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.

Dept. 303, 9:00 a.m. Wednesday, November 19, 2014

1 Scott C. Underwood (CONS/P) **Case No. 02CEPR00744**

Atty LeVan, Nancy J. (for Howard & Roberta Underwood & Beth Underwood Wilkinson – Limited Co-Conservators of the Person/Petitioners)

Petition for Appointment of Successor Limited Probate Conservator of the Person (Prob. C. 1820, 1821)

Age: 30			**HOWARD UNDERWOOD, ROBERTA UNDERWOOD** and **BETH UNDERWOOD WILKINSON,** parents and sister, current Limited Co-Conservators of the Person with medical consent powers are Petitioners and request appointment of **COLIN WILKINSON,** brother-in-law, as an additional Limited Co-Conservator of the Person with medical consent powers and the same limited powers as the current co-conservators have. Petitioners were previously granted medical consent powers. Voting rights affected. **Petitioners state** that the conservatee suffers from physical and developmental disabilities and a seizure disorder. He is unable to provide for his own needs and requires assistance from his conservators and is a client of CVRC. **Court Investigator Charlotte Bien filed a report on 11/05/14.**	**NEEDS/PROBLEMS/COMMENTS:** **Court Investigator advised rights on 11/05/14.** **Voting rights affected, need minute order.**
Cont. from			
	Aff.Sub.Wit.		
✓	**Verified**		
	Inventory		
	PTC		
	Not.Cred.		
✓	**Notice of Hrg**		
✓	**Aff.Mail**	w/	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
✓	**Conf. Screen**		
✓	**Letters**		
✓	**Duties/Supp**		
	Objections		
✓	**Video Receipt**		
✓	**CI Report**		
	9202		
✓	**Order**		
	Aff. Posting		**Reviewed by:** JF
	Status Rpt		**Reviewed on:** 11/13/14
	UCCJEA		**Updates:**
	Citation		**Recommendation:**
	FTB Notice		**File 1 - Underwood**

Dept. 303, 9:00 a.m. Wednesday, November 19, 2014

2 **Ida M. Phillips-Prosser (Estate)** **Case No. 06CEPR00288**

Atty **Teixeira, J. Stanley (for Karen E. Phillips-Wilkes – Petitioner – Executor)**

(1) First and Final Account and Report of Executor and Petition for its Settlement, (2) for Allowance of Statutory Commissions and (3) Final Distribution

DOD: 03/09/2005			**KAREN E. PHILLIPS-WILKES,** Executor, is petitioner.
			Account Period: 03/09/2005 – 05/12/2014
Cont. from 091714			Accounting - **$135,500.00**
	Aff.Sub.Wit.		Beginning POH - **$135,500.00**
✓	**Verified**		Ending POH - **$135,000.00**
	Inventory		Executor – Waives
	PTC		
	Not.Cred.		Attorney – Waives
✓	**Notice of Hrg**		**Distribution, pursuant to decedent's Will, is to:**
✓	**Aff.Mail**	w/o	
	Aff.Pub.		**Karen E. Phillips-Wilkes – 100% in real property**
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters	06/09/06	
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
✓	**9202**		
✓	**Order**		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
✓	**FTB Notice**		

NEEDS/PROBLEMS/COMMENTS:

Reviewed by: LV

Reviewed on: 11/13/2014

Updates:

Recommendation: Submitted

File 2 – Phillips-Prosser

Dept. 303, 9:00 a.m. Wednesday, November 19, 2014

3A **Debra J. Jensen (CONS/PE)** **Case No. 09CEPR00152**

Atty **Shepard, Jeff S. (for Conservator Bryan Jensen)**

Petition for Transfer

Age: 60 years		
Cont. from 072914, 090314, 100814		
	Aff.Sub.Wit.	
✓	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
✓	**Notice of Hrg**	
✓	**Aff.Mail**	W/
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
✓	**Order**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

BRYAN JENSEN was appointed conservator on 4/1/2009.

Court Investigator **JENNIFER DANIEL** filed a Petition for Transfer on 6/25/14 requesting this proceeding be transferred to Los Angeles County because the conservatee has resided there since 11/12/2010, and it is presumed pursuant to Probate Code §2215 that transfer of the conservatorship case to the county of residence is in the best interests of the conservatee.

Court Investigator further recommends that the fees and costs related to this transfer be waived.

Objections to Transfer of Proceedings filed on 9/2/14. Bryan Jensen objects to the transfer of the proceedings to Los Angeles County. Mr. Jensen states he lives and works in Santa Barbara. He is required to file accountings every two years. Transfer of the proceedings to Santa Barbara County would have no detrimental effect on the conservatee.

NEEDS/PROBLEMS/COMMENTS:

Continued from 10/8/14. Minute order states no appearances. The Court directed that a copy of the minute order be sent to Jeff Shepard. – Minute order mailed on 10/10/14.

A Petition for Transfer of Proceedings to Santa Barbara County was filed by Bryan Jensen and is on page 3B.

Note: If the petition is granted a status hearing will be set on **Wednesday, December 17, 2014** for the confirmation of receipt of transfer.

Reviewed by:	KT
Reviewed on:	11/13/14
Updates:	
Recommendation:	
File 3A – Jensen	

3B **Debra J. Jensen (CONS/PE)** **Case No. 09CEPR00152**

Atty **Shepard, Jeff S. (for Petitioner/Conservator Bryan Jensen)**

Petition for Transfer of Proceedings to Santa Barbara County, California and Objection to Transfer of Proceedings to Los Angeles County

Age: 60 years		
Cont. from 100814		
	Aff.Sub.Wit.	
✓	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	X
	Aff.Mail	X
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
	Order	X
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

BRYAN JENSEN, conservator of the person and estate, is petitioner.

BRYAN JENSEN was appointed conservator on 4/1/2009.

Petitioner states the Conservatee, a widow, resides in Clearview Alzheimer's Care Facility located in Los Angeles County.

The Conservator resides in Santa Barbara County.

Court Investigator, Jennifer Daniel, petitioned the court to transfer the proceedings to Los Angeles County.

Petitioner is petitioning to transfer the proceedings to Santa Barbara County for the following reasons:

a. The conservatee has dementia and other related problems which means she is unaware of where she resides and has no knowledge of the court jurisdiction of her conservatorship.

b. The conservator is employed as a Sargent for the Santa Barbara Police Department. Conservator is the person responsible for all conservatorship matters and for any necessary court appearances. In the event a court appearance in Los Angeles became necessary, there would be additional costs to the conservatorship in that the conservator would be required to take extra time off work.

c. Transfer of the conservatorship to Santa Barbara County would have no detrimental effect on the conservatee.

Wherefore, Petitioner prays that the petition for transfer of the conservatorship to Los Angeles County be denied and this conservatorship be transferred to the Superior Court of Santa Barbara.

NEEDS/PROBLEMS/COMMENTS:

Continued from 10/8/14. Minute order states no appearances. The Court directed that a copy of the minute order be sent to Jeff Shepard. – Minute order mailed on 10/10/14.

1. Need Notice of Hearing.
2. Need proof of service of the Notice of Hearing on:
   a. Debra Jensen (conservatee)
   b. Darren Jensen (son)
   c. Bertha Sherbon (mother)
   d. Linda L. Silveira (sister)
   e. Virginia Hanson (sister)
3. Need Order.

Note: If Petition is granted petitioner will need to pay the transfer fee of $50.00 to Fresno Superior Court and also provide a check for $435.00 payable to Santa Barbara Superior Court or a fee waiver for their filing fee. Probate Code 2216(b).

Note: If the petition is granted a status hearing will be set on **Wednesday, December 17, 2014** for the confirmation of receipt of transfer.

Reviewed by: KT
Reviewed on: 11/13/14
Updates:
Recommendation:
File 3B - Jensen

Dept. 303, 9:00 a.m. Wednesday, November 19, 2014

4A Wanda H. Bingham (CONS/PE) Case No. 11CEPR00949

Atty Krause, Stephanie J. (for Randy Grace – Petitioner and Co-Trustee of Trust)
Atty Roberts, David A. (for Joan St. Louis – Conservator)
Atty Boyett, Deborah K. (Court appointed attorney for Conservatee Wanda H. Bingham)
Atty Burnside, Leigh W. (for Wells Fargo Bank, N.A. – Co-Trustee of Trust)

Petition for Appointment of Successor Probate Conservator of the Person and Estate (Prob. C. 1820, 1821, 2680-2682)

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

RANDALL "RANDY" GRACE, Step-grandson and Co-Trustee of the Byrum C. and Wanda H. Bingham Trust, is Petitioner and requests appointment as Successor Conservator of the Person with medical consent powers under Probate Code §2355 and dementia medication and placement powers pursuant to Probate Code §2356.5, and as Successor Conservator of the Estate with bond of $485,578.45.

Voting rights affected

Capacity Declaration filed 11-17-11.

Estimated Value of Estate:
Personal property: $ 406,225.91
Annual income: $ 93,985.27
Total: $ 500,211.18

Petitioner states it was previously determined that Mrs. Bingham is unable to provide for her personal needs for physical health, food, clothing, or shelter. Accordingly, the Court appointed David St. Louis as Conservator of her person. Subsequently, Joan St. Louis was appointed as Successor Conservator. Attached are nominations of Petitioner to serve as successor conservator signed by all relatives. Petitioner's Declaration details events during conservatorship under the current conservator, Joan St. Louis. Petitioner is also a co-trustee of the conservatee's trust and provides details of his experience as a fiduciary and administrator. Petitioner states he is actively involved in learning about Alzheimer's care to arrange better care and quality of life for the Conservatee. Attached are various communications with Joan St. Louis.

Court Investigator Charlotte Bien filed a report on 11-7-14.

NEEDS/PROBLEMS/ COMMENTS:

Note: Page B is the corresponding Petition for Removal of current conservator.

Note: Page C is the continued hearing on

Court Investigator advised rights on 10-31-14 and 11-5-14

Voting right affected – Need minute order.

SEE ADDITIONAL PAGES

Reviewed by: skc
Reviewed on: 11-13-14
Updates:
Recommendation:
File 4A - Bingham

NEEDS/PROBLEMS/COMMENTS:

1. Notice was served on Deborah Boyett as Court appointed attorney for Conservatee Wanda Bingham, and on David Roberts as attorney for the current Conservator Joan St. Louis. The Court may require direct notice to the Conservatee and the current Conservator pursuant to Probate Code §§1460(b) and 1214 and Cal. Rules of Court 7.51(c).

2. Need video receipt pursuant to Local Rule 7.15.8.A.

3. Petitioner requests bond be fixed at $485,578.45; however, based on the estimated value of the estate, Examiner calculates that bond should be at least $550,236.52, which includes cost of recovery pursuant to Probate Code §2320(c)(4) and Cal. Rule of Court 7.207.

   Note: The estimated value of the estate appear to be based on the accounting filed by the current conservator at Page C.

4. The Petition at #1k requests orders related to dementia medication and placement; however, the separate Attachment Requesting Special Orders Regarding Dementia (Mandatory Judicial Council Form GC-313) was not attached to the petition or served on interested parties, and the proposed order does not specify dementia medication and placement powers.

   Examiner notes that the additional medical consent and dementia medication and placement powers requested herein were originally granted to the original conservator, David St. Louis; however, additional orders were made pursuant to agreement reached at Court Trial on 12-6-11 and Order After Hearing Regarding Placement filed 12-13-11.

   The 12-13-11 Order specifies that care providers for Byrum Bingham (now deceased) and Wanda Bingham are to be present inside the main residence 24 hours per day; that Wanda Bingham is to abide by the dietary and nutrition guidelines recommended by her treating physician, and that the keys to the automobile are to be kept in the possession of the care providers or the conservator, David St. Louis.

   Examiner is not aware without extensive further review of the file whether subsequent agreements or orders were made regarding Mrs. Bingham's care and placement after Mr. Bingham's death, or after Mr. St. Louis' death. The Court may require clarification.

4B Wanda H. Bingham (CONS/PE) Case No. 11CEPR00949

Atty Krause, Stephanie J. (for Randy Grace – Petitioner and Co-Trustee of Trust)
Atty Roberts, David A. (for Joan St. Louis – Conservator)
Atty Boyett, Deborah K. (Court appointed attorney for Conservatee Wanda H. Bingham)
Atty Burnside, Leigh W. (for Wells Fargo Bank, N.A. – Co-Trustee of Trust)

Petition for Removal of Conservator of Person and Estate of Wanda H. Bingham, and for Costs, Expenses and Attorney Fees

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

RANDALL "RANDY" GRACE, Step-grandson and Co-Trustee of the Byrum C. and Wanda H. Bingham Trust, is Petitioner.

Petitioner states JOAN ST. LOUIS should be removed for cause as conservator for because she has failed to use ordinary care and diligence in the management of the Conservatee's person and estate and has continued to fail to perform her duties. See petition for details.

Removal of the Conservator is in the best interest of the Conservatee. The Conservator has shown an unwillingness to pay attention to details resulting in continuous and long-term failures in performing her duties. The Conservator has not actively sought to improve the Conservatee's quality of life, whereas the proposed successor conservator has been and will continue to do so. The Conservator is seeking full compensation from the Conservatee's estate, whereas the proposed successor conservator is willing to waive compensation other than reimbursement of certain expenses upon Court approval. The Conservator has not acted in good faith in the best interests of the Conservatee. A petition for appointment of a successor conservator is filed concurrently with this petition.

See also Memorandum of Points and Authorities in Support of Petition filed 10-10-14.

Petitioner requests that:

1. JOAN ST. LOUIS be removed as Conservator of the Person and Estate of Wanda H. Bingham, the Conservatee, and her Letters of Conservatorship be revoked;
2. The Court find that the Conservator has not acted in good faith in the best interests of the Conservatee and therefore order that Petitioner be awarded costs, expenses, and attorney fees from the Conservator, individually; and
3. The Court order other relief the Court may deed proper.

SEE ADDITIONAL PAGES

NEEDS/PROBLEMS/ COMMENTS:

SEE ADDITIONAL PAGES

Reviewed by: skc
Reviewed on: 11-13-14
Updates:
Recommendation:
File 4B - Bingham

See also Declarations in Support of Petition for Removal by:

- Stefanie J. Krause, attorney for Petitioner Randy Grace herein
- Paul T. Chambers, attorney for Petitioner Randy Grace as Co-Trustee of the Byrum C. and Wanda H. Bingham Family Trust
- Leigh Burnside, attorney for Wells Fargo Bank, N.A., Co-Trustee of the Byrum C. and Wanda H. Bingham Family Trust
- Jeffrey Bingham, a grandson of the Conservatee
- Mark Lanier, property manager of Conservatee's home
- Tamie Arnold, professional caregiver
- Anthony C. Oxford, handyman

On 11-13-14, David A. Roberts, attorney for Conservator Joan St. Louis, filed an Objection and Demand for Evidentiary Hearing.

NEEDS/PROBLEMS/COMMENTS:

5. Notice was served on Deborah Boyett as Court appointed attorney for Conservatee Wanda Bingham, and on David Roberts as attorney for the current Conservator Joan St. Louis. The Court may require direct notice to the Conservatee and the current Conservator pursuant to Probate Code §§1460(b) and 1214 and Cal. Rules of Court 7.51(c).

4C Wanda H. Bingham (CONS/PE) Case No. 11CEPR00949

Atty Roberts, David A. (for Joan St. Louis – Conservator – Petitioner)
Atty Boyett, Deborah K. (Court appointed attorney for Conservatee Wanda H. Bingham – Objector)
Atty Burnside, Leigh W. (for Wells Fargo Bank, N.A. – Co-Trustee of Trust – Objector)
Atty Chambers, Paul (for Randy Grace – Co-Trustee of Trust – Objector)
Atty Krause, Stephanie J. (for Randy Grace in Petitions set for 11-19-14)

First Amended First Account and Report of Conservator and Petition for Allowance of Compensation to Conservator and Attorneys' Fees and Costs

Cont. from 092314, 110414

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

JOAN ST. LOUIS, Successor Conservator with bond of $50,000.00, is Petitioner.

Account period: 4-25-12 through 12-31-13
Accounting: $500,211.18
Beginning POH: $342,061.57
Ending POH: $406,225.91 ($372,316.83 is cash)

Conservator: $13,174.00 plus $2,160.20 mileage (per attached declaration, to be paid by the Survivor's Trust)

Petitioner requests that she be allowed to pay herself in the future a set sum of $750/month plus mileage, annually upon court order for the accounting period, which will eliminate the need for writing down each and every telephone call and trip to the conservatee's residence.

Attorney: $12,636.00 plus costs of $971.00, for a total of $13,607.00 (for 42.4 attorney hours @ $300/hr and 1.05 paralegal hours @ $120/hr, per declaration. Costs include filing, appraisal, and certified copies.)

Petitioner prays for an order:
1. Settling and allowing the account;
2. Approving and confirming the acts of petitioner as conservator of the person and estate;
3. Allowing $13,174.00 plus $2,160.20 mileage to be paid to the conservator from the Survivor's Trust;
4. Allowing $12,636.00 plus $971.00 to be paid to the attorney from the Survivor's Trust;
5. Allowing the Conservator to pay herself a set sum of $750/month plus mileage, payable annually upon court order; and
6. For such other and further relief as may be just, equitable, and proper.

Additional declarations have been filed by Attorney Roberts and Mrs. St. Louis in support of the account.

Objections have been filed by Deborah Boyett, Court appointed attorney for Conservatee Wanda H. Bingham, and by Wells Fargo Bank, N.A., Co-Trustee of the trust. <u>See additional pages</u>.

NEEDS/PROBLEMS/ COMMENTS:

<u>Note</u>: Nothing further has been filed in connection with this petition; however, on 10-10-14, Randy Grace, Step-grandson and Co-Trustee of the Byrum C. and Wanda H. Bingham Trust (11CEPR00918), filed a petition for removal of Mrs. St. Louis as Conservator and a petition for appointment of himself as Successor Conservator. See Pages A and B.

<u>Note</u>: This is actually the <u>*Second* Amended</u> First Account. The First Account was filed 4-25-14. First Amended First Account was filed 5-16-14. This Second Amended First Account (labeled First Amended again)was filed 7-31-14.

Reviewed by: skc
Reviewed on: 11-13-14
Updates:
Recommendation:
File 1 - Bingham

Deborah K. Boyett, Court appointed attorney for Conservatee Wanda H. Bingham, filed an Objection on 8-7-14. Ms. Boyett objects to the request for compensation and the ongoing set sum. Please see Objection for specific details.

Wells Fargo Bank, N.A., Co-Trustee of the Byrum C. and Wanda H. Bingham Family Trust, filed Objection and Joinder of Objection of Deborah K. Boyett, and also filed a Declaration in support of objections by Lisa A. Lambert, CTFA. In addition to the compensation objections, Wells Fargo Bank, N.A., states the schedules supporting the First Account are incomplete and lack sufficient explanation for certain transactions; that the problems set forth in the previous objection have not been addressed; that the petition again fails to state the information required by Probate Code §1064; that the need for additional bond is not addressed; that the conservator failed to timely file estimated taxes resulting in penalties, etc., and should be individually surcharged; that the mileage reported is excessive, that additional entries on the Conservator's time and mileage sheet are questionable; that the Supplemental Inventory and Appraisal is unnecessary and in error; *and that the revised accounting attached to the Roberts Declaration is hearsay.*

Note: If granted, the Court will set a status hearing for the filing of the Second Account as appropriate.

5 Sharon Rutherford (Estate) **Case No. 12CEPR00101**

Atty LeVan, Nancy J. (for Administrators Robert Jones and Denise Jones)

Report of Administrator and Petition for Final Distribution Upon Waiver of Accounting of the Estate of Sharon Rutherford, and Petition for Allowance of Statutory, Extraordinary Compensation and Reimbursement for Out-of-Pocket Expenses and Mileage for Co-Administrators, Statutory and Extraordinary Fees for Attorney [Prob. C. 10951(a)(1), (b)(7)]

DOD: 10-11-11		
Cont. from 081314, 101514		
	Aff.Sub.Wit.	
✓	Verified	
	Inventory	X
	PTC	X
✓	Not.Cred.	
✓	Notice of Hrg	
✓	Aff.Mail	
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
✓	Letters	3-16-12
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
✓	9202	
✓	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
✓	FTB Notice	

ROBERT JONES and DENISE JONES, Co-Administrators with Full IAEA without bond, are Petitioners.

Petitioners are the sole heirs and waive accounting.

I&A: Petitioners state an I&A will be filed prior to the hearing reflecting that there were no assets marshaled in the estate. All assets were received after the date of death. Sharon and James Rutherford were both tragically killed in an automobile accident on 10-11-11.

POH: $58,956.64 (cash)

Co-Administrators (Statutory): Petitioners request statutory commissions of $2,358.26 based on a fee base of $58,956.64.

Co-Administrators (Reimburse): $1,721.24 including $1,335.00 for filing objections in related estate 12CEPR00016, regarding appointment of a personal representative in the case and to the establishment of the ownership of the family home, $335.24 for vet bills for the decedent's cat and $51.00 for securing the decedent's residence after her death (changing the locks).

Co-Administrators (Extraordinary): $1,150.00 (See Exhibit "A")

Co-Administrators (Mileage): $2,055.20 for 3,670 miles @ $.56/mile because Petitioners reside in Sacramento.)

Attorney (Statutory): $2,358.26

Attorney (Extraordinary): $3,416.00 (declaration to be filed separately)

Petitioners state after payment of fees and expenses as prayed, the amount remaining is $45,462.68 to be paid to John Albert Edie, Jeffrey Nass, and Tomassian, Pimentel & Shapazian for full consideration pursuant to the settlement agreement for Civil Case 12CECG03015. See receipt filed 7-9-14.

NEEDS/PROBLEMS/ COMMENTS:

Cont. from 8-13-14, 10-15-14.

Need amended petition.

As of 11-13-14, nothing further has been filed.

See additional pages for issues.

SEE ADDITIONAL PAGES

Reviewed by: skc

Reviewed on: 11-13-14

Updates:

Recommendation:

File 5 – Rutherford

Page 2 – NEEDS/PROBLEMS/COMMENTS:

Need amended petition based on the following:

1. **Need I&A per Probate Code §8800. Note: Petitioner states the I&A, when filed, will reflect that no assets were marshaled; however, pursuant to the Settlement Agreement entered into between this estate and the Estate of James Rutherford and approved by the Court on 3-12-13 in 12CEPR00016, certain assets were deemed assets of this estate. Therefore, a no-asset inventory does not appear to be correct. The settlement agreement provided in relevant part that:**

   - Each estate was to retain any and all life insurance proceeds payable to the respective decedent (Were there life insurance proceeds to inventory?)

   - Proceeds from the sale of the residence was deemed an asset of James' estate

   - Proceeds from the estate sale were to be divided between the two estates

   - Sharon's estate was to retain the insurance payoff for the vehicle involved in the collision, provided there was documentation establishing that she was the sole owner, or if they were both on title, proceeds to be split. (Was the vehicle Sharon's asset?)

   - Sharon's estate was to be responsible for payment of the creditor's claim filed by Ronald D. Jones in both estates, and in 12CESC01458

   - James' estate waived claim to two accounts at Union Bank (So were these accounts then assets of Sharon's estate?)

   Therefore, pursuant to this agreement, it appears the I&A, when filed, should reflect the assets that were determined to belong to Sharon's estate.

   Note: It appears that pursuant to this settlement agreement, Sharon's estate accepted $46,505.42 from James' estate. Need clarification: Did this sum paid from James' estate represent some or all of the value of the assets mentioned above?

2. **As noted above, pursuant to the Settlement Agreement, Sharon's Estate was to be responsible for payment of the creditor's claim filed by Ronald D. Jones in this estate on 7-10-12 and litigated in 12CESC01458 (later consolidated with James' estate 12CEPR00016). However, this petition does not address this claim at all other than to note that the claim was filed. Was this claim paid?**

   Need Allowance or Rejection of Creditor's Claim, and Notice of Hearing of this petition to the creditor if the claim remains unpaid per §11000, or receipt or withdrawal of the claim.

   Note: Although the small claims case opened by the creditor was consolidated with James' estate, when James' estate was closed, the personal representative referred to the settlement agreement and noted that Sharon's estate was responsible for this claim.

3. **Need detailed schedule of receipts and gains or losses with regard to the fee base of $58,956.64 pursuant to Cal. Rules of Court 7.550(b)(6).**

4. **Need detailed schedule of costs of administration totaling $1,721.24. Cal. Rules of Court 7.550(b)(7). (Exhibit "A" only states that the co-administrators each spent $667.50 out of pocket, plus the vet and the locks, but there is no itemization of the $1,335.00.)**

SEE ADDITIONAL PAGES

Page 3 – NEEDS/PROBLEMS/COMMENTS (Cont'd):

5. **Petitioners state they spent $335.24 on vet bills in connection with the decedent's cat, but do not provide itemization, and do not state why it was necessary. However, also, the Creditor's Claim filed by Ronald Dean indicated that he also spent a total of $563.02 in vet and other expenses in connection with the cat.**

   The Court may require clarification as to why it was necessary for numerous parties to spend almost $900 on this cat. Where is the cat? Or was it more than one? If the cat was taken in by someone, why are these expenses of administration rather than new pet-owner expenses? (Please note: Examiner understands rehoming expenses associated with decedents' pets (shots, supplies); however, the amounts noted here in total appear excessive.)

6. **The Creditor's Claim filed by Ronald Dean also includes $8,258.84 in funeral expenses, with itemization. Petitioners are requesting payment for their time spent on funeral arrangements. Need clarification.**

7. **Need separate itemization of extraordinary compensation requested. Cal. Rules of Court 7.703. The request should include sufficient detail to determine if the time spent was extraordinary in nature and which co-administrator performed which task.**

   Note: The itemization should include clarification regarding the request for compensation for time spent by Petitioners in consultation with their attorney Nancy LeVan, as well as 2 hours to "visit local attorney Polly (original attorney)."

   Note: The itemization should include more specific detail regarding the numerous dates and time listed under "emailed/US Mail correspondence to attorney Dates, scanning documents (various docs, draft trust…), certified mail."

   Note: There are line items for opening a bank account and making various deposits; however, opening and managing an estate bank account is associated with general estate administration (statutory) rather than extraordinary administration. Therefore, need clarification on revised itemization.

Note: Exhibit "A" is very confusing. The petition refers to Exhibit "A" for itemization regarding the request for extraordinary compensation; however, the total of Exhibit "A" is $1,721.24, which is the figure requested for reimbursement of expenses of administration only. However, it appears to include list only time spent, totaling that amount. actual time and expenses.

8. **Need attorney's declaration re request for extraordinary compensation. Cal. Rules of Court 7.703.**

SEE ADDITIONAL PAGES

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

9. Petitioners state that John Albert Edie and Jeffrey Nass filed Civil Case 12CECG03015 against the Estate of James Rutherford 12CEPR00016, which included the Estate of Sharon Rutherford. That settlement included the following terms:
- Farmers Insurance to pay plaintiffs $100,000.00
- Estate of Sharon Rutherford – all remaining proceeds represented to be over $44,000.00
- Estate of James Rutherford - $25,000.00

Receipt filed 7-9-14 indicates that $45,462.68 *was paid* to John Albert Edie, Jeffrey Nass, and Tomassian, Pimentel & Shapazian from the estate pursuant to the terms of the settlement agreement. However, there are a couple of issues that require clarification:

a. Petitioners state POH is $58,956.64. Does that include the amount paid pursuant to the settlement agreement? If so, but the $45,462.68 *has already been paid* per the receipt, then the POH would actually be $13,493.96. Need clarification.

b. The receipt is signed by Mr. Pimentel's assistant. The Court may require a receipt signed by the intended recipients or the attorney himself.

c. Similar to the question regarding calculation of the fee base, it is unclear how this figure was calculated. If the POH is $58,956.64, and all fees and costs are awarded as prayed, that would leave $45,897.68 for distribution. Need clarification re the discrepancy.

6 John R. Panzak Living Trust 11-27-2000 Case No. 13CEPR00196

Atty **Kruthers, Heather H., of County Counsel's Office (for Public Administrator, Successor Trustee)**

Status Hearing Re: Filing of the Final Account by the Successor Trustee

DOD: 3/12/2010	**PUBLIC ADMINISTRATOR** was court-appointed Successor Trustee of the **JOHN R. PANZAK LIVING TRUST** by *Minute Order* dated 4/29/2013.	**NEEDS/PROBLEMS/COMMENTS:**
		Continued from 9/17/2014.
		The following issue remains:
Cont. from 091714		
Aff.Sub.Wit.	***Minute Order* dated 7/9/2014** from the last status hearing set this Status Hearing on 9/17/2014 for the filing of the final account by the successor trustee.	1. Need final account, or current verified *Status Report* and proof of service pursuant to Local Rule 7.5(B).
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		**Notes Re Related Estate of John R. Panzak, Sr., Case 10CEPR00505:**
Aff.Mail		
Aff.Pub.		• The Panzak, Sr. Estate is a related matter in which the **PUBLIC ADMINISTRATOR** was appointed Administrator of the Estate by *Minute Order* dated 4/29/2013.
Sp.Ntc.		• *Order Settling First and Final Account and Report of Deceased Personal Representative* was filed on 3/13/2014 in the Panzak, Sr. Estate, representing the final account of the deceased personal representative, **JOHN R. PANZAK, JR.** (DOD 2/15/2013.)
Pers.Serv.		• Panzak, Sr. Estate is currently pending closure by the **PUBLIC ADMINISTRATOR**.
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		**Reviewed by:** LEG
Status Rpt		**Reviewed on:** 11/14/14
UCCJEA		**Updates:**
Citation		**Recommendation:**
FTB Notice		**File 6 – Panzak Living Trust**

7 **Sari Jo Guidi (Estate)** **Case No. 13CEPR00516**

Atty **Renge, Lawson K. (for Executor Betty A. Pate)**

Probate Status Hearing Re: Accounting

DOD: 4-4-13	**BETTY A. PATE**, Daughter, was appointed as Executor with Full IAEA without bond on 7-24-13 and Letters issued on 8-2-13. At the hearing on 7-24-13, the Court set this status hearing for the filing of the first account or petition for final distribution. Inventory and Appraisal filed 4-24-14 indicates a total estate value of $644,428.38 consisting of real property, an Installment Note secured by deed of trust with assignment of rents, and a vehicle. The first account or petition for final distribution is now due. Probate Code §12200. **Status Report filed 9-16-14 (not verified) states** the only real property of the estate has been sold and the only impediment to closing the estate is settlement with the California Franchise Tax Board. The Executrix has taken the position that no taxes are due to the State from the sale and is discussing said issue with the Board. Upon resolution, the estate should be in a position to close.	**NEEDS/PROBLEMS/COMMENTS:** **Continued from 9-19-14.** **As of 11-13-14, nothing further has been filed.** **1. Need first account or petition for final distribution or verified written status report pursuant to local rule.**
		Reviewed by: skc
		Reviewed on: 11-13-14
		Updates:
		Recommendation:
		File 7 - Guidi

Cont. from 091914		
	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	

8 **Palma T. Centrone (Estate)** **Case No. 14CEPR00108**

Atty **Wagner, Bryan N. (for Phyllis Netherton – Executor/Petitioner)**

(1) First and Final Report of Executor on Waiver of Account; (2) for Allowance of Compensation to Attorneys for Ordinary Services; (3) and Petition for Final Distribution

DOD: 03/28/12		
Cont. from		
	Aff.Sub.Wit.	
✓	**Verified**	
✓	**Inventory**	
✓	**PTC**	
✓	**Not.Cred.**	
✓	**Notice of Hrg**	
✓	**Aff.Mail**	w/
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	03/13/14
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
✓	**9202**	
	Order	x
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
✓	**FTB Notice**	

PHYLLIS NETHERTON, Executor, is Petitioner.

Accounting is waived.

I & A - **$193,091.00**
POH - **$193,091.00**

Executor - **waived**

Attorney - **$6,792.72** (statutory) (to be paid by Petitioner outside of the estate)

Costs - **$1,265.50** (filing fees, publication, certified copies) (to be paid by Petitioner outside of the estate)

Petitioner states that the beneficiary of decedent's will is Phyllis Ann Netherton, Successor Trustee of The Centrone Family Trust dated July 10, 1991, and as amended. The Trust provides that any portion of the survivor's trust (assets owned by the decedent) shall be distributed to Phyllis Ann Netherton. In order to simplify the legal process in obtaining new stock certificates, Phyllis Ann Netherton elects to have the estate distributed to her directly.

Petitioner requests distribution as follows:

Phyllis Ann Netherton – 100% interest in various securities valued at $193,091.00

NEEDS/PROBLEMS/COMMENTS:

1. Petitioner proposes to distribute the assets of the estate directly to herself, however, decedent's will directs distribution of estate assets to the Trustee of The Centrone Family Trust. The Court may require authority supporting Petitioner's request to bypass distribution to the Trust.

2. Need Order.

Reviewed by: JF
Reviewed on: 11/13/14
Updates:
Recommendation:
File 8 - Centrone

9A **Donald C. Manley (Estate)** **Case No. 14CEPR00165**

Atty **Perkins, Jan T. (for Ronald D. Manley – Petitioner – Brother)**

Atty **Smith, Leslie (Pro Per – Guardian Ad Litem for Noah Manley – Petitioner)**

Second Amended Petition for Probate of Will and for Letters of Administration with Will Annexed; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

DOD: 01/11/2009		
Cont. from 100114		
✓	**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	

RONALD D. MANLEY, petitioner, requests that **CRYSTAL MANLEY MOBLEY,** decedent's daughter, be appointed as Administrator with Will Annexed without bond.

Named Executors Decline to Act

Full IAEA- o.k.

Will dated: 09/14/2008

Residence: Clovis
Publication: The Business Journal

Estimated value of the Estate:
Total - $0

Probate Referee: Rick Smith

Status Report filed 11/13/2014 states the Court, through its Examiner, inquired about the fact that the petitioner lists the estimated value of the estate at $0. The Examiner notes that the Will mentions a 401K plan and a boat, among other specific articles. The 401K plan is not an asset of the Decedent's estate. The 401K plan designated that Donald C. Manley's interest in the 401K plan would be distributed to the Trustee of the Noah Manley Trust, which trust is created by the Decedent's last Will. Thus, the proceeds of the 401k plan will pass by contractual designation outside of the probate to the testamentary trust and are not part of the Probate estate. The boat mentioned in the decedent's Will was repossessed. There are some items of personal property. November 2014, Leslie Smith, as Guardian Ad Litem for Noah Manley, filed a Dismissal of her Contest of Will and Objections. All objections to Petitioner's second Amended Petition have been removed. Petitioner requests that the Court grant the second Amended Petition for Probate of Will and for Letters of Administration with Will Annexed and appoint Crystal Manley Mobley as Executor of the Estate of Donald C. Manley.

NEEDS/PROBLEMS/COMMENTS:

9B is the Contest of Will, Objection to Probate, Objection to Appointment filed by Leslie Smith, Guardian Ad Litem for Noah Manley, however a Notice of and Dismissal/Withdrawal of Objections was filed 11/06/2014.

Minute Order of 10/01/2014 (Judge Cardoza): Counsel needs to file a Status Report regarding statements stated in Court.

1. Petition lists the estimated value of the estate at $0. Decedent's will lists specific assets such as a 401K and a boat. Need clarification.

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

- **Wednesday, 03/18/2015 at 9:00a.m. in Dept. 303** for the filing of the inventory and appraisal **and**
- **Wednesday, 01/20/2016 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.

Reviewed by: LV
Reviewed on: 11/14/2014
Updates:
Recommendation:
File 9B - Manley

Dept. 303, 9:00 a.m. Wednesday, November 19, 2014

9B **Donald C. Manley (Estate)** **Case No. 14CEPR00165**

Atty **Perkins, Jan T. (for Ronald D. Manley – Brother)**

Atty **Smith, Leslie (Pro Per - Guardian Ad Litem for Noah Manley – Petitioner)**

Contest of Will, Objection to Probate, Objection to Appointment of Ronald Manley as Executor of Estate of Donald C. Manley

Cont. from 050714, 060414, 070214, 100114

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

NOAH MANLEY, by and through Guardian Ad Litem, **LESLIE SMITH**, is petitioner.

Petitioner states: contestant Noah Manley is the son of the decedent. The contestant objects to the probate of the purported will on the ground that the signature on the document purporting to be the last will of the decedent is not in the handwriting of the decedent; the purported will was thus not duly executed by the decedent as required by law.

Contestant objects to the appointment of Ronald D. Manley as Executor of the Estate of Donald C. Manley, the following grounds:

a. Ronald D. Manley neglected, failed and or refused to deposit the purported last will of Donald C. Manley with this court in a timely manner.
b. Ronald D. Manley represented to Contestant and other heirs of Donald C. Manley that the will was of Donald C. Manley was a holographic will and, over four years after the death of Donald C. Manley, submitted a purported typewritten will to this court for probate.
c. Contestant is informed and believes and based on such information and belief alleges that Ronald D. Manley has breached his fiduciary duty in that
    i. Ronald D. Manley was employed as an administrator for the Don Manley 401(k) Profit Sharing Plan account with Gary Brown Construction.
    ii. Pursuant to the Beneficiary Designation of that Plan, upon the Death of Donald C. Manley, 50% of that 401(k) Plan was to be paid to "the trustee of the trust for Noah Manley under my last will".
    iii. At the time of the decedent's death, the sum of $230,757.91 was in the 4019k) Plan.

Please see additional page

NEEDS/PROBLEMS/COMMENTS:

Notice of and Dismissal/Withdrawal of Objections to Amended Petition for Probate of Will and for Letters Testamentary filed 11/06/2014 states Objector, Noah A. Manley, a minor, by and through Leslie Smith, acting in Propia Persona and as Guardian Ad Litem for Noah A. Manley pursuant to the Court's order on or about 04/04/2014, does hereby withdraw and dismiss without prejudice, all previously filed objections to the amended Petition for Probate of Will and for Letters Testamentary of Decedent Donald C. Manley.

Minute Order of 06/04/2014: Efforts continue to be made to resolve this matter.

Minute Order of 05/07/2014: Mr. Aguirre is also appearing specially for Attorney Jan Perkins. The Court is advised that efforts are being made to resolve this matter.

Reviewed by: LV

Reviewed on: 11/14/2014

Updates:

Recommendation:

File 9A - Manley

iv. Despite demands therefor, Ronald C. Manley has not provided Contestant with any accountings of the funds he received from this 401(k).

v. Some or all of Contestant's funds from the Plan were paid directly to Ronald C. Manley at Ronald C. Manley's direction.

vi. Ronald C. Manley has converted some or all of these funds for his personal use and benefit.

Wherefore, the contestant requests

1. That the purported will be denied probate
2. That the Public Guardian be named Administrator of the Estate of Donald D. Manley;
3. For costs of suit; and
4. For such other relief as this court deems proper.

Needs/Problems/Comments

1. Opposition of will was not verified.

2. Need summons to be issued and served, with a copy of the objection. The Summons shall contain a direction that the persons summoned filed with the court a written pleading in response to the contest within 30 days of the summons.

3. Need proof of service of summons.

4. Need Order.

10 Richard Boghosian Trust 7-29-2004 **Case No. 14CEPR00905**

Atty Farley, Michael L. (for Petitioner Penny Aaronian)

Petition Concerning Internal Affairs of Trust - Appointment of Successor Trustee

Cont. from 100814		
	Aff.Sub.Wit.	
	Verified	
✓	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	X
	Aff.Mail	X
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
✓	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

PENNY AARONIAN, wife of Randy Aaronian, a cousin of Richard Boghosian, who is one of the beneficiaries of the **RICHARD BOGHOSIAN TRUST**, is Petitioner.

Petitioner states the trust was established by **Richard Baghosian** ("Richard") by a Declaration executed on 7/29/2004.

BRUCE BICKEL ("Bickel") is designated as the original trustee of the Trust.

On 11/4/2005, a "First Amended and Complete Restatement of Declaration of Trust of Richard Boghosian" ("First Amended Trust Declaration") was prepared and executed by Richard as trustor and Bickel as trustee.

On 11/29/2007, a "Second Amended and Complete Restatement of Declaration of Trust of Richard Boghosian" ("Second Amended Trust Declaration") was prepared and executed by Richard as trustor and Bickel as trustee.

Article Ten, Paragraph A of the Trust Declaration provides that if Bickel fails to act as trustee, then **DALE GARABEDIAN** ("Garabedian") shall act as trustee.

Article Ten, Paragraph A provides that any trustee may resign at any time.

Due to a Dispute that has arisen between Richard and Bickel, Bickel provided notice on 9/11/14, of his resignation as trustee of the Trust, effective 10/15/14.

Please see additional page

NEEDS/PROBLEMS/COMMENTS:

Continued from 10/8/14. As of 11/12/14 the following issues remain:

1. Order Shortening Time was signed on 10/2/14 allowing this petition to be heard on 10/8/14. The order does not waive notice of the hearing nor does it shorten time for notice. Therefore need Notice of Hearing with proof of service on Richard Boghosian, Bruce Bickel and Richard Garabedian.
2. It appears that Petitioner Penny Aaronian does not have standing to bring this petition. Probate Code §17200 states a trustee or a beneficiary of a trust may petition under this chapter concerning the internal affairs of the trust. Petitioner is not the trustee nor is she a beneficiary of the trust.

Please see additional page

Reviewed by: KT

Reviewed on: 11/13/14

Updates:

Recommendation:

File 10 - Boghosian

Due to some conflicts of interest that have arisen in the dispute between Richard and Bickel, Garabedian has declined to act as trustee.

Randy M. Aaronian, cousin to Richard, has offered to serve as successor trustee, however due to his appointment as Guardian Ad Litem for Richard in the dispute between Richard and Bickel, it was decided that this would result in a conflict of interest and Mr. Aaronian's wife, Petitioner herein, has offered to serve as successor trustee.

The Office of Successor Trustee will be vacant as of 10/15/14. Pursuant to the circumstances as provided in this petition, Petitioner seeks this Court's order appointing the Petitioner as Successor Trustee, without bond, with all the powers granted to Petitioner under the Trust Declaration to carry out the purpose of the Trust.

Petitioner prays that:

1. The Court finds that all notices required by law have been given;
2. The Court find that Bickel has resigned as trustee of the Trust;
3. The Court find that Garabedian has declined to serve as successor trustee;
4. The Court find that Petitioner, Penny Aaronian,is willing and able to perform the duties and responsibilities as successor trustee, and, accordingly, is appointed successor trustee of the RICHARD BOGHOSIAN TRUST, established July 29, 2004, without bond, and with all the powers under the Trust Declaration to carry out the purpose of the trust.

NEEDS/PROBLEMS/COMMENTS (Continued):

3. Probate Code §15602 requires a bond for any individual not named in the trust instrument. The Court may not excuse the requirement of a bond except under compelling circumstances.
4. Petition does not include copies of the First Amended Trust Declaration or the Second Amended Trust Declaration.
5. The file contains a letter from Tracy S. Regli indicating that Bruce Bickel was providing notice of his intent to resign as trustee effective October 15, 2014. However an actual resignation signed by Bruce Bickel has not been provided to the Court.

11 Bobby Joe Johnson (Estate) Case No. 14CEPR00922

Atty **Downing, Marcella (for Petitioner Jack Darryl Johnson)**

Petition for Probate of Will and for Letters Testamentary (Prob. C. 8002, 10450)

DOD: 5/1/14		
Cont. from		
✓	**Aff.Sub.Wit.**	
✓	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	
✓	**Aff.Mail**	W/
	Aff.Pub.	X
	Sp.Ntc.	
	Pers.Serv.	
✓	**Conf. Screen**	
✓	**Letters**	
✓	**Duties/Supp**	
	Objections	
	Video Receipt	
	CI Report	
	9202	
✓	**Order**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

JACK DARRYL JOHNSON, named executor without bond, is petitioner.

Full IAEA - **??**

Will dated: 4/25/1996

Residence: Fresno
Publication: **Need**

Estimated value of the Estate:

Personal property	-	$ 53,517.91
Real property	-	$140,000.00
Total	**-**	**$193,517.91**

Probate Referee: Steven Diebert

NEEDS/PROBLEMS/COMMENTS:

1. Need Affidavit of Publication.

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

- **Wednesday, April 15, 2015** at 9:00 a.m. in Department 303, for the filing of the inventory and appraisal.
- **Wednesday, January 13, 2015** at 9:00 a.m. in Department 303, for the filing of the first account or petition for final distribution.

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

Reviewed by: KT
Reviewed on: 11/14/14
Updates:
Recommendation:
File 11 - Johnson

13 Sharon Lee Booker aka Sharon L. Booker (Estate) Case No. 14CEPR00937

Atty **Haught, Rex A. (for Robert Booker – step-son/Petitioner)**

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

DOD: 07/13/14		
Cont. from		
	Aff.Sub.Wit.	s/p
✓	**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	

ROBERT BOOKER, step-son/named alternate Executor without bond, is Petitioner.

Full IAEA – OK

Will dated 02/24/10

Residence: Fresno
Publication: The Business Journal

Estimated Value of the Estate:
Personal property - $ 21,000.00
Real property - 260,000.00
Total - $281,000.00

Probate Referee: **RICK SMITH**

NEEDS/PROBLEMS/COMMENTS:

Note: Status hearings will be set as follows:

- **Wednesday, April 15, 2015** at 9:00 a.m. in Department 303, for the filing of the inventory and appraisal.
- **Wednesday, January 13, 2015** at 9:00 a.m. in Department 303, for the filing of the first account or petition for final distribution.

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

Reviewed by: JF
Reviewed on: 11/13/14
Updates:
Recommendation: SUBMITTED
File 13 - Booker

14 Thomas Leroy Thomsen (Estate) Case No. 14CEPR00938

Atty **Blum, Mark A. (for Mildred Thomsen – spouse/Petitioner)**

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

DOD: 08/21/13		
Cont. from		
	Aff.Sub.Wit.	s/p
✓	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
✓	**Notice of Hrg**	
✓	**Aff.Mail**	w/
	Aff.Pub.	x
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
✓	**Letters**	
✓	**Duties/Supp**	
	Objections	
	Video Receipt	
	CI Report	
	9202	
✓	**Order**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

MILDRED THOMSEN, spouse/named Executor without bond, is Petitioner.

Full IAEA – **NEED PUBLICATION**

Will dated 08/11/06

Residence: Kerman
Publication: **NEED**

Estimated Value of the Estate:

Personal property	-	$1,085,844.00
Annual income	-	155,998.00
Real property	-	360,000.00
Total	**-**	**$1,601,842.00**

Probate Referee: **STEVEN DIEBERT**

NEEDS/PROBLEMS/COMMENTS:

1. Need Affidavit of Publication.

2. Item 8 of the Petition indicates that the decedent has a deceased son, Thomas Thomsen, Jr. but does not state the date of death. Pursuant to Local Rule 7.1.1D - If a beneficiary, heir, child, spouse, or registered domestic partner in any action before the Probate Court is deceased, that person's date of death shall be included in the petition.

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

- **Wednesday, April 15, 2015** at 9:00 a.m. in Department 303, for the filing of the inventory and appraisal.

- **Wednesday, January 13, 2015** at 9:00 a.m. in Department 303, for the filing of the first account or petition for final distribution.

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

Reviewed by: JF
Reviewed on: 11/13/14
Updates:
Recommendation:
File 14 - Thomsen

15 Howard Renge (Estate) Case No. 06CEPR00954

Atty **Renge, Lawson K. (for Takako Renge – Administrator)**

Probate Status Hearing Re: Failure to File the Inventory and Appraisal and for Failure to File a First Account or Petition for Final Distribution

Cont. from 030714, 062014, 081914, 110314

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	

TAKAKO RENGE, spouse, was appointed Administrator with full IAEA without bond on 10/10/2006.

Letters issued on 10/10/2006.

Inventory and Appraisal was due on 03/2007.

First Account or Petition for Final Distribution was due 12/2007.

Notice of Status Hearing was mailed to Lawson K. Renge on 11/22/2013.

Former Status Report filed 10/30/2014 states the only asset subject to this proceeding is decedent's client trust account. Bank of America gave two options for distribution:

a. Where the personal representative is an attorney, Letters Testamentary/Administration are required giving full authority to operate the account.
b. Where the personal representative is not an attorney, the estate attorney must provide a statement accepting responsibility to ensure that the account is handled properly.

Attorney Renge has decided to accept the responsibility for handling the account because the personal representative, Takako Renge, of the Estate is not an attorney. Accordingly, Attorney Renge shall complete the requirements of the Bank in obtaining money in the account. Once the bank agrees to the acceptance of the responsibility the Inventory and Appraisal shall be filed. Additional time is requested to secure Bank approval and to obtain an appraisal for filing with the Court.

NEEDS/PROBLEMS/COMMENTS:

Continued from 11/19/2014.

1. Need Inventory and Appraisal and First Account or Petition for Final Distribution or <u>current written status report</u> pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.

Reviewed by: LV

Reviewed on: 11/13/2014

Updates:

Recommendation:

File 15 – Renge

16 Matthew R Nielsen (CONS/PE) **Case No. 10CEPR00299**

Atty Roberts, Gregory

Status Hearing

Age:			**NEEDS/PROBLEMS/COMMENTS:**
DOD:			**OFF CALENDAR.** Calendared in error.
Cont. from			
	Aff.Sub.Wit.		
	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg		
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order		
	Aff. Posting		**Reviewed by:** KT
	Status Rpt		**Reviewed on:** 11/14/14
	UCCJEA		**Updates:**
	Citation		**Recommendation:**
	FTB Notice		**File 16 - Nielsen**

17 Kaylie Vanessa Agundez Alvarez (GUARD/P) Case No. 11CEPR00854

Atty **De Ramirez, Blanca (pro per Petitioner Guardian/maternal grandmother)**

Petition for Visitation

Age: 8 years		
Cont. from		
	Aff.Sub.Wit.	
✓	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
✓	**Notice of Hrg**	
	Aff.Mail	X
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
	Order	X
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

BLANCA DE RAMIREZ, maternal grandmother, is petitioner.

BLANCA DE RAMIREZ, maternal grandmother, was appointed Guardian on 1/2/12.

Father: Edgar Agundez

Mother: Karla Alvarez

Paternal Grandfather: Moises Agundez
Paternal Grandmother: Angelica Agundez – *personally served on 10/30/14*
Maternal Grandfather: Not listed

History: Paternal Grandmother filed a petition for visitation on 10/18/13. At the hearing on 12/3/13, the parties were referred to mediation and the matter was continued. A copy of the mediation agreement was filed on
12/4/13. There were no appearances at the continued hearing date on
2/4/14 and the petition was dismissed.

On 4-1-14, Guardian Blanca de Ramirez filed a declaration indicating that various parties were in violation of the agreement; however, no hearing was pending.

Paternal grandmother, Angelica Agundez, filed another petition on 5/1/14. On 6/10/14 the court denied the petition noting there was currently a visitation agreement in place. Parties were ordered to participate in mediation regarding visitation.

On 10/10/14 Petitioner, maternal grandmother, Blanca de Ramirez filed this current visitation petition alleging violation of the visitation agreement of 12/3/13, 6/10/14 and 10/3/14.

NEEDS/PROBLEMS/COMMENTS:

1. Need proof of service of the Notice of Hearing on:
   a. Edgar Agundez (father)
   b. Karla Alvarez (mother)
   c. Moise Agundez (paternal grandfather)
2. Notice of Hearing filed on 11/14/14 indicates that Maria Angelica Arroyo had filed the Petition for Visitation. The petitioner's name should have been listed as the filing party.
3. The name, address and telephone number of the person serving the Notice of Hearing was not included on the proof of service.

Reviewed by: KT
Reviewed on: 11/14/14
Updates:
Recommendation:
File 17 - Agundez

Dept. 303, 9:00 a.m. Wednesday, November 19, 2014

18 Jenna Rae Kugelman (GUARD/P) **Case No. 11CEPR01127**

Atty Shea, Rachel (pro per Petitioner/mother)

Petition for Visitation

Age: 6 years			**RACHEL SHEA**, mother, is Petitioner.
			SHARON KUGELMAN and **RONALD KUGELMAN,** maternal grandparents, were appointed as Co-Guardians of the Person on 02/28/12.
Cont. from			
	Aff.Sub.Wit.		Father: **JOSHUA GOMEZ**
✓	**Verified**		**Petitioner states** at the last hearing it was suggested to have visits with Jenna to re-establish a bond. Mom states she has since moved back to California to make it easier to set up weekly, consistent visits. Mom states she loves Jenna and wants her to know that the changes she made were to be a better mom to her. Mom states she is not trying to be in and out of her life and she has made many changes in her life to be a better parent for her.
	Inventory		
	PTC		
	Not.Cred.		
✓	**Notice of Hrg**		
✓	**Aff.Mail**	W/	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		Petitioner requests that her physical address be kept confidential form her parents (co-guardians). She has included Facebook messages where her dad has threatened her. Also if she is granted visitation she would like it not be at her parents' house. She is willing to compromise with her mom, another place or family's house.
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order	X	
	Aff. Posting		**Please see additional page for Objections to Visitation.**
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

NEEDS/PROBLEMS/COMMENTS:

1. Need proof of service of the Notice of Hearing on:
   a. Sharon Kugelman (maternal grandmother/guardian)

Reviewed by: KT

Reviewed on: 11/14/14

Updates:

Recommendation:

File 18 – Kugelman

18 Jenna Rae Kugelman (GUARD/P) Case No. 11CEPR01127

Objections to Visitation filed by Guardians Ronald Kugelman and Sharon Kugelman on 11/14/14. Mr. and Mrs. Kugelman state they object to visitation solely on the well-being of Jenna and to the emotional effect it will have on her once the visit is over. For Jenna to see her mother for a couple of hours will be devastating to Jenna and quite possibly cause a set-back to her emotional state of mind. It has taken Jenna this entire year to adjust to her mother being gone. Jenna no longer cries at night for her mother which is just in the last few months.

Furthermore, Mr. and Mrs. Kugelman state they have no idea of Rachel's current lifestyle, they are not acquainted with anyone she associates with and have no proof that she is stable or a responsible parent.

Rachel has walked out on Jenna twice no, without any explanation to anyone. Mr. and Mrs. Kugelman have no assurances that she will not disappear again. For not only has she walked in and out of Jenna's life she has also done this with her 14 year old son throughout his life. For Rachel to believe that it is in Jenna's best interest to see her mom is inconsiderate and selfish on Rachel's part, for it will only cause more harm than good at the present time.

Therefore Mr. and Mrs. Kugelman request the court deny the Petition for Visitation.

Included in their Objection are copies Jenna's report cards, one page of a modification of child visitation (no date included), a copy of a PG&E bill where Mr. and Mrs. Kugelman are alleging Rachel used Jenna's name to obtain PG&E because she couldn't get it in her own name due to an outstanding bill, and print outs from court arrest and court records showing Rachel's arrest and conviction records.

Dept. 303, 9:00 a.m. Wednesday, November 19, 2014

19 Gabriella Krystal Simental (GUARD/E) **Case No. 14CEPR00657**

Atty Simental, Melinda C. (Pro Per – Mother – Petitioner)

Amended Petition for Appointment of Guardian of Minor of Estate [1510]

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

TEMP DENIED 8-19-14

MELINDA C. SIMENTAL, Mother, is Petitioner and requests appointment as Guardian of the Estate with funds placed into a blocked account, and with additional powers under Probate Code §2590.

Father: **FRANCISCO SIMENTAL**
- Deceased

Paternal Grandfather:
Louie Cortez
- Deceased

Paternal Grandmother:
Maria Cortez
- Mailed service 10-31-14

Maternal Grandfather:
Joe H. Rodriguez
- Deceased

Maternal Grandmother:
Margaret E. Rodriguez
- Deceased

Siblings: David Vega, Jr., Erika Vallez, Thomas Vallez
(All consent and waive notice)

Petitioner states the minor is due a minimum of $290,000.00 from the estate of her deceased father and the life insurance companies will not release monies to a minor child.

NEEDS/PROBLEMS/COMMENTS:

1. **Need proof of personal service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing on the minor Gabriella Simental pursuant to Probate Code §1511 or consent and waiver of notice. (Note: Petitioner states the minor has received notice and will attend the hearing; however, no proof of service has been filed.)**

2. **Petitioner requests to place funds into a blocked account; however, if bond is required pursuant to Probate Code §2320(c)(4) and Cal. Rules of Court 7.207, bond including a reasonable amount for cost of recovery should be $319,000.00.**

   If the Court orders funds placed into a blocked account pursuant to Local Rule 7.8, need MC-355 Order to Deposit Money Into Blocked Account.

3. **Petitioner requests powers under Probate Code §2590, but does not explain why. Pursuant to Local Rule 7.15.2, it is the policy of the Court to only grant specific powers necessary to administer the guardianship estate. Need clarification.**

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

- **Wednesday 1-14-15 for filing the bond or receipt for blocked account (MC-356)**
- **Wednesday 4-22-15 for filing the Inventory and Appraisal**
- **Wednesday 4-20-16 for filing the first account**

If the proper items are on file prior to the status date, the hearing may be taken off calendar.

Reviewed by: skc

Reviewed on: 11-14-14

Updates:

Recommendation:

File 18 - Simental

21 Eman Elabed (GUARD/P) **Case No. 14CEPR00771**

Atty Ayesh, Jamil (pro per Petitioner)

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

Age: 17 years			**THERE IS NO TEMPORARY.** **No temporary was requested.**
			JAMIL AYESH, non-relative, is petitioner.
Cont. from			Father: **SHAMIH ELABED**
	Aff.Sub.Wit.		Mother: **AMAL SULEIMAN**
✓	**Verified**		Paternal grandparents: not listed Maternal grandparents: not listed
	Inventory		
	PTC		
	Not.Cred.		**Petitioner states** a guardianship is needed to keep the child off the streets and get her back to school.
	Notice of Hrg	X	
	Aff.Mail	X	
	Aff.Pub.		
	Sp.Ntc.		**DSS Social Worker Irma Rodriguez' Report filed on 11/14/14.**
	Pers.Serv.	X	
✓	**Conf. Screen**		
✓	**Letters**		
✓	**Duties/Supp**		
	Objections		
	Video Receipt		
✓	**CI Report**		
	9202		
✓	**Order**		
	Aff. Posting		
	Status Rpt		
✓	**UCCJEA**		
	Citation		
	FTB Notice		

NEEDS/PROBLEMS/COMMENTS:

Minute Order dated 10/28/14 states parties are being assisted by an interpreter. The petition is granted subject to the parties completing the UCCJEA form.

The Order dated 10/28/14 the court found that an investigation had not been completed in this matter as required by Probate Code §1513 and that the guardianship was granted in error. The Court therefore ordered the Petition for Appointment of Guardian reset for hearing. Petitioner is required to cause notice to be served on all interested parties as required by Probate Code §1511. The prior order granting the guardianship was vacated.

1. Need Notice of Hearing.

2. Need proof of personal service of the Notice of Hearing along with a copy of the petition or Consent and Waiver of Notice or Declaration of Due Diligence on:
   a. Eman Elabed (minor)
   b. Shamih Elabed (father)
   c. Amal Suleiman (mother)

Please see additional page

Reviewed by: KT

Reviewed on: 11/13/14

Updates:

Recommendation:

File 21 – Elabed

Dept. 303, 9:00 a.m. Wednesday, November 19, 2014

3. Need proof of service of the Notice of Hearing along with a copy of the petition or Consent and Waiver of Notice or Declaration of Due Diligence on:
   a. Paternal grandparents
   b. Maternal grandparents

4. UCCJEA is incomplete. Need minor's residence information for the past 5 years.

5. Petition does not include the names and addresses of the paternal and maternal grandparents.

23 Kenzie Hernandez & Luke Hearld (GUARD/P) Case No. 14CEPR00859

Atty Hearld, Mary (Pro Per – Maternal Grandmother – Petitioner)

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

Kenzie, age 3 yrs			**NO TEMP REQUESTED**
Luke, age 3 mo.			**MARY HEARLD**, Maternal Grandmother, is Petitioner.
			Father (Kenzie): **ANTONIO HERNANDEZ, JR.**
			Father (Luke): **UNKNOWN**
	Aff.Sub.Wit.		Mother: **BLANCA RENE M. HEARLD**
✔	**Verified**		Paternal Grandfather (Kenzie): Antonio Hernandez
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg	x	Paternal Grandmother (Kenzie): Ms. Hernandez
	Aff.Mail	x	
	Aff.Pub.		Paternal Grandfather (Luke): Unknown Paternal Grandmother (Luke): Unknown
	Sp.Ntc.		
	Pers.Serv.	x	Maternal Grandfather: Douglas Hearld
✔	**Conf. Screen**		**Petitioner states** Kenzie has been in Petitioner's home because the mother left her in her care. Luke is currently in the hospital and CPS is trying to take him from them due to the fact that the mother missed several appointments.
✔	**Letters**		
✔	**Duties/Supp**		
	Objections		
	Video Receipt		
✔	**CI Report**		**Court Investigator Jennifer Young filed a report on 11-10-14.**
	Clearances	x	
✔	**Order**		
	Aff. Posting		
	Status Rpt		
✔	**UCCJEA**		
	Citation		
	FTB Notice		

NEEDS/PROBLEMS/COMMENTS:

<u>Note</u>: The minors are currently wards of the Fresno County Juvenile Dependency Court; therefore, this Probate Court does not have jurisdiction at this time. Petitioner may wish to seek guardianship through the Juvenile Court. If this petition goes forward, the following issues exist:

1. **Need Court Investigation report and clearances.**
2. **Need Notice of Hearing.**
3. **Need proof of personal service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing pursuant to Probate Code §1511 <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence on:**
   - Blanca Rene M. Hearld (Mother)
   - Antonio Hernandez, Jr. (Father of Kenzie)
   - Unknown Father of Luke
4. **Need proof of service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing pursuant to Probate Code §1511 <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence on:**
   - Antonio Hernandez (Paternal Grandfather of Kenzie)
   - Ms. Hernandez (Paternal Grandmother of Kenzie)
   - Unknown Paternal Grandparents of Luke
   - Douglas Hearld (Maternal Grandfather)

Reviewed by: skc

Reviewed on: 11-14-14

Updates:

Recommendation:

File 23 – Hernandez & Herald

Dept. 303, 9:00 a.m. Wednesday, November 19, 2014

24 Zenaida Clara Vargas, Joleen Clarissa Munoz, and Evangelina Sophie Pascual (GUARD/P) Case No. 14CEPR01027

Atty **Minjarez, Paula Medrano (Pro Per Petitioner)**

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

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

GENERAL HEARING 1-15-15

PAULA MEDRANO MINJAREZ, Paternal Aunt of Joleen, is Petitioner.

Father (Zenaida): **ARMANDO VARGAS**
Father (Joleen): **JOE MANUEL MEJIA, JR.**
Father (Evangelina): **MAURILIO PASCUAL, JR.**

Mother: **CLARA MUNOZ**

Paternal Grandfather (Zenaida): Unknown
Paternal Grandmother (Zenaida): Maria Del Rosario Melendez

Paternal Grandfather (Joleen): Jose Manuel Mejia *(Deceased)*
Paternal Grandmother (Joleen): Federica Medrano Mejia

Paternal Grandfather (Evangelina): Maurilio Pascual, Sr.
Paternal Grandmother (Evangelina): Elsa Pascual

Maternal Grandfather: Rito Munoz
Maternal Grandmother: Belia Hernandez

Silbings: Andrea Theresa Ortiz, Elena Ortiz, April Ortiz

Petitioner states the minors have always been in and out of their home. The mother is mentally unstable and unable to care for her children. She was transported by ambulance on a 5150 after she was incoherent with a CPS worker. She was released shortly. Petitioner fears the mother may come for the children at any point and the girsl refuse to go with their mother. The two youngest were not going to school consistently. Petitioner states they are looking for a child psychologist to help them. Petitioner requests temporary guardianship to avoid the mother taking them.

Petitioner requests the Court excuse notice to Armando Vargas (father of Zenaida) and to Maurilio Pascual (father of Evangelina), as she has not seen these individuals for years.

NEEDS/PROBLEMS/COMMENTS:

1. **Need proof of personal service of Notice of Hearing with a copy of the temporary petition at least five Court days prior to the hearing pursuant to Probate Code §2250(e) <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence on:**
   - Armando Vargas (Father of Zenaida)
   - Joe Manuel Mejia, Jr. (Father of Joleen)
   - Maurilio Pascual, Jr. (Father of Evangelina)
   - Clara Munoz (Mother)
   - Zenaida Vargas (Minor)
   - Joleen Munoz (Minor)

Reviewed by: skc
Reviewed on: 11-14-14
Updates:
Recommendation:
File 24 – Vargas, Munoz, Pascual

25 Ronald E. Marden (Estate) **Case No. 12CEPR01157**

Atty Schorling, Douglas D. (for Co-Administrators)

(1) First and Final Report of Special Co-Administrators and Co-Administrators on Waiver of Account and (2) Petition for Allowance of Compensation to Co-Administrators and Attorney for Ordinary Services, (3) for Allowance of Compensation to Attorney for Extraordinary Services, and (4) for Final Distribution

DOD: 12-21-12		
Cont. from 111214		
	Aff.Sub.Wit.	
✓	**Verified**	
✓	**Inventory**	
✓	**PTC**	
✓	**Not.Cred.**	
✓	**Notice of Hrg**	
✓	**Aff.Mail**	w
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
✓	**Letters**	12-26-12
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
✓	**9202**	
✓	**Order**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
✓	**FTB Notice**	

ROBERT SHAW, GAYDEN L. SCHORLING, and DOUGLAS D. SCHORLING, First Cousins of the Decedent and Co-Administrators with Limited IAEA without bond, are Petitioners.

Accounting is waived (?)

I&A: $655,522.13
POH: $515,024.24 plus a 1995 Pontiac Monte Carlo

Co-Administrators (Statutory): $16,110.44 (to be divided equally between two of the Co-Administrators Robert Shaw and Gayden L. Schorling)

Attorney (Statutory): $16,110.44
(Note: Co-Administrator Douglas D. Schorling is the attorney for the three Co-Administrators.)

Attorney (Extraordinary): $13,970.00
(Declaration filed 11-12-14 indicates 91.9 hours at $150/hour for legal services including Petition to Determine Entitlement and Petition for Payment of Family Allowance, Unlawful Detainer, and Small Claims, and Court confirmed sale of real property totaling $13,970.00)

Closing: $10,000.00 (for anticipated expenses including estate income taxes and Decedent's personal income taxes)

Distribution pursuant to intestate succession:

Bobbi A. Schorling, Cheryl Reuben, Gayden L. Schorling, Robert Shaw, and Douglas D. Schorling: An undivided 20% interest in the estate, or $103,004.84 less compensation and closing expenses.

NEEDS/PROBLEMS/COMMENTS:

Continued from 11-12-14. The following issues remain noted:

SEE ADDITIONAL PAGES

Reviewed by: skc
Reviewed on: 11-13-14
Updates:
Recommendation:
File 25 – Marden

Dept. 303, 9:00 a.m. Wednesday, November 19, 2014

NEEDS/PROBLEMS/COMMENTS (Continued):

1. **Petitioners request that the Co-Administrators' statutory compensation be split between two of the Co-Administrators, Robert Shaw and Gayden D. Schorling, and that Attorney Douglas D. Schorling, who is the third Co-Administrator, but is also the attorney for the Co-Administrators, receive the entire amount of statutory compensation as attorney. The Court may require clarification or authority for this request with reference to Cal. Rules of Court 7.706(a), which states:**

   (a) Personal representative's compensation only
   Notwithstanding the provisions of the decedent's will, a personal representative who is an attorney may receive the personal representative's compensation but may not receive compensation for legal services as the attorney for the personal representative unless the court approves the right to compensation for legal services in advance and finds the arrangement is to the advantage, benefit, and best interest of the decedent's estate.

   Note: It does not appear that Mr. Schorling has requested approval in advance for compensation as an attorney pursuant to the above Rule of Court. As such, it appears that his statutory compensation may be limited to a one-third share of the Co-Administrators' statutory compensation, instead of the two other Co-Administrators splitting it half each.

2. **Petitioners request a closing reserve of $10,000.00 due to anticipated potential additional taxes and expenses, and request to distribute the balance of the reserve wtihout further Court order.**

   However, consistent with the Court's recent practice, if Court determines an informal accounting of the closing reserve is warranted, Court will set a Status Hearing as follows:

   Wednesday, May 13, 2015 at 9:00 am in Dept. 303 for an Informal Accounting of the $10,000.00 Closing Reserve.

   Pursuant to Local Rule 7.5, if the document noted above is filed 10 days prior to the date listed, the hearing will be taken off calendar and no appearance will be required. The filing of the Informal Accounting of Closing Reserve will not generate a new hearing date.

3. **The estate contains a 1995 Pontiac Monte Carlo that is considered to have no value as discussed at #17(i). If personal property is to be distributed in undivided interests, need written consent of all distributees pursuant to Local Rule 7.12.3. Alternatively, if the vehicle is to be distributed to one of the heirs, the Court may require consent of that heir.**

27 Marcus Thomas Areyano (Estate) Case No. 14CEPR00811

Atty **Bagdasarian, Gary G. (for Lanae Areyano – Administrator)**

Status Hearing Re: Filing of the Bond and Receipt for the Blocked Account

DOD: 3-25-14		
Cont. from 111214		
	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	

LANAE AREYANO, Daughter, was appointed Administrator with Limited IAEA with bond of $13,500.00 and deposits of $1,663.00 to be placed into a blocked account on 10-7-14.

At the hearing on 10-7-14, the Court signed the Order for Probate and the Order to Deposit Money Into Blocked Account and set this status hearing for the filing of the bond and receipt for blocked account.

Bond was filed on 10-30-14 and Letters issued on 11-4-14.

Inventory and Appraisal filed 11-4-14 includes real property valued at $145,000.00, a vehicle valued at $9,500.00, and misc. furniture and personal effects valued at $5,000.00, for a total of $159,000.00.

NEEDS/PROBLEMS/COMMENTS:

Continued from 11-12-14.

Minute Order 11-12-14: Bond was issued and filed. If receipts for the Blocked Account are filed by 11/17/14, then no appearance is necessary on 11/19/14.

As of 11-13-14, nothing further has been filed.

1. **Need Receipt and Acknowledgment of Order to Deposit Money Into Blocked Account.**

   Note: The Order to Deposit Money Into Blocked Account appears to be based on the Declaration filed 10-6-14 that stated the decedent's checking and savings account balances totaled $1,663.00. However, the Final I&A filed 11-4-14 does not include this amount.

Reviewed by: skc
Reviewed on: 11-13-14
Updates:
Recommendation:
File 27 – Areyano

28 Richard Campbell Jr. (GUARD/P) **Case No. 14CEPR00977**

Atty Johnson, Willie M (pro per Petitioner/maternal aunt)

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

Age: 1 month			**GENERAL HEARING 1/6/14**
			WILLIE MAE JOHNSON, maternal aunt, is petitioner.
			Father: **RICHARD CAMPBELL, SR.** – *consents and waives notice.*
Cont. from 110514, 111214			Mother: **JAHADRAH JOHNSON** – *consents and waives notice.*
	Aff.Sub.Wit.		Paternal grandfather: Narvel Boston Paternal grandmother: Selestine Campbell Maternal grandfather: Lodie Caldwell Maternal grandmother: Rosalind Caldwell
✓	**Verified**		**Petitioner states** she would like placement of the child as a safety plan in lieu of foster care until Jahadrah and Richard are found capable of caring for baby Richard.
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg	N/A	
	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		

NEEDS/PROBLEMS/COMMENTS:

Continued from 11/12/14. Minute order states parties should obtain a minute order or court order from Dependency indicating that this Court may have jurisdiction before this matter can move forward.

Reviewed by: KT

Reviewed on: 11/13/14

Updates:

Recommendation:

File 28 – Campbell

Dept. 303, 9:00 a.m. Wednesday, November 19, 2014