a stroller, car seat and pay pen for the infant.
- d. The trustee has committed waste. In various communications, a shed was listed as being at the residence, but when the shed disappeared, she claimed she had no knowledge of it. Decedent was known to have had a number of tools, yet upon his death they could not be found. Alyssa believes Lori Shibata permitted other family members (Mike's siblings and parents) free access to the house.

Prior to his death, the decedent made statements to his wife and daughter that "they took my truck." When asked, Lori Shibata stated the truck had been given to his father or other family members. Now documentation appended to the account indicates the Toyota Tacoma was sold for \$1,000 to Raymond Yee, which Alyssa believes is far less than its fair market value.

Other instances of neglect and waste: the account shows the trustee had to address squatters in the residence. Objector previously advised the trustee that the locks were not working, but she did not replace them. Offers of assistance by Alyssa, her mother, and other family members to look after the residence or assist with its care have been rejected. As a result, it has not generated any income.

- e. The trustee has not satisfactorily explained the "missing \$40,000.00." See Objection for details.
5. Objector states the trust is ambiguous; it was not the decedent's intent that the residence be sold. Also, Article II claims no provision was made for Elizabeth D. Rocha Lee and/or Ramon Lee; however, Article 5a provides that personal effects, automobiles, and personal property are to be distributed to his children. The assets of the trust are to be retained with distributions to Alyssa one half at age 30 and the balance at age 35, however, the trust has generated less than \$100 of income during the last two years. The Trust is also ambiguous at Article V(g) which does not indicate any residual takers.

Accordingly, extrinsic evidence can and should be admitted to determine the trustor's intent in executing the trust document and what he meant to provide for his daughter Alyssa.

Objector requests that her objections be sustained, that the claimed charges be disallowed, that the trustee be surcharged for excessive and unnecessary trustee's fees and attorney's fees, that the request for approval of additional attorney's fees be denied, that the Court admit extrinsic evidence to construe the terms of the trust and the trustor's intent in providing for the beneficiary, that the trustee be instructed to provide additional information and seek additional information concerning the assets described herein, that the trustee be instructed to cooperate with the beneficiary to attempt to implement a plan by which the residence may be maintained to generate income for the beneficiary and ultimately for her use and benefit, and for all other and proper orders.

See also Declaration of Elizabeth Rocha-Lee in support of objections.

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 for Final Distribution

DOD: 1/12/15		JAMES E. PRICE , Executor with Full IAEA without bond, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. The decedent's will specifies local chapters of each charity as the devisees as follows: - American Cancer Society, California Division (San Francisco, CA) - National MS Society, Central California Chapter (Fresno, CA) - Alzheimer & Memory Center (Address on West Hilliard Lane in Fresno, CA)</p> <p>Petitioner proposes distribution as follows: - American Cancer Society (Oklahoma City, OK) - National MS Society (Denver, CO) - UCSF Alzheimer & Memory Center (Address on Thesta in Fresno, CA)</p> <p>Need clarification: Did Petitioner confirm with each charity that gifts to local chapters are to go to the addresses listed?</p> <p>2. The petition splits the statutory attorney compensation between Attorney Dean Hiyama and Attorney GL Motsenbocker; however, no agreement is provided pursuant to Probate Code §10814. Is there a personal representative for GL Motsenbocker's estate that would need to agree or receive notice of this petition/fee split?</p> <p>Reviewed by: skc Reviewed on: 11/2/15 Updates: Recommendation: File 10 - Deckert</p>
		Account period: 1/13/15 – 9/25/15	
		Accounting: \$601,151.46	
		Beginning POH: \$593,734.31	
		Ending POH: \$597,864.64 (cash)	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input checked="" type="checkbox"/>	Inventory	Executor (Statutory): \$15,023.03	
<input checked="" type="checkbox"/>	PTC	Attorney (Statutory): \$15,023.03 (to be allocated \$7,511.52 to Dean Hiyama and \$7,511.51 to G.L. Motsenbocker)	
<input checked="" type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail	W	
<input type="checkbox"/>	Aff.Pub.	Closing: \$1,498.58	
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.	Distribution pursuant to the decedent's will:	
<input type="checkbox"/>	Conf. Screen	<ul style="list-style-type: none"> American Cancer Society: \$56,632.00 	
<input checked="" type="checkbox"/>	Letters	3/13/15	
<input type="checkbox"/>	Duties/Supp	<ul style="list-style-type: none"> National Multiple Sclerosis Society: \$56,632.00 	
<input type="checkbox"/>	Objections	<ul style="list-style-type: none"> UCSF Alzheimer & Memory Center: \$113,264.00 	
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input checked="" type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order	<ul style="list-style-type: none"> Central California SPCA: \$56,632.00 Valerie All Price \$70,790.00 Virginia Doris Rhoads: \$70,790.00 Barbara Joan Brooks: \$70,790.00 	
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt	<ul style="list-style-type: none"> De Anna Gail Hanson: \$70,790.00 	
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input checked="" type="checkbox"/>	FTB Notice		

DOD: 11/17/12		<p>JANIS G. HOWARD, Executor with Full IAEA without bond, is Petitioner.</p> <p>Accounting is waived</p> <p>I&A: \$85,300.00 POH: \$30,950.86 cash plus residential real property located on Clay Ave., in Fresno and misc. personal property</p> <p>Executor (Statutory): \$3,652.00 Attorney (Statutory): \$3,652.00</p> <p>Attorney (Extraordinary): \$2,255.00 (for 8.2 hours @ \$275/hr for legal services in connection with the sale of the real property and the negotiation of the mortgage payoff of the real property on hand)</p> <p>Costs: \$1,412.30 (filing, publication, recording, appraisal)</p> <p>Petitioner states the personal property will be distributed pursuant to agreement without concern to the court.</p> <p>Distribution pursuant to the terms of the decedent's will and assignments and agreements filed:</p> <p>Janis G. Howard: \$9,489.78 plus an undivided 50% interest in the real property</p> <p>Verita Vernice Smith: \$9,489.78 plus an undivided 50% interest in the real property</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Continued from 9/30/15. The following issue remains noted:</u></p> <p>1. The decedent's will divides the estate into four 25% shares as follows:</p> <ul style="list-style-type: none"> - 25% to Lary G. Deeing - 25% to Janis J. Howard - 25% to Verita V. Smith - 25% to Tammy Juarez, in trust, for the benefit of Jennifer Lynn Vest upon the terms and conditions set forth in Article Fifth. <p>Article Fifth then details how the trust shall be administered to provide for Jennifer's education, and states if she does not meet the various deadlines, then the assets of the trust shall be distributed to the other three heirs in equal shares.</p> <p>Petitioner alleges Jennifer has failed to meet the first requirement of the trust (that she failed to enroll in college before age 25), and requests that share be distributed from the estate to the other heirs (subject to various other agreements/assignments).</p> <p>However, it does not appear that <u>all</u> of the requirements have failed, and it does not appear this determination can be made from the estate.</p> <p><i>Please see discussion at Page 2.</i></p>	
Cont. from 93015				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input checked="" type="checkbox"/>	Inventory			
<input checked="" type="checkbox"/>	PTC			
<input checked="" type="checkbox"/>	Not.Cred.			
<input checked="" type="checkbox"/>	Notice of Hrg			
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<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input checked="" type="checkbox"/>	Letters			
<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: skc				
Reviewed on: 11/2/15				
Updates:				
Recommendation:				
File 11 – Ingram				

Page 2

NEEDS/PROBLEMS/COMMENTS Cont'd:

The will provides for distribution to Tammy Juarez as trustee of Jennifer's share, and at Article Fifth, provides for administration of the trust as follows:

- There shall be no distributions unless and until Jennifer enrolls in a post-high school program to further her education. The term "education shall include university, college, and postgraduate study at an institution or institutions of the beneficiary's choice
- When the beneficiary attains her four-year degree from a college or university, all remaining assets shall be distributed to her free of trust
- If the beneficiary fails to enroll in a college or university prior to attaining age 25; or
If the beneficiary fails to attain her four-year degree before she attains age 35; or
If the beneficiary disclaims this trust and its benefits; or
If the beneficiary otherwise fails to survive,
Then the assets shall be distributed to the other heirs.

Jennifer is currently 30 years old.

Petitioner alleges that she failed to enroll in a college or university prior to age 25 and therefore her share has lapsed and her trust should not be funded from the estate.

First, it appears that Jennifer still has five years to take advantage of her share.

Further, the will devises the share to the trust, and the trustee, Tammy Juarez, is then responsible for administering it according to the above terms, not Petitioner.

So it appears the 25% trust share should be included in the distribution regardless. Alternatively, the Court may require a signed disclaimer from Jennifer as set forth in the terms above and/or authority for distribution as prayed.

Note: This petition is based on a waiver of account from the two contemplated heirs. If the Court determines that the testamentary trust should be funded, additional waivers will be needed from Tammy Juarez and/or Jennifer Vest. Otherwise, a full account may be required.

		See petition for details.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Note:</u> Petitioner also filed a Petition for Termination of Guardianship that is set for hearing on 11/30/15.</p> <p><u>Minute Order 9/17/15:</u> The Court orders that there shall be no visitation for either parent until they appear before the Court.</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of service of Notice of Hearing at least 15 days prior to the hearing on: <ul style="list-style-type: none"> - Twila Mae Maldonado (Maternal Grandmother/ Guardian) - Alex Maldonado (Maternal Grandfather/ Guardian) 	
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg			X
	Aff.Mail			
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: skc	
			Reviewed on: 11/2/15	
			Updates:	
			Recommendation:	
			File 13 – Maldonado	

DOD: 01/13/2015		<p>KELLY HOOD, is petitioner and requests appointment as Executor without bond.</p> <p>Full IAEA - ?</p> <p>Will dated: 08/02/2007</p> <p>Residence: Fresno Publication: Need</p> <p>Estimated value of the Estate: Unknown</p> <p>Probate Referee – Rick Smith</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Minute Order of 10/01/2015: Examiner notes provided in open court.</p> <p>The following issues remain.</p> <p>The deficiencies with the pleadings include, but are not limited to, the following:</p> <ol style="list-style-type: none"> 1. Petitioner is not listed on #8 of the petition as required and it is unclear what the relationship is to the decedent. 2. Need copy of the will attached to the Petition. 3. Need date of death of the deceased spouse pursuant to Local Rule 7.1.1D. 4. Need Affidavit of Publication. 5. #5a(3) or #5a(4) was not answered regarding a registered domestic partner. 6. #5a(7) or #5a(8) was not answered regarding issue of predeceased child. 	
Cont. from 100115				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input checked="" type="checkbox"/>	Notice of Hrg			
<input checked="" type="checkbox"/>	Aff.Mail			w/
<input type="checkbox"/>	Aff.Pub.			x
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input checked="" type="checkbox"/>	Letters			
<input checked="" type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input 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			
<p>Please see additional page for Status Hearings</p>				
Reviewed by: LV				
Reviewed on: 09/28/2015				
Updates:				
Recommendation:				
File 16 – Pillor				

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

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

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

DOD: 5/8/14	KELLI FRYE , Sister, and MARGARET PARSONS , Mother, are Petitioners.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Need amended petition. Issues include, but may not be limited to, the following:</u></p> <ol style="list-style-type: none"> Pursuant to Probate Code §6402(b), if there is no surviving issue, the estate passes to the decedent's parent or parents equally. Siblings do not take unless both parents are deceased. <p>Petitioner does not state whether the decedent's father is living or deceased. If deceased, need date of death per Local Rule 7.1.1.D.</p> <ol style="list-style-type: none"> Need completed I&A. The I&A attached to the petition has not been completed by the Probate Referee for valuation of the real and personal property pursuant to Probate Code §13151. <p>Note: Petitioners include valuations of the personal property at Attachment 1; however, these items must be appraised by the Probate Referee. See Probate Code §§ 13152(b), 8900 et seq.</p> <ol style="list-style-type: none"> Attachment 11 does not state the decedent's interest in the real and personal property. The same PO Box is listed as the address for all relatives at #14. For the amended petition, need clarification and notice to each person directly. CRC 7.51.
	40 days since DOD	
	No other proceedings	
Cont. from 100615	I&A: <i>Incomplete</i>	
<input type="checkbox"/> Aff.Sub.Wit.	Decedent died intestate	
<input checked="" type="checkbox"/> Verified	Petitioners state the decedent was survived by his mother, sister, and brother. The decedent's brother signed a Disclaimer of Interest.	
<input type="checkbox"/> Inventory <input checked="" type="checkbox"/>	Petitioners request Court determination that the decedent's real and personal property passes to them as joint tenants with right of survivorship.	
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input type="checkbox"/> Notice of Hrg <input checked="" type="checkbox"/>		
<input type="checkbox"/> Aff.Mail <input checked="" type="checkbox"/>		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: skc
		Reviewed on: 11/2/15
		Updates:
		Recommendation:
		File 17 – Carter

Petitioner Robinson, Nicole Marie (Pro Per – Cousin – Petitioner)

Objector Palms, Shanikwa (Pro Per – Mother – Objector)

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

		See petition for details.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Minute Order 10/29/15</u>: Continued for service as to Shanikwa Palms, Mother.</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of personal service of Notice of Hearing with a copy of the petition at least five court days prior to the hearing per Probate Code §2250(e) <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence on: <ul style="list-style-type: none"> - Shanikwa Palms (Mother) - Unknown Father 3. Petitioner’s Confidential Guardian Screening Form is incomplete. Need additional information. 	
Cont. from 102915				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg			X
	Aff.Mail			X
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			X
✓	Conf. Screen			X
✓	Letters			
✓	Duties/Supp			
✓	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: skc	
			Reviewed on: 11/2/15	
			Updates:	
			Recommendation:	
			File 29 - Potts	