

Probate Status Hearing Re: Filing 1st Account

<b>DOD: 10/12/2014</b>	<p><b>WILLIAM T. GOLDEN</b>, nephew, was appointed Conservator of the Person and the Estate, with bond set at \$242,550.00, on 06/12/2013.</p> <p>Receipt of Bond in the amount of \$242,550.00 filed 08/05/2013.</p> <p>Letters issued 08/07/2013.</p> <p>Inventory and Appraisal filed 09/03/2013 shows an estate valued at \$180,828.34.</p> <p>Minute Order of 06/24/2013 set this matter for the filing of the First Account.</p> <p><b>Status Report filed 11/05/2014</b> states the Conservatee, Bernadette Steele, recently died on 10/12/2014. It is the intent of the Conservator to file a first and final account with the Court within the next 90 days. A continuance is respectfully requested regarding the filing of the first account and report be continued until 02/04/2015.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. Need First Account.</p>
<b>Cont. from</b>		
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
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<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
	<p><b>Reviewed by:</b> LV</p> <p><b>Reviewed on:</b> 11/05/2014</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 1 Steele</b></p>	

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

<b>DOD: 05/23/2013</b>	<p><b>DONALD J. GRANZ</b>, son, was appointed Executor with full IAEA authority without bond, on 09/03/2013.</p> <p>Letters issued 09/03/2013</p> <p>Partial No. 1 Inventory and Appraisal filed 01/29/2014 shows an estate valued at \$361,346.16.</p> <p>Final Inventory and Appraisal filed 01/29/2014 shows an estate valued at \$200,000.00.</p> <p>Minute Order of 09/03/2013 set this Status Hearing for the filing of the First Account and/or Final Distribution.</p> <p><b>Status Report of Counsel filed 11/04/2014</b> states the administration was unexpectedly delayed during the summer of 2014 when the Executor became ill and was required to be hospitalized for two surgeries. The Executor has now recovered sufficiently from his illness to press forward with the estate administration, including finalizing the sale of the Decedent's residence. The Executor will need to proceed with the sale of the residence, and to allow for possible delays caused by the upcoming holiday season, the Executor requests that the Court continue the matter for a minimum of six (6) months to allow him to conclude the administration of the probate estate.</p>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		1. Need First Account or Petition for Final Distribution.
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		<b>Reviewed by:</b> LV
		<b>Reviewed on:</b> 11/05/2014
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 2 - Granz</b>

**Status Hearing Re: Filing of the First Account**

<b>Age: 17</b> <b>DOB: 04/28/1997</b>	<b>ISABEL VELASQUEZ</b> , Mother, was appointed as Guardian of the Estate on 09/05/2013 without bond, all funds to be deposited to a blocked account.	<b>NEEDS/PROBLEMS/COMMENTS:</b>						
	Receipt and Acknowledgment of Order for the Deposit of Money Into Blocked account filed 11/25/2013 indicates \$7,423.75 was received.		1. Need First Account.					
<b>Cont. from</b>	Final Inventory and Appraisal filed 11/25/2013 reflects \$7,423.75.	<b>Reviewed by:</b> LV						
<table border="1"> <tr><td><b>Aff.Sub.Wit.</b></td><td></td></tr> </table>	<b>Aff.Sub.Wit.</b>		Minute Order of 09/05/2013 set this Status Hearing for the Filing of the First Account.	<b>Reviewed on:</b> 11/05/2014				
<b>Aff.Sub.Wit.</b>								
<table border="1"> <tr><td><b>Verified</b></td><td></td></tr> </table>	<b>Verified</b>		<b>Status Report filed 11/06/2014</b> states the Court was previously advised that additional funds were payable to the minor. Subsequently, a check was received in the amount of \$1,225.00, payable to Isabel Velasquez as guardian for Raquel Espinosa. For some unknown reason, the check was placed in the Attorney's file and was not deposited. An application for an order authorizing deposit of said funds to the blocked account at Bank of Sierra will promptly be submitted. There are no additional funds payable to or for the benefit of the minor, who will turn 18 on April, 2015.	<b>Updates:</b> 11/06/2014				
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**Petition for Order Confirming Successor Trustee and Trust Assets**

<b>Tony Semas</b> DOD: 9-11-09	<p><b>ELAINE M. BOUREZ</b>, is Presently Acting Trustee, is Petitioner.</p> <p><b>Petitioner states</b> Tony C. Semas died 9-11-09 and Mary B. Semas became trustee of the Semas Family Trust. On 9-1-10 Mary B. Semas executed an amendment naming Petitioner as co-trustee. A second amendment was executed 5-21-14. Petitioner has no knowledge of any subsequent amendments. Mary B. Semas died 6-26-14.</p> <p>On 12-22-97, the settlors transferred title of their residential real property located on Pico Avenue in Clovis to the trust. The subject property was also listed on the trust's Schedule A.</p> <p>In 1998, the settlors transferred the property via grant deed recorded 2-27-98 transferred the property to Tony C. Semas and Mary B. Semas, husband and wife, as joint tenants. Petitioner believes this transfer was for the sole purpose of refinancing the property as evidenced by the deed of trust recorded the same dated. The deed of trust referenced an \$89,000 note as the security instrument. A Full Reconveyance was signed on 5-2-03.</p> <p>Petitioner believes the listing of the property on the trust's Schedule A and the deed dated 12-22-97 are evidence of intent that the property be included as an asset of the trust. Petitioner knows of no other financial or other reason that the settlors would leave the subject property outside of their trust. Both settlors also executed pour-over wills, and Petitioner states that both of her parents separately stated to her after 1998 that the property had been transferred to the trust.</p> <p>Petitioner states the property was listed for sale after Mary B. Semas' death. Believing that the property was an asset of the trust, Petitioner accepted an offer to purchase the property and escrow was scheduled to close 11-6-14. An extension of time has been requested.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><u>Note:</u> This petition was originally scheduled for hearing on 1-13-15. However, pursuant to Ex Parte Request for Order Shortening Time and Setting Hearing Date for Petition filed concurrently therewith, the Court ordered the hearing rescheduled for Friday, 11-7-14, with notice to be provided by 11-6-14.</p> <p><del>1. The Court may require proof of notice pursuant to the Court's Order Shortening Time and Setting Hearing Date for Petition filed 11-4-14 to all beneficiaries:</del>  <del>Nancy M. Johnson</del>  <del>Anthony C. Semas</del></p> <p>Notice of Hearing filed 11-6-14 indicates mailing to the above heirs on 11-5-14. In addition, Petitioner filed their original declarations in support of an expediting hearing, as only copies were previously in the file.</p>
<b>Mary Semas</b> DOD: 6-26-14		
<b>Aff.Sub.Wit.</b>		
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**SEE PAGE 2**

**Page 2**

Petitioner believes the Declaration of Trust under which she has been acting is valid and requests the Court confirm that all of the settlors' interest in the subject property be deemed an asset subject to the trust and under the control of Petitioner as trustee. See Estate of Heggstad (1993) 16 Cal.App.4<sup>th</sup>, 943; 20 Cal. Rptr.2d. 433.

All beneficiaries have signed verified declarations stating that they are in agreement with the petition and with an expedited hearing date waiving the 30 day notice requirement.

**Petitioner prays for an order that:**

1. The Semas Family Trust dated 12-22-97 is valid;
2. Petitioner is the Successor Trustee of the trust;
3. All of the interest of Tony C. Semas and Mary B. Semas in the real property on Pico Avenue in Clovis, CA, is an asset subject to the management and control of Petitioner as successor trustee of the trust; and
4. Such other orders as the Court may deem just and proper.