



## 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.

**Probate Status Hearing Re: Failure to File a First Account or Petition for Final Distribution**

<b>DOD: 08/19/06</b>	<p><b>JACKIE MCDONALD</b>, sister-in-law, was appointed as Executor with full IAEA and without bond on 10/23/06.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b>   <u><b>CONTINUED FROM 09/12/14</b></u></p> <p>1. Need Accounting/Report of Executor and Petition for Final Distribution.</p> <p><b>Note:</b> Pursuant to decedent's will, the beneficiaries of the estate are the decedent's children Steven Wright and Tina Mitchell.</p>
	<p>Inventory &amp; Appraisal, Final, filed 01/17/07 - \$333,566.08</p>	
<b>Cont. from 030714, 091214</b>	<p>Inventory &amp; Appraisal, Reappraisal for sale, filed 10/27/14 - \$250,000.00</p>	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>		
<input type="checkbox"/> <b>Verified</b>		
<input checked="" type="checkbox"/> <b>Inventory</b>		
<input type="checkbox"/> <b>PTC</b>		
<input type="checkbox"/> <b>Not.Cred.</b>		
<input type="checkbox"/> <b>Notice of Hrg</b>		
<input type="checkbox"/> <b>Aff.Mail</b>		
<input type="checkbox"/> <b>Aff.Pub.</b>		
<input type="checkbox"/> <b>Sp.Ntc.</b>		
<input type="checkbox"/> <b>Pers.Serv.</b>		
<input type="checkbox"/> <b>Conf. Screen</b>		
<input type="checkbox"/> <b>Letters</b>		
<input type="checkbox"/> <b>Duties/Supp</b>		
<input type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>		
<input type="checkbox"/> <b>CI Report</b>		
<input type="checkbox"/> <b>9202</b>		
<input type="checkbox"/> <b>Order</b>		
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>		
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		
		<b>Reviewed by:</b> JF
		<b>Reviewed on:</b> 11/06/14
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 1 – Wright</b>

**2A John P McCann & Elizabeth A McCann (Trust) Case No. 11CEPR00871**

Atty Keeler, William J. (for Petitioner Kathleen Whitehurst)  
 Atty Dmytryk, Peter L. (for Trustees John P. McCann and Collen Dempsey)  
 Atty Thompson, Charles (for Daniel McCann)

Petition for Order Instructing the Co-Trustees to Vote the Trust's Limited Partnership Interest for Dissolution, for and Accounting, to Instruct Co-Trustees to Account as Agents Under Power of Attorney

		<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><u>History:</u></p> <ul style="list-style-type: none"> <li>• This petition was filed 9-10-13 by Kathleen Whitehurst and set for hearing 10-21-13.</li> <li>• On 10-17-13, the co-trustees filed their objection and demurrer, which was set for 12-10-13.</li> <li>• Therefore, on 10-21-13, the petition was continued to 12-10-13.</li> <li>• Since that date, the parties have stipulated to continue the matter.</li> <li>• Minute Order 10-2-14 states: Mr. Marshall informs the Court that counsel stipulates that Mr. Keeler may file his amended petition after the Court Trial is finished.</li> <li>• Because an amended petition is expected, Examiner Notes are not prepared for this matter at this time.</li> <li>• Please note: At this time, the file remains in Dept. 502 in connection with the Court Trial on separate matters.</li> </ul>
Cont. from 102113, 121013, 021114, 031814, 062314, 081914, 100214		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: skc
		Reviewed on: 11-6-14
		Updates:
		Recommendation:
		File 2A – McCann

**Atty Keeler, William J. (for Petitioner Kathleen Whitehurst)**

**Atty Dmytryk, Peter L. (for Trustees John P. McCann and Collen Dempsey)**

**Atty Thompson, Charles (for Daniel McCann)**

**Objection and Demurrer to Petition for Order Instructing the Co-Trustees to Vote the Trust's Limited Partnership Interest for Dissolution, for an Accounting, to Instruct Co-Trustees to Account as Agents Under Power of Attorney**

		<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><u>Examiner Notes are not prepared for this matter.</u></p>
Cont. from 121013, 021114, 031814, 062314, 081914, 100214		
<input type="checkbox"/>	Aff.Sub.Wit.	
<input type="checkbox"/>	Verified	
<input type="checkbox"/>	Inventory	
<input type="checkbox"/>	PTC	
<input type="checkbox"/>	Not.Cred.	
<input type="checkbox"/>	Notice of Hrg	
<input 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 type="checkbox"/>	Objections	
<input type="checkbox"/>	Video Receipt	
<input type="checkbox"/>	CI Report	
<input type="checkbox"/>	9202	
<input type="checkbox"/>	Order	
<input type="checkbox"/>	Aff. Posting	
<input type="checkbox"/>	Status Rpt	
<input type="checkbox"/>	UCCJEA	
<input type="checkbox"/>	Citation	
<input type="checkbox"/>	FTB Notice	
		Reviewed by: skc
		Reviewed on: 11-6-14
		Updates:
		Recommendation:
		File 2B - McCann

First Account and Report of Trustee of Edward Crable Special Needs Trust; Petition to Settle Account

Age: 17	PATTI CRABLE, trustee, is petitioner.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><u>CONTINUED FROM 10/02/14</u>  <b>Minute Order from 10/02/14 states: No appearances. The Court orders Jay T. Jambeck and Patti Crable to be present on 11/13/14.</b></p> <p>Copy of Minute Order mailed to Jay T. Jambeck on 10/03/14.</p> <p><b>Need Amended Account and Report of Trustee based on, but not limited to, the following issues:</b></p> <ol style="list-style-type: none"> <li>1. The accounting is incomplete. It does not include a Summary of Account – Standard and Simplified Accounts. See CA Rule of Court 7.575 and Probate Code § 1060 – 1063.</li> <li>2. The account indicates that the trust received \$10,000.00 and then disbursed that \$10,000.00 to the Leigh Law Group for educational legal services. However, the petition does not state and there does not appear to be a petition requesting authority to pay attorney's fees. It appears that these fees were paid without a court order.</li> <li>3. Pursuant to the Order Approving the Special Needs Trust, Edward Crable was to receive \$19,250.00 from a Minor's Compromise Claim which became the corpus of the Trust. The Court allowed \$9,250.00 to be placed into a blocked account and allowed \$10,000.00 to remain unblocked with bond set at \$11,000.00. The accounting does not address the \$9,250.00 that was placed into a blocked account. Need amended Petition.</li> </ol>
	Account period: <b>09/25/12 – 08/15/14</b>	
	Accounting - <b>\$10,000.00</b>	
	Beginning POH - <b>\$0.00</b>	
	Ending POH - <b>Not stated</b>	
<b>Cont. from 100214</b>		
Aff.Sub.Wit.		
Verified	Trustee - <b>not addressed</b>	
Inventory		
PTC	Attorney - <b>not addressed</b>	
Not.Cred.		
Notice of Hrg	Bond is currently filed in the amount of \$11,000.00.	
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: JF
		Reviewed on: 11/06/14
		Updates:
		Recommendation:
		File 3 - Crable

**5 Bruce Kawano (Estate)**

**Case No. 13CEPR00044**

**Atty Gromis, David Paul (for Petitioner/Administrator, Ronald T. Oye)**

**(1) Petition for Final Distribution and (2) for Allowance of Compensation for Ordinary Services on Waiver of Accounting**

<b>Age: 10/1/10</b>		<b>RONALD T. OYE</b> , Administrator, is petitioner.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b>  <u>Please see related case on page 10.</u>  <b>Continued from 10/14/14. Minute Order states counsel is directed to file an amended petition. As of 11/7/14 and amended petition has not been filed and the following issues remain:</b></p> <ol style="list-style-type: none"> <li><b>Need amended petition.</b> Petition requests the ½ share of the decedent's estate that would go to his post deceased spouse, Katharine Kawano, instead pass to the Jim I. Kawano Trust pursuant to Katharine's Will. Katharine's Will is not before the court therefore the court cannot pass her portion of this estate pursuant to her will. Katharine's share of the estate can only pass to her estate.</li> <li>The petition contains a math error in the statutory fees. The correct statutory fees are \$5,989.45.</li> <li>Need proof of service of the Notice of Hearing on:             <ol style="list-style-type: none"> <li>Jim Kawano (minor beneficiary)</li> <li>The Personal Representative of the Estate of Katharine Kawano (beneficiary)</li> </ol> </li> <li>Need Order</li> </ol> <p><b>Note:</b> The ½ interest in the real property in this estate that passes through intestacy to Katharine must pass to Katharine's estate. Even with the Petition to Determine Succession to Real property proceeding for Katharine's estate (page 10 of this calendar) this estate will require an amended petition asking the property pass to first to Katharine's estate then through her estate to her heirs/devisees pursuant to her Will.</p>
		Accounting is waived.	
<b>Cont. from 081214, 101414</b>		I & A - \$166,315.00 POH - \$166,315.00	
	<b>Aff.Sub.Wit.</b>	Administrator - <b>waives</b>	
✓	<b>Verified</b>	Attorney - <b>\$5,732.19</b> (less than statutory)	
✓	<b>Inventory</b>	<b>Petitioner requests distribution as follows:</b>	
✓	<b>PTC</b>	Ron Oye, as Trustee of the Jim I. Kawano Trust - 50% interest in the real property	
✓	<b>Not.Cred.</b>	Ron Oye and Michiko Oye as guardians of the estate of Jim Kawano – 50% interest in the real property.	
✓	<b>Notice of Hrg</b>		
✓	<b>Aff.Mail</b>		
	<b>Aff.Pub.</b>		
	<b>Sp.Ntc.</b>		
	<b>Pers.Serv.</b>		
	<b>Conf. Screen</b>		
✓	<b>Letters</b>	2/20/13	
	<b>Duties/Supp</b>		
	<b>Objections</b>		
	<b>Video Receipt</b>		
	<b>CI Report</b>		
	<b>9202</b>		
	<b>Order</b>	X	
	<b>Aff. Posting</b>		
	<b>Status Rpt</b>		
	<b>UCCJEA</b>		
	<b>Citation</b>		
✓	<b>FTB Notice</b>		
			<b>Reviewed by: KT</b>
			<b>Reviewed on: 11/7/14</b>
			<b>Updates:</b>
			<b>Recommendation:</b>
			<b>File 5 – Kawano</b>

**Petition to Appoint Successor Trustee of Bypass Trust and Grandchildren's Trust  
and for Instructions, Probate Status Hearing Re: New Petition**

Henry Boyajian DOD: 10-18-01	<b>PHYLLIS BRANCHE</b> , daughter of Henry and Margaret Boyajian (trustors) and beneficiary, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
Margaret Boyajian DOD: 10-29-13		<u>Minute Order 7-16-14: Counsel reports that the matter was settled last night at mediation. Matter continued to 8-13-14 as a placeholder only.</u>
Cont: 041014, 071614, 081314, 091714, 101414	<b>Petitioner states</b> Henry and Margaret Boyajian established the trust on 4-9-97 and amended and restated the trust on 9-23-99. After Henry's death on 10-18-01, Margaret became the sole trustee and pursuant to the trust created and funded the Survivor's Trust with the surviving trustor's share of the community property and a portion of the deceased trustor's share equal to the minimum necessary to eliminate estate taxes (the marital deduction amount) and the Bypass Trust with the remaining trust property. The Survivor's Trust was then amendable; however, the Bypass trust was irrevocable. After the death of the surviving trustor, the assets of the Survivor's Trust were to be added to the Bypass Trust and distributed as follows: 1) Real property on Nebraska Avenue in Selma to Jeffrey Boyajian; 2) \$400,000 in securities or cash to Petitioner in trust for each of the three grandchildren, Andrew Boyajian Branch, Cody Branche Boyajian, and Alan Boyajian Branche, pursuant to a specified formula; and 3) The remainder to Petitioner and Margaret Courtis in equal shares.	<u>Status Report filed 8-7-14 by Attorney Burnside states the draft petition for settlement, appointment of a successor trustee, and modification of the trusts is expected to be filed by the end of August.</u>
Aff.Sub.Wit.		<u>Minute Order 8-13-14: Attorney Burnside reports that a new petition will be filed.</u>
✓ Verified		<u>Note: Petition for Order Approving Stipulation for Settlement; for Appointment of Successor Trustee of Bypass Trust (Trust B); and for Order Modifying Terms of Irrevocable Trusts filed 9-15-14 is Page 6B of this calendar.</u>
Inventory		<u>If this petition at 6A goes forward, the following issues may need to be addressed:</u>
PTC		1. Petitioner states the principal place of administration is Fresno County; however, the Successor Trustee, Jeffrey Boyajian, appears to reside in San Leandro, CA, which is Alameda County. Therefore, need clarification re Fresno as proper venue with reference to Probate Code §17005.
Not.Cred.		2. Petitioner states the names and addresses of the beneficiaries or trustees; however, Petitioner does not state that these are all of the persons <u>entitled to notice</u> pursuant to Probate Code §§ 17201, 17203, 851. The Court may require a verified declaration that this list contains all of the persons <u>entitled to notice</u> .
✓ Notice of Hrg		3. Need copies of trust and amendments. Petitioner states copies of the relevant documents are attached; however, there is nothing attached to the petition.
✓ Aff.Mail		<u>Note: Respondent Jeffrey Boyajian provided a copy of the Third Amendment only.</u>
Aff.Pub.		4. Petitioner requests appointment of herself and Margaret Courtis as co-successor trustees of the Bypass Trust. Need consent of Margaret Courtis.
Sp.Ntc.		Reviewed by: skc
✓ Pers.Serv.		Reviewed on: 11-6-14
Conf. Screen		Updates:
Letters		Recommendation:
Duties/Supp		File 6A – Boyajian
✓ Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		

**SEE ADDITIONAL PAGES**

**Page 2**

**Petitioner states** on 12-21-07, the Surviving Trustor amended the Restatement as to the Survivor's Trust (the First Amendment). On 8-18-07, the Surviving Trustor again amended the Survivor's Trust (the Second Amendment), which Second Amendment revoked the First Amendment, and also:

- Confirmed the specific bequest of real property to Jeffrey Boyajian;
- Concedes that the \$400,000 specific bequest by the Trustors jointly to the grandchildren is irrevocable; and
- Contrary to the dictates of the trust regarding final distribution and regarding the trustee, and despite conceding the irrevocability of the specific bequests to the grandchildren, Surviving Trustor purports to modify the specific bequests by
  - 1) replacing Petitioner as trustee for the grandchildren with a committee comprised of Petitioner, Margaret Courtis, and Jeffrey Boyajian, and
  - 2) modifying the specified formula for distributions;
- Contrary to the dictates of the trust and despite conceding the irrevocability of the provisions of the restatement, Surviving Trustor purports to revoke the distribution of the remainder of the trust to Petitioner and Margaret Courtis by instead giving them a specific bequest of \$1 million each, with the remainder to Jeffrey Boyajian;
- Surviving Trustor purports to state that the provisions of the Second Amendment control over any conflicts between the language of the Restatement and the Second Amendment.

Petitioner states on 6-25-10, and contrary to the dictates of the trust regarding successor trustees of the Bypass Trust, Surviving Trustor executed a Third Amendment that purports to revoke the nomination of Petitioner and Margaret Courtis as successor co-trustees of the Bypass Trust and replace them with Jeffrey Boyajian.

The Surviving Trustor passed away on 10-29-13 and since her death, Jeffrey Boyajian has been acting as the successor trustee of the Survivor's Trust and the Bypass Trust.

Based on the many inconsistencies among the language of the Restatement and the Second and Third Amendments, Petitioner requests instructions from this Court as follows:

Petitioner states the Surviving Trustor clearly had no authority to modify the provisions of the Restatement as to the successor trustee of the Bypass Trust. As such, Petitioner requests that Jeffrey Boyajian be removed as successor trustee and that Petitioner and Margaret Courtis be appointed as successor co-trustees of the Bypass Trust.

There exists a conflict between the Restatement and the Second Amendment as to the final disposition of the trust corpus. Petitioner states the Deceased Trustor's intent was clear that Jeffrey Boyajian receive the property, the grandchildren receive \$400,000 each, and Petitioner and Margaret Courtis share the remainder. It is Petitioner's position that while the Surviving Trustor had the authority to amend the Survivor's trust, she breached the Restatement and did not have the power to modify the dispositive provisions as to the Deceased Trustor's share of the community property, which became his separate property pursuant to Probate Code §100 by reason of his death. Petitioner states that because the Surviving Trustor concedes that the \$400,000 specific bequest is irrevocable, such irrevocability must also apply to the dispositive provision of such specific bequests.

As such, Petitioner requests that this Court order that Jeffrey Boyajian, as successor trustee of the Survivor's Trust, to return to the Bypass Trust an amount equal to the Deceased Trustor's share of the community property as of his date of death to be distributed pursuant to the Bypass Trust.

**SEE ADDITIONAL PAGES**

Because the \$400,000 for each of the grandchildren is to be held in trust, the Second Amendment is contrary to the Restatement in wrongfully modifying the trustee of the grandchildren's trusts. While the Surviving Trustor had the ability to modify the Survivor's Trust, she did not have the power or right to modify the dispositive provisions of the Deceased Trustor's share of the community property, including naming the trustee of the grandchildren's trusts. Petitioner again points to the concession that the \$400,000 bequests are irrevocable, and as such, the irrevocability must apply to the appointment of the trustee. Therefore, Petitioner requests that she be appointed as trustee of the grandchildren's trust and to distribute pursuant to the Restatement.

**Petitioner prays for an order as follows:**

- 1. Finding that all facts stated in the petition are true and all notices required by law have been duly given;**
- 2. Removing Jeffrey L. Boyajian as successor trustee of the Bypass Trust and appointing Petitioner and Margaret Courtis as successor trustees of the Bypass Trust;**
- 3. That Jeffrey L. Boyajian as successor trustee of the Survivor's Trust return to the Bypass Trust an amount equal to the Deceased Trustor's share of the community property as of his date of death to be distributed pursuant to the dictates of the Bypass Trust;**
- 4. That Petitioner be appointed as trustee of the Grandchildren's trust; and**
- 5. For such other orders as the Court considers proper.**

**Maggie Courtis' Objection states** the amendments are valid and Jeffrey Boyajian is the proper successor trustee of the Bypass Trust and the grandchildren's trusts. The amendments were made with the assistance of legal counsel (Attorney Jeff Wall). The purpose of the amendment was to create a "zero tolerance" threshold for recipients of the grandchildren's gifts to ensure that the recipients have not engaged in substance abuse for at least three years. The Third Amendment appointing Jeffrey Boyajian as successor trustee of both trusts was also made with the assistance of Jeff Wall as counsel, and Jeffrey Boyajian has been serving as such since 10-29-13.

Objector states the Bypass Trust was funded with the Selma Property and about \$656,000 of securities. The specific gift of the property to Jeffrey Boyajian is not at issue. Therefore, the assets of the Bypass Trust are insufficient to gift \$400,000 to each of the three other grandchildren. Plain and simple, Petitioner is attempting to obtain more money than the amendments provide. The money would come from the Survivor's Trust, which is agreed to be amendable/revocable. Margaret Boyajian only amended the Survivor's Trust. Her intent is clear and should not be frustrated. Applying Petitioner's reasoning to the interpretation of the amendments would completely dismiss Margaret Boyajian's intent with respect to the distribution, which is that the balance of the \$400,000 each is subject to the condition of being drug-free, something that Petitioner (their mother) does not deem an appropriate restriction.

**No-contest clause:** Objector states that if a beneficiary under the Restated Trust shall contest in court the validity or seek adjudication that the Restated Trust or any of its provisions is void or set aside any provisions, then the right of that person shall be determined as if predeceased without leaving issue. Petitioner is seeking to void or set aside the provisions of the Restated Trust as set forth in its amendments; therefore, her right is to be eliminated.

**Objector prays for an order that:**

- 1. The Restated Trust amendments are valid with respect to Trust A (Survivor's Trust) assets;**
- 2. Only Trust B (Bypass Trust) assets are subject to the irrevocability language of the Restated Trust;**
- 3. Trust B assets consisted only of the Selma Property and 94,406 shares of the Franklin Fund Securities at the death of Margaret Boyajian;**
- 4. Jeffrey Boyajian is the proper successor trustee of all trusts created under the Restated Trust;**
- 5. Petitioner has invoked the "No Contest" provisions of the Restated Trust with the filing of this petition and there is no longer a proper beneficiary of the trusts established pursuant to the Restated Trust.**

**SEE ADDITIONAL PAGES**

**Page 4**

**Jeffrey Boyajian's Response states** Petitioner is seeking instructions regarding who is the proper trustee of the trust shares to be established for her three adult sons. Respondent understood that he had been appointed to serve with Margaret Boyajian as co-trustee and as sole successor trustee pursuant to the Third Amendment (attached). Respondent is uncertain whether the First and Second Amendments validly nominated him as successor trustee of the Bypass Trust; however, is informed and believes that the Bypass Trust was not subject to amendment. As noted; however, pursuant to the Third Amendment, he was nominated and served with Margaret Boyajian as co-trustee.

Respondent states that in the Second Amendment, Margaret Boyajian stated her understanding of the irrevocability of the Bypass Trust, but further stated her intent to modify the dispositive provisions of the Survivor's Trust as to her grandchildren Andrew, Cody, and Alan. It is unclear whether the \$400,000 gift to each of them applied only in the event of the combination of the Survivor's Trust with the Bypass Trust, or if the trusts were not combined, to what extent, if any, would that affect the amount of the bequests/distributions to be made to them.

Mrs. Boyajian was concerned about her grandchildren's ability to responsibly manage their inheritance and instructed her attorney to prepare amendment directing a committee to consider distributions. In doing so, she attempted to modify the formula, which changes pertain to the Survivor's Trust. It is unclear if the \$400,000 gift to each of the three grandchildren applied only in the event assets were combined, etc.

Mrs. Boyajian had the authority to amend the Survivor's Trust such that both Petitioner and Margaret Courtis could potentially receive no assets from the Survivor's Trust if they received from other sources, including, but not limited to the Bypass Trust, life insurance proceeds, or other assets) the sum of \$500,000 each.

Mrs. Boyajian had the authority to amend the Survivor's Trust to name Respondent as beneficiary of said sub-trust.

Mrs. Boyajian intended the provisions of the Second Amendment to apply to the Survivor's Trust and desired to appoint Respondent with her as co-trustee, as she was in need of assistance at that time. Respondent has been administering the assets of the trust as he understood it was his responsibility to marshal and administer the assets for all beneficiaries.

Respondent states instructions would be appropriate as to the administration and disposition of the trust. Petitioner and Margaret Courtis are nominated as successor co-trustees; however, instructions are needed as to whether Mrs. Boyajian had authority to change the nomination with the Amendments.

**Respondent states** he does not know whether he is required under the Second Amendment to combine the assets of the Survivor's Trust with those of the Bypass Trust prior to final distribution, particularly if the funding of the Survivor's Trust was conducted in accordance with the terms of the Restated Trust and with regard to the amendments. If not combined, to what extent is the amount of the bequests to the grandchildren (\$400,000 each) affected?

**Respondent agrees that instructions are needed regarding the application of the Second and Third amendments and their scope and effect on beneficiaries.**

**Respondent therefore requests that this matter be set for evidentiary hearing to consider all evidence and make any and all further orders the Court may deem just and proper.**

**Petitioner filed a Response to Ms. Courtis' Objection of on 4-10-14 and requests that the petition be approved as prayed. See Response for details.**

**Update: Petitioner filed a new Petition for Order Approving Stipulation for Settlement, etc., which is Page B of this calendar.**

<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="padding: 2px;">Henry Boyajian DOD: 10-18-01</td></tr> <tr><td style="padding: 2px;">Margaret Boyajian DOD: 10-29-13</td></tr> <tr><td style="padding: 2px;"> </td></tr> <tr><td style="padding: 2px;"> </td></tr> <tr><td style="padding: 2px;"> </td></tr> <tr><td style="padding: 2px;"> </td></tr> <tr><td style="padding: 2px;"><b>Cont. from 101414</b></td></tr> <tr><td style="padding: 2px;"><input type="checkbox"/> Aff.Sub.Wit.</td></tr> <tr><td style="padding: 2px;"><input checked="" type="checkbox"/> Verified</td></tr> <tr><td style="padding: 2px;"><input type="checkbox"/> Inventory</td></tr> <tr><td style="padding: 2px;"><input type="checkbox"/> PTC</td></tr> <tr><td style="padding: 2px;"><input type="checkbox"/> Not.Cred.</td></tr> <tr><td style="padding: 2px;"><input checked="" type="checkbox"/> Notice of Hrg</td></tr> <tr><td style="padding: 2px;"><input checked="" type="checkbox"/> Aff.Mail <span style="float: right;">w</span></td></tr> <tr><td style="padding: 2px;"><input type="checkbox"/> Aff.Pub.</td></tr> <tr><td style="padding: 2px;"><input type="checkbox"/> Sp.Ntc.</td></tr> <tr><td style="padding: 2px;"><input type="checkbox"/> Pers.Serv.</td></tr> <tr><td style="padding: 2px;"><input type="checkbox"/> Conf. Screen</td></tr> <tr><td style="padding: 2px;"><input type="checkbox"/> Letters</td></tr> <tr><td style="padding: 2px;"><input type="checkbox"/> Duties/Supp</td></tr> <tr><td style="padding: 2px;"><input checked="" type="checkbox"/> Objections</td></tr> <tr><td style="padding: 2px;"><input type="checkbox"/> Video Receipt</td></tr> <tr><td style="padding: 2px;"><input type="checkbox"/> CI Report</td></tr> <tr><td style="padding: 2px;"><input type="checkbox"/> 9202</td></tr> <tr><td style="padding: 2px;"><input type="checkbox"/> Order <span style="float: right;">x</span></td></tr> <tr><td style="padding: 2px;"><input type="checkbox"/> Aff. Posting</td></tr> <tr><td style="padding: 2px;"><input type="checkbox"/> Status Rpt</td></tr> <tr><td style="padding: 2px;"><input type="checkbox"/> UCCJEA</td></tr> <tr><td style="padding: 2px;"><input type="checkbox"/> Citation</td></tr> <tr><td style="padding: 2px;"><input type="checkbox"/> FTB Notice</td></tr> </table>	Henry Boyajian DOD: 10-18-01	Margaret Boyajian DOD: 10-29-13					<b>Cont. from 101414</b>	<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 <span style="float: right;">w</span>	<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 type="checkbox"/> Order <span style="float: right;">x</span>	<input type="checkbox"/> Aff. Posting	<input type="checkbox"/> Status Rpt	<input type="checkbox"/> UCCJEA	<input type="checkbox"/> Citation	<input type="checkbox"/> FTB Notice	<p><b>PHYLLIS BRANCHE</b>, daughter of Henry and Margaret Boyajian (trustors) and beneficiary, is Petitioner.</p> <p><b>Petitioner states</b> the parties participated in mediation with Attorney William H. Coleman. Petitioner was represented by Barry W. Pruett, Respondent was represented by Leigh W. Burnside and Jeffrey L. Wall, Maggie was represented by David M. Camenson, and Andrew, Cody, and Alan were present with their mother, Petitioner, and her counsel. The parties entered into a written settlement agreement at conclusion of the mediation. See Attachment A. The material terms include:</p> <ul style="list-style-type: none"> <li>• A professional fiduciary will be appointed successor trustee of the bypass trust and of the individual trusts to be established thereunder for Andrew, Cody, and Alan;</li> <li>• Funding and administration details of Andrew's, Cody's, and Alan's trusts;</li> <li>• Petitioner shall keep proceeds on hand in decedent Margaret Boyajian's Bank of America account xx2342;</li> <li>• Petitioner shall cooperate to turn over to Respondent, in his capacity as sole trustee of the survivor's trust, the balance of Bank of America account xx0920;</li> <li>• Respondent will not enforce any debts or other obligations owed, or alleged to be owed, by Petitioner, Maggie, Andrew, Cody, or Alan to Margaret Boyajian or to her Survivor's Trust;</li> <li>• Petitioner, Maggie, Cody, and Alan waive any and all accountings of the Survivor's and Bypass trusts;</li> <li>• Respondent to receive certain real property in Selma free and clear of trust pursuant to the terms of the Restated Trust Agreement and Second Amendment dated 8-18-08;</li> <li>• Distribution of tangible personal property; and</li> <li>• Other stipulations.</li> </ul> <p style="text-align: center;"><b>SEE PAGE 2</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Note:</b> Page 9 of the Petition is missing from the filed document.</p> <ol style="list-style-type: none"> <li>1. The settlement indicates appointment of Marion Austin as sole successor trustee of the various subtrusts. Need consent of Marion Austin to serve.</li> <li>2. Need order.</li> </ol> <hr/> <p><b>Reviewed by:</b> skc</p> <p><b>Reviewed on:</b> 11-6-14</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 6B – Boyajian</b></p>
Henry Boyajian DOD: 10-18-01																																
Margaret Boyajian DOD: 10-29-13																																
<b>Cont. from 101414</b>																																
<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 <span style="float: right;">w</span>																																
<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 type="checkbox"/> Order <span style="float: right;">x</span>																																
<input type="checkbox"/> Aff. Posting																																
<input type="checkbox"/> Status Rpt																																
<input type="checkbox"/> UCCJEA																																
<input type="checkbox"/> Citation																																
<input type="checkbox"/> FTB Notice																																

Page 2

**Petitioner also requests modification of irrevocable bypass trust, survivor's trust and grandchildren's trusts pursuant to §15403(a) as set forth in the petition.**

**Petitioner prays for an order:**

1. Approving the written settlement agreement attached as Attachment A;
2. Accepting the declinations of Phyllis K. Branche and Margaret R. Courtis to serve as successor co-trustees of the bypass trust;
3. Accepting the declination of Phyllis K. Branche to serve as the trustee of the grandchildren's trust shares for her sons Andrew Boyajian Branche, Cody Branche Boyajian, and Alan Boyajian Branche;
4. Appointing Marion Austin as the sole successor trustee of the bypass trust created under the Restatement of the Henry and Margaret Boyajian Trust Agreement dated September 23, 1999;
5. Appointing Marion Austin as the sole trustee of the grandchildren's trusts for Andrew Boyajian Branche, Cody Branche Boyajian, and Alan Boyajian Branche;
6. Approving the modification of the irrevocable bypass trust and survivor's trust as set forth herein;
7. Ordering that the real property located in Selma is distributed to beneficiary Jeffrey L. Boyajian as his sole and separate property; and
8. Awarding any and all other relief as the Court deems just and proper.

**Margaret Courtis' Response and Objections filed 10-3-14** states objections, but states that in the spirit of settling, she is willing to forego the issue of Petitioner receiving more than her "fair share" of the life insurance policy and forgive other transgressions. Ms. Courtis is generally in favor of an order approving the Stipulation for Settlement entered into by Petitioner, Courtis, Jeffrey Boyajian, Andrew Boyajian Branche, Cody Branche Boyajian, and Alan Boyajian Branche on 7-15-14 as set forth in the petition, but with a few clarifications. See Response specifically regarding:

- Bank of America Account Balance
- Current Income Distribution
- Personal Property Items
- Family Photographs

Ms. Courtis also states she is not opposed to the appointment of Marion Austin as the sole successor trustee to the bypass trust and as sole trustee of the trust shares to be established for Andrew, Cody, and Alan. Ms. Courtis would like to also include in the Court's order a provision that any successor trustee to Marion Martin (sic) must also be approved by Respondent, Courtis, and Petitioner, if living.

Ms. Courtis is not opposed to an order modifying the trusts as set forth in Petition Line 22, Page 10, through Line 24, Page 11.

Please see Response for the complete prayer for relief.

**Jeffrey L. Boyajian, Successor Trustee, filed a Response on 10-8-14.** Mr. Boyajian states he joins in the Response filed by Ms. Courtis and prays for an order approving the settlement, but with various modifications. See Response for the complete prayer for relief. (Note: Prayer mirrors Ms. Courtis' prayer.)

**Petitioner Phyllis Branche filed a Response to Objection on 10-9-14.** Ms. Branche indicates various disagreements with the statements in the responses, but also prays for an order approving the settlement agreement. See pleading for complete prayer for relief.



Amended Petition for Letters of Administration (Prob. C. 8002, 10450)

<b>DOD: 12/13/2013</b>	<b>DEARIL WHITE</b> , son is petitioner and requests appointment as Administrator without bond.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. Need Affidavit of Publication pursuant to Probate Code §8120. <b>Note:</b> The original petition filed 08/22/2014 did not request IAEA authority and the affidavit of publication filed did not include IAEA language. This amended petition is requesting full IAEA authority therefore need affidavit of publication which includes IAEA language.  2. Need Notice of Petition to Administer Estate.  3. Need proof of service of the Notice of Petition to Administer Estate on Sam White pursuant to Probate Code §8110. <b>Note:</b> Pursuant to California Rule of Court 7.53(a) an amended pleading or an amendment to a pleading requires the same notice of hearing (including publication) as the pleading it amends. Need Notice of Petition to Administer Estate on all entitled to notice and need Publication.  <b>Note: If the petition is granted status hearings will be set as follows:</b>  <ul style="list-style-type: none"> <li>• <b>Thursday, 03/02/2015 at 9:00a.m. in Dept. 303</b> for the filing of the inventory and appraisal <b>and</b></li> <li>• <b>Thursday, 01/14/2016 at 9:00a.m. in Dept. 303</b> for the filing of the first account and final distribution.</li> </ul> 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.
	All heirs waive bond	
	IAEA - ?	
<b>Cont. from 100214, 102214</b>		
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/> <b>Verified</b>	Decedent died intestate	
<input type="checkbox"/> <b>Inventory</b>	Residence: Riverdale	
<input type="checkbox"/> <b>PTC</b>	Publication: Need	
<input type="checkbox"/> <b>Not.Cred.</b>		
<input type="checkbox"/> <b>Notice of Hrg</b>	<b>Estimated value of the Estate:</b>	
<input type="checkbox"/> <b>Aff.Mail</b>	Personal property - \$3,000.00	
<input type="checkbox"/> <b>Aff.Pub.</b>	Real property - \$250,000.00	
<input type="checkbox"/> <b>Sp.Ntc.</b>	<b>Total - \$253,000.00</b>	
<input type="checkbox"/> <b>Pers.Serv.</b>	Probate Referee: Rick Smith	
<input type="checkbox"/> <b>Conf. Screen</b>		
<input checked="" type="checkbox"/> <b>Letters</b>		
<input checked="" type="checkbox"/> <b>Duties/Supp</b>		
<input type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>		
<input type="checkbox"/> <b>CI Report</b>		
<input type="checkbox"/> <b>9202</b>		
<input checked="" type="checkbox"/> <b>Order</b>		
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>		
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		
	<b>Reviewed by:</b> LV	
	<b>Reviewed on:</b> 11/07/2014	
	<b>Updates:</b>	
	<b>Recommendation:</b>	
	<b>File 7 - White</b>	

Petition for Compensation

Age: 81		<p><b>Petitioner J. STANLEY TEIXEIRA</b> was Court appointed to represent the Conservatee on 7-8-14.</p> <p>On 9-25-14, Sharon Shrives was appointed Conservator of the Person and Estate of Barber L. Mardis.</p> <p>Petitioner requests fees in connection with the representation of the Conservatee for the petition to appoint a conservator.</p> <p>Petitioner asks that he be paid <b>\$360.00</b> from the conservatorship estate for 4.5 hours @ \$80/hour, for a total of \$360.00. Petitioner states his normal billing rate is \$275/hour. Petitioner also requests reimbursement of the <b>\$435 filing fee</b> for this petition, for a total payment of <b>\$795.00</b>.</p> <p>Attached billing statements indicate that services include review of documents, attendance at the hearings, and meeting with client.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p>	
	Aff.Sub.Wit.			
✓	Verified			
	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			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
		Reviewed by: skc		
		Reviewed on: 11-6-14		
		Updates:		
		Recommendation:		
		File 8 – Mardis		

Petition to Determine Succession to Real Property (Prob. C. 13151)

<b>DOD: 6/29/2011</b>		<b>RONALD T. OYE</b> , Personal Representative of the Pour Over Will of Katharine Kawano and Trustee of the Jim I. Kawano Trust, dated 6/29/2011, is petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Continued from 10/14/14. As of 11/7/14 the following issues remain:</b>  1. Ronald T. Oye, as Personal Representative of the Pour Over Will of Katharine Kawano and Trustee of the Jim I. Kawano Trust, dated 6/29/2011 does not have standing to bring this petition. Decedent's Will devised the entire estate to the Katharine Kawano 2011 Trust. Probate Code §13151 states the successor in interest is to bring the petition. The successor in interest to this estate is the Katharine Kawano 2001 Trust. Therefore the Trustee of the Katharine Kawano 2011 Trust must be the petitioner. <b>Note:</b> Ronald T. Oye was nominated in the decedent's will as executor; however, it doesn't appear that Ronald T. Oye has been appointed by the court as the personal representative of the estate of Katharine S. Kawano.  2. Need Inventory and Appraisal. Note: an inventory and appraisal for the estate of Bruce Kawano is attached to the petition however this procedure requires the specific property of this decedent to be appraised as of her date of death.	
<b>Cont. from 101414</b>				
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>			40 days since DOD.
<input checked="" type="checkbox"/>	<b>Verified</b>			I & A - NEED.
<input type="checkbox"/>	<b>Inventory</b>			X
<input type="checkbox"/>	<b>PTC</b>			
<input type="checkbox"/>	<b>Not.Cred.</b>			Petitioner requests ?
<input type="checkbox"/>	<b>Notice of Hrg</b>			X
<input type="checkbox"/>	<b>Aff.Mail</b>			X
<input type="checkbox"/>	<b>Aff.Pub.</b>			
<input type="checkbox"/>	<b>Sp.Ntc.</b>			
<input type="checkbox"/>	<b>Pers.Serv.</b>			
<input type="checkbox"/>	<b>Conf. Screen</b>			
<input type="checkbox"/>	<b>Letters</b>			
<input type="checkbox"/>	<b>Duties/Supp</b>			
<input type="checkbox"/>	<b>Objections</b>			
<input type="checkbox"/>	<b>Video Receipt</b>			
<input type="checkbox"/>	<b>CI Report</b>			
<input type="checkbox"/>	<b>9202</b>			
<input type="checkbox"/>	<b>Order</b>	X		
<input type="checkbox"/>	<b>Aff. Posting</b>			
<input type="checkbox"/>	<b>Status Rpt</b>			
<input type="checkbox"/>	<b>UCCJEA</b>			
<input type="checkbox"/>	<b>Citation</b>			
<input type="checkbox"/>	<b>FTB Notice</b>			
<b>Please see additional page</b>				
<b>Reviewed by: KT</b>				
<b>Reviewed on: 11/7/14</b>				
<b>Updates:</b>				
<b>Recommendation:</b>				
<b>File 10 - Kawano</b>				

**NEEDS/PROBLEMS/COMMENTS (continued):**

3. Need attachment 11 showing the legal description of the real property, its Assessor's Parcel Number (APN) and the decedent's interest in the property.
4. Need attachment 13 stating the specific property interest claimed by each petitioner.
5. Need Notice of Hearing.
6. Need proof of service of the Notice of Hearing on:
  - a. Bruce I. Kawano – minor beneficiary
  - b. Guardians of Bruce I. Kawano.
7. Need Order.

<b>DOD: 5-29-12</b>	<b>LORI SHIBATA</b> , Trustee, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
	<b>Petitioner states:</b> 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.	<b>1. The Court may require clarification regarding Fresno as venue. Petitioner states administration of the trust is in Fresno; however, Petitioner’s address is Danville, CA, which is in Contra Costa County.</b>
<input type="checkbox"/> Aff.Sub.Wit.	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.	<b>2. The petition refers to attachments; however, no attachments are attached to the petition. The Court may require copies of the following attachments:</b>
<input checked="" type="checkbox"/> Verified		<b>1 – Trust</b>
<input type="checkbox"/> Inventory		<b>2 – Appraisal Report</b>
<input type="checkbox"/> PTC		<b>3 – Notice of Proposed Action</b>
<input type="checkbox"/> Not.Cred.		<b>4 – Objection</b>
<input checked="" type="checkbox"/> Notice of Hrg		<b>3. Petitioner requests costs. The Court may require clarification or itemization.</b>
<input checked="" type="checkbox"/> Aff.Mail		<b>4. Need order.</b>
<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		
	<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;"><b>SEE ADDITIONAL PAGES</b></p>	
		<b>Reviewed by:</b> skc
		<b>Reviewed on:</b> 11-7-14
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 11 – Lee</b>

**Page 2**

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.**

**12 Oliver Richard Harris aka Richard Harris aka O. Richard Harris aka O.R. Harris (Estate)** **Case No. 14CEPR00923**

Atty Markeson, Thomas A. (for Richard A. Harris – son/Petitioner)

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

<b>DOD: 09/21/14</b>	<b>RICHARD HARRIS</b> , son/named Executor without bond, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
<b>Cont. from</b>		
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	s/p	
<input checked="" type="checkbox"/> <b>Verified</b>		
<input type="checkbox"/> <b>Inventory</b>		
<input type="checkbox"/> <b>PTC</b>		
<input type="checkbox"/> <b>Not.Cred.</b>		
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>		
<input checked="" type="checkbox"/> <b>Aff.Mail</b>	w/	
<input checked="" type="checkbox"/> <b>Aff.Pub.</b>		
<input type="checkbox"/> <b>Sp.Ntc.</b>		
<input type="checkbox"/> <b>Pers.Serv.</b>		
<input type="checkbox"/> <b>Conf. Screen</b>		
<input checked="" type="checkbox"/> <b>Letters</b>		
<input checked="" type="checkbox"/> <b>Duties/Supp</b>		
<input type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>		
<input type="checkbox"/> <b>CI Report</b>		
<input type="checkbox"/> <b>9202</b>		
<input checked="" type="checkbox"/> <b>Order</b>		
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>		
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		
Full IAEA – OK  Will dated 10/20/99  Residence: Fresno Publication: Fresno Business Journal  <b>Estimated Value of the Estate:</b> Personal property - \$475,000.00 Annual income - 36,000.00 Real property - 250,000.00 <b>Total - \$761,000.00</b>  Probate referee: <b>RICK SMITH</b>		
		<b>Reviewed by:</b> JF
		<b>Reviewed on:</b> 11/07/14
		<b>Updates:</b>
		<b>Recommendation:</b> SUBMITTED
		<b>File 12 – Harris</b>

		<b>NEEDS/PROBLEMS/COMMENTS:</b>
	<b>Settlement Conference was held 10-14-14.</b>	<b>1. Need settlement agreement or verified written status report per Local Rule 7.5.</b>
	<b>Minute Order 10-14-14:</b> Parties engage in settlement discussions with the Court. Parties reach a resolution as set forth by Mr. Rindlisbacher. Objections are withdrawn. Melinda Cordell agrees to having this court retain jurisdiction. Mr. Rindlisbacher is directed to prepare the settlement agreement. Set on 11/13/14 @ 9:00 a.m. Dept. 303 for: Status Hearing Re: Settlement Agreement	
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
		<b>Reviewed by:</b> skc <b>Reviewed on:</b> 11-7-14 <b>Updates:</b> <b>Recommendation:</b> <b>File 14 – Cordell</b>

**Status Hearing Re: Filing of Increased Bond**

<b>Age: 100</b>	<p><b>LINDA CROUCH</b>, daughter, was appointed temporary Conservator of the Person and Estate on 03/27/14 and permanent Conservator of the Person and Estate 06/04/14. Bond was set at \$45,000.00.</p> <p>Bond in the amount of \$45,000.00 was filed 04/28/14.</p> <p>On 10/14/14, a hearing on Report of Sale and Petition for Order Confirming Sale of Real Property was heard and there being no overbids in open court, the sale was confirmed by the Court. Order Confirming Sale of Real Property indicated that additional bond in the amount of \$68,213.60 was to be filed.</p> <p>Minute Order from 10/14/14 set this matter for status regarding filing of the additional bond.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. Need additional bond in the amount of \$68,213.60.</p>
<b>Cont. from</b>		
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
		<p><b>Reviewed by:</b> JF</p> <p><b>Reviewed on:</b> 11/07/14</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 15 – Welton</b></p>

Petition for Transfer

		<p><b>Court Investigator CHARLOTTE BIEN is Petitioner.</b></p> <p><b>Petitioner states</b> the Conservatee currently resides in Porterville, CA., which is Tulare County. The Conservatee has resided in Tulare County for over 20 years.</p> <p>It is presumed pursuant to Probate Code §2215 that transfer of the conservatorship to the county of residence is in the best interest of the Conservatee.</p> <p>It is recommended that fees and costs related to this transfer be waived.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Note:</b> If granted, the Court will set a status hearing for the receipt of transfer by Tulare County for Thursday, January 8, 2015.</p>	
	<b>Aff.Sub.Wit.</b>			
✓	<b>Verified</b>			
	<b>Inventory</b>			
	<b>PTC</b>			
	<b>Not.Cred.</b>			
✓	<b>Notice of Hrg</b>			
✓	<b>Aff.Mail</b>			W
	<b>Aff.Pub.</b>			
	<b>Sp.Ntc.</b>			
	<b>Pers.Serv.</b>			
	<b>Conf. Screen</b>			
	<b>Letters</b>			
	<b>Duties/Supp</b>			
	<b>Objections</b>			
	<b>Video Receipt</b>			
	<b>CI Report</b>			
	<b>9202</b>			
✓	<b>Order</b>			
	<b>Aff. Posting</b>			
	<b>Status Rpt</b>			
	<b>UCCJEA</b>			
	<b>Citation</b>			
	<b>FTB Notice</b>			
		<p><b>Reviewed by:</b> skc</p> <p><b>Reviewed on:</b> 11-7-14</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 16 – Moreland</b></p>		



**Second Accounting**

		<b>MARIA ARACELI CHAVEZ</b> , Mother and Guardian Of the Estate, is Petitioner.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>Please see related case on page 18.</p> <p>6. This accounting was filed with a fee waiver; however, based on the account, the filing fee of \$435.00 may be due.</p> <p>7. Accounting is not verified.</p> <p>8. Need Notice of Hearing.</p> <p>9. Need proof of service of the Notice of Hearing on Esmeralda B. Mendez.</p> <p>10. Need Order.</p> <p><b>Note:</b> A status hearing will be set on Wednesday, May 11, 2016 at 9:00 a.m. in Dept. 303 for the filing of the third account.</p> <p><b>Reviewed by:</b> skc</p> <p><b>Reviewed on:</b> 11-6-14</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p>File 19 - Chavez</p>
		<b>Account period:</b> 11-31-11 through 4-14-14	
		Accounting: \$52,492.54	
		Beginning POH: \$52,239.82	
		Ending POH: \$52,492.54 (cash plus a 35.5% interest in the home)	
		<b>Petitioner states</b> all cash has been in an interest bearing blocked account at Bank of America. See attached account statement. In addition, with the distribution of \$25,000 dollars reported on the First Accounting, a home was purchased on 11-30-11. The amount of the purchase was divided in two and entered in the summary of accounts under non-cash assets. Attached also is a copy of the final settlement statement for the home and the grant deed showing the minors on title.	
		<b>Note:</b> Minute order dated 5/27/14 indicates the Court removed Maria Araceli as guardian of the estate and appointed the Public Guardian.	
		Minute order dated 7/22/14 states the court will consider vacating its prior order appointing the Public Guardian upon the filing of a declaration from Ms. Chavez explaining why she should be reappointed and the Public Guardian relieved.	
		<b>Declaration of Maria Araceli Chavez filed on 7/31/14</b> states there is no one who has her daughters best interest in mind like she does. She would like to conserve as much money in their accounts as possible for their education. Ms. Chavez states she has been the guardian for the past 5 years and would like to continue.	
Cont. from 082114, 100914			
Aff.Sub.Wit.			
Verified	X		
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			

Petition to Determine Succession to Real Property (Prob. C. 13151)

<b>DOD: 06/01/2011</b>	<b>JOHN I. CHAGOYA</b> , son, and <b>PHILLIP CHAGOYA</b> , grandson, are petitioners.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Minute Order of 10/14/2014: Examiner notes are provided to the petitioner.</b>  <b>The deficiencies with the pleadings include, but are not limited to, the following:</b>  1. Attachment 11 does not provide the decedent's interest in the real property. 2. #9a(1) or #9a(2) of the petition was not answered regarding spouse. 3. #9a(3) or #9a(4) of the petition was not answered regarding registered domestic partner. 4. #9a(7) or #9a(8) of the issue of predeceased child. 5. #5(a) or #5(b) of the Inventory and Appraisal was not marked regarding the property tax certificate. 6. Need Notice of Hearing. 7. Need proof of service on Petition to Determine Succession to Real Property on: • Helen Neufield (Daughter) • Edward I. Chagoya (Son) • Doris Contreras (Alternate Executor) • Joseph Contreras (Executor) 8. Attachment 14 does not list the names and relationships of the heirs of the decedent, nor all the devisees of the decedent. 9. Order does not include the legal description of the real property. Need new order.  <b>Note:</b> A Request for Special Notice was filed on 09/15/2014 by the Department of Health Care Services and a creditors claim was filed in the amount of \$54,062.20. However this does not affect this proceeding.
	40 days since DOD	
<b>Cont. from 101414</b>	No other proceedings	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	I&A - <b>\$60,000.00</b>	
<input checked="" type="checkbox"/> <b>Verified</b>	Will dated: 01/29/1999 devises all property, both real and personal, to John I Chagoya and Phillip Chagoya in equal shares.	
<input checked="" type="checkbox"/> <b>Inventory</b>	Petitioners request Court determination that decedent's interest in real property located at 1085 South Hope Reedley, California pass to John I Chagoya and Phillip Chagoya in equal shares pursuant to decedent's will.	
<input type="checkbox"/> <b>PTC</b>		
<input type="checkbox"/> <b>Not.Cred.</b>		
<input type="checkbox"/> <b>Notice of Hrg</b>	X	
<input type="checkbox"/> <b>Aff.Mail</b>	X	
<input type="checkbox"/> <b>Aff.Pub.</b>		
<input type="checkbox"/> <b>Sp.Ntc.</b>		
<input type="checkbox"/> <b>Pers.Serv.</b>		
<input type="checkbox"/> <b>Conf. Screen</b>		
<input type="checkbox"/> <b>Letters</b>		
<input type="checkbox"/> <b>Duties/Supp</b>		
<input type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>		
<input type="checkbox"/> <b>CI Report</b>		
<input type="checkbox"/> <b>9202</b>		
<input checked="" type="checkbox"/> <b>Order</b>		
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>		
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		
		<b>Reviewed by:</b> LV
		<b>Reviewed on:</b> 10/10/2014
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 23 - Chagoya</b>