

| | | | |
|---|---|--|----|
| Age: 30 | <p>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.</p> <p>Petitioners were previously granted medical consent powers.</p> <p>Voting rights affected.</p> <p>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.</p> <p>Court Investigator Charlotte Bien filed a report on 11/05/14.</p> | <p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Court Investigator advised rights on 11/05/14.</p> <p>Voting rights affected, need minute order.</p> | |
| Cont. from | | | |
| <input type="checkbox"/> Aff.Sub.Wit. | | | |
| <input checked="" type="checkbox"/> Verified | | | |
| <input type="checkbox"/> Inventory | | | |
| <input type="checkbox"/> PTC | | | |
| <input type="checkbox"/> Not.Cred. | | | |
| <input checked="" type="checkbox"/> Notice of Hrg | | | |
| <input checked="" type="checkbox"/> Aff.Mail | | | w/ |
| <input type="checkbox"/> Aff.Pub. | | | |
| <input type="checkbox"/> Sp.Ntc. | | | |
| <input type="checkbox"/> Pers.Serv. | | | |
| <input checked="" type="checkbox"/> Conf. Screen | | | |
| <input checked="" type="checkbox"/> Letters | | | |
| <input checked="" type="checkbox"/> Duties/Supp | | | |
| <input type="checkbox"/> Objections | | | |
| <input checked="" type="checkbox"/> Video Receipt | | | |
| <input checked="" type="checkbox"/> CI Report | | | |
| <input type="checkbox"/> 9202 | | | |
| <input checked="" type="checkbox"/> Order | | | |
| <input type="checkbox"/> Aff. Posting | | | |
| <input type="checkbox"/> Status Rpt | | | |
| <input type="checkbox"/> UCCJEA | | | |
| <input type="checkbox"/> Citation | | | |
| <input type="checkbox"/> FTB Notice | | | |
| | | Reviewed by: JF | |
| | | Reviewed on: 11/13/14 | |
| | | Updates: | |
| | | Recommendation: | |
| | | File 1 - Underwood | |

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. | | NEEDS/PROBLEMS/COMMENTS: |
| | Account Period: 03/09/2005 – 05/12/2014 | | |
| Cont. from 091714 | Accounting | - \$135,500.00 | |
| <input type="checkbox"/> Aff.Sub.Wit. | Beginning POH | - \$135,500.00 | |
| <input checked="" type="checkbox"/> Verified | Ending POH | - \$135,000.00 | |
| <input type="checkbox"/> Inventory | Executor – Waives | | |
| <input type="checkbox"/> PTC | Attorney – Waives | | |
| <input type="checkbox"/> Not.Cred. | Distribution, pursuant to decedent's Will, is to: | | |
| <input checked="" type="checkbox"/> Notice of Hrg | Karen E. Phillips-Wilkes – 100% in real property | | |
| <input checked="" type="checkbox"/> Aff.Mail | w/o | | |
| <input type="checkbox"/> Aff.Pub. | | | |
| <input type="checkbox"/> Sp.Ntc. | | | |
| <input type="checkbox"/> Pers.Serv. | | | |
| <input type="checkbox"/> Conf. Screen | | | |
| <input type="checkbox"/> Letters | 06/09/06 | | |
| <input type="checkbox"/> Duties/Supp | | | |
| <input type="checkbox"/> Objections | | | |
| <input type="checkbox"/> Video Receipt | | | |
| <input type="checkbox"/> CI Report | | | |
| <input checked="" type="checkbox"/> 9202 | | | |
| <input checked="" type="checkbox"/> Order | | | |
| <input type="checkbox"/> Aff. Posting | | | |
| <input type="checkbox"/> Status Rpt | | | |
| <input type="checkbox"/> UCCJEA | | | |
| <input type="checkbox"/> Citation | | | |
| <input checked="" type="checkbox"/> FTB Notice | | | |
| | | | Reviewed by: LV |
| | | | Reviewed on: 11/13/2014 |
| | | | Updates: |
| | | | Recommendation: Submitted |
| | | | File 2 – Phillips-Prosser |

| | | |
|--|--|---|
| Age: 60 years | <p>BRYAN JENSEN was appointed conservator on 4/1/2009.</p> <p>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.</p> <p>Court Investigator further recommends that the fees and costs related to this transfer be waived.</p> <p>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.</p> | <p>NEEDS/PROBLEMS/COMMENTS:</p> <p>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.</p> <p>A Petition for Transfer of Proceedings to Santa Barbara County was filed by Bryan Jensen and is on page 3B.</p> <p>Note: If the petition is granted a status hearing will be set on Wednesday, December 17, 2014 for the confirmation of receipt of transfer.</p> |
| Cont. from 072914, 090314, 100814 | | |
| <input type="checkbox"/> Aff.Sub.Wit. | | |
| <input checked="" type="checkbox"/> Verified | | |
| <input type="checkbox"/> Inventory | | |
| <input type="checkbox"/> PTC | | |
| <input type="checkbox"/> Not.Cred. | | |
| <input checked="" type="checkbox"/> Notice of Hrg | | |
| <input checked="" type="checkbox"/> Aff.Mail W/ | | |
| <input type="checkbox"/> Aff.Pub. | | |
| <input type="checkbox"/> Sp.Ntc. | | |
| <input type="checkbox"/> Pers.Serv. | | |
| <input type="checkbox"/> Conf. Screen | | |
| <input type="checkbox"/> Letters | | |
| <input type="checkbox"/> Duties/Supp | | |
| <input type="checkbox"/> Objections | | |
| <input type="checkbox"/> Video Receipt | | |
| <input type="checkbox"/> CI Report | | |
| <input type="checkbox"/> 9202 | | |
| <input checked="" type="checkbox"/> Order | | |
| <input type="checkbox"/> Aff. Posting | | |
| <input type="checkbox"/> Status Rpt | | |
| <input type="checkbox"/> UCCJEA | | |
| <input type="checkbox"/> Citation | | |
| <input type="checkbox"/> FTB Notice | | |
| Reviewed by: KT | | |
| Reviewed on: 11/13/14 | | |
| Updates: | | |
| Recommendation: | | |
| File 3A – Jensen | | |

| | | |
|---|--|--|
| Age: 60 years | BRYAN JENSEN , conservator of the person and estate, is petitioner. | <p>NEEDS/PROBLEMS/COMMENTS:</p> <p>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.</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of service of the Notice of Hearing on: <ol style="list-style-type: none"> a. Debra Jensen (conservatee) b. Darren Jensen (son) c. Bertha Sherbon (mother) d. Linda L. Silveira (sister) e. Virginia Hanson (sister) 3. Need Order. <p>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).</p> <p>Note: If the petition is granted a status hearing will be set on Wednesday, December 17, 2014 for the confirmation of receipt of transfer.</p> |
| | BRYAN JENSEN was appointed conservator on 4/1/2009. | |
| Cont. from 100814 | Petitioner states the Conservatee, a widow, resides in Clearview Alzheimer's Care Facility located in Los Angeles County. | |
| <input type="checkbox"/> Aff.Sub.Wit. | | |
| <input checked="" type="checkbox"/> Verified | | |
| <input type="checkbox"/> Inventory | The Conservator resides in Santa Barbara County. | |
| <input type="checkbox"/> PTC | | |
| <input type="checkbox"/> Not.Cred. | Court Investigator, Jennifer Daniel, petitioned the court to transfer the proceedings to Los Angeles County. | |
| <input type="checkbox"/> Notice of Hrg | X | |
| <input type="checkbox"/> Aff.Mail | X | |
| <input type="checkbox"/> Aff.Pub. | Petitioner is petitioning to transfer the proceedings to Santa Barbara County for the following reasons: | |
| <input type="checkbox"/> Sp.Ntc. | | |
| <input type="checkbox"/> Pers.Serv. | 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. | |
| <input type="checkbox"/> Conf. Screen | | |
| <input type="checkbox"/> Letters | | |
| <input type="checkbox"/> Duties/Supp | | |
| <input type="checkbox"/> Objections | 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. | |
| <input type="checkbox"/> Video Receipt | | |
| <input type="checkbox"/> CI Report | | |
| <input type="checkbox"/> 9202 | | |
| <input type="checkbox"/> Order | X | |
| <input type="checkbox"/> Aff. Posting | | |
| <input type="checkbox"/> Status Rpt | 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. | |
| <input type="checkbox"/> UCCJEA | | |
| <input type="checkbox"/> Citation | | |
| <input type="checkbox"/> FTB Notice | | |
| | | Reviewed by: KT |
| | | Reviewed on: 11/13/14 |
| | | Updates: |
| | | Recommendation: |
| | | File 3B - Jensen |

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)

| | | | |
|---|--|---|--|
| | 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. | | <p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Note: Page B is the corresponding Petition for Removal of current conservator.</u></p> <p><u>Note: Page C is the continued hearing on</u></p> <p><u>Court Investigator advised rights on 10-31-14 and 11-5-14</u></p> <p><u>Voting right affected – Need minute order.</u></p> <p><u>SEE ADDITIONAL PAGES</u></p> |
| | 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. | | |
| | 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 | | |
| | | | <p>Reviewed by: skc</p> <p>Reviewed on: 11-13-14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 4A - Bingham</p> |

Page 2**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.

Page 2

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

| | | |
|---------------------------|--|--|
| | <p>JOAN ST. LOUIS, Successor Conservator with bond of \$50,000.00, is Petitioner.</p> <p>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)</p> <p>Conservator: \$13,174.00 plus \$2,160.20 mileage (per attached declaration, to be paid by the Survivor's Trust)</p> <p>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.</p> <p>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.)</p> <p>Petitioner prays for an order:</p> <ol style="list-style-type: none"> 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. <p>Additional declarations have been filed by Attorney Roberts and Mrs. St. Louis in support of the account.</p> <p>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. See additional pages.</p> | <p>NEEDS/PROBLEMS/ COMMENTS:</p> <p>Note: 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.</p> <p>Note: This is actually the <u>Second Amended First Account</u>. 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.</p> <p>Reviewed by: skc</p> <p>Reviewed on: 11-13-14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 1 - Bingham</p> |
| 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 | | |

Page 2

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 | ROBERT JONES and DENISE JONES , Co-Administrators with Full IAEA without bond, are Petitioners. | <p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>OFF CALENDAR</u></p> <p>Amended Petition filed 11-13-14 is set for hearing 1-26-15.</p> |
| | 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. | |
| Cont. from 081314, 101514 | POH: \$58,956.64 (cash) | |
| <input type="checkbox"/> Aff.Sub.Wit. | Co-Administrators (Statutory): Petitioners request statutory commissions of \$2,358.26 based on a fee base of \$58,956.64. | |
| <input checked="" type="checkbox"/> Verified | 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). | |
| <input type="checkbox"/> Inventory | Co-Administrators (Extraordinary): \$1,150.00 (See Exhibit "A") | |
| <input type="checkbox"/> PTC | Co-Administrators (Mileage): \$2,055.20 for 3,670 miles @ \$.56/mile because Petitioners reside in Sacramento.) | |
| <input checked="" type="checkbox"/> Not.Cred. | Attorney (Statutory): \$2,358.26 | |
| <input checked="" type="checkbox"/> Notice of Hrg | Attorney (Extraordinary): \$3,416.00 (declaration to be filed separately) | |
| <input checked="" type="checkbox"/> Aff.Mail | 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. | |
| <input type="checkbox"/> Aff.Pub. | | |
| <input type="checkbox"/> Sp.Ntc. | | |
| <input type="checkbox"/> Pers.Serv. | | |
| <input type="checkbox"/> Conf. Screen | | |
| <input checked="" type="checkbox"/> Letters 3-16-12 | | |
| <input type="checkbox"/> Duties/Supp | | |
| <input type="checkbox"/> Objections | | |
| <input type="checkbox"/> Video Receipt | | |
| <input type="checkbox"/> CI Report | | |
| <input checked="" type="checkbox"/> 9202 | | |
| <input checked="" type="checkbox"/> Order | | |
| <input type="checkbox"/> Aff. Posting | | |
| <input type="checkbox"/> Status Rpt | | |
| <input type="checkbox"/> UCCJEA | | |
| <input type="checkbox"/> Citation | | |
| <input checked="" type="checkbox"/> FTB Notice | | |

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 <i>Minute Order</i> dated 4/29/2013. | NEEDS/PROBLEMS/COMMENTS: |
| | | <u>Continued from 9/17/2014.</u> |
| Cont. from 091714 | | The following issue remains: |
| Aff.Sub.Wit. | <i>Minute Order</i> 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 <i>Status Report</i> and proof of service pursuant to Local Rule 7.5(B). |
| 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 | | |
| | | Notes Re Related Estate of John R. Panzak, Sr., Case 10CEPR00505: |
| | | <ul style="list-style-type: none"> The Panzak, Sr. Estate is a related matter in which the PUBLIC ADMINISTRATOR was appointed Administrator of the Estate by <i>Minute Order</i> dated 4/29/2013. <i>Order Settling First and Final Account and Report of Deceased Personal Representative</i> 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.) Panzak, Sr. Estate is currently pending closure by the PUBLIC ADMINISTRATOR. |
| | | Reviewed by: LEG |
| | | Reviewed on: 11/14/14 |
| | | Updates: |
| | | Recommendation: |
| | | File 6 – Panzak Living Trust |

| | | |
|--------------------------|---|--|
| 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. | <p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 9-19-14.</p> <p>1. Need first account or petition for final distribution.</p> |
| Cont. from 091914 | 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. | |
| Aff.Sub.Wit. | | |
| Verified | | |
| Inventory | | |
| PTC | 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. | |
| Not.Cred. | | |
| Notice of Hrg | | |
| Aff.Mail | | |
| Aff.Pub. | | |
| Sp.Ntc. | The first account or petition for final distribution is now due. Probate Code §12200. | |
| Pers.Serv. | | |
| Conf. Screen | | |
| Letters | 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. | |
| Duties/Supp | | |
| Objections | | |
| Video Receipt | | |
| CI Report | | |
| 9202 | | |
| Order | | |
| Aff. Posting | | |
| Status Rpt | Status Report filed 11-14-14 (not verified) states there have been continuing efforts by the estate representative to conclude this issue with the tax board. The attorney is informed and believes that once this issue of tax liability is resolved, the estate should be in a position to be closed. | |
| UCCJEA | | |
| Citation | | |
| FTB Notice | | |
| | | Reviewed by: skc |
| | | Reviewed on: 11-13-14 |
| | | Updates: 11-14-14 |
| | | Recommendation: |
| | | File 7 - Guidi |

(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 | PHYLLIS NETHERTON , Executor, is Petitioner. | | 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. |
| | Accounting is waived. | | |
| Cont. from | I & A | - \$193,091.00 | |
| <input type="checkbox"/> Aff.Sub.Wit. | POH | - \$193,091.00 | |
| <input checked="" type="checkbox"/> Verified | Executor | - waived | |
| <input checked="" type="checkbox"/> Inventory | Attorney | - \$6,792.72 | |
| <input checked="" type="checkbox"/> PTC | (statutory)(to be paid by Petitioner outside of the estate) | | |
| <input checked="" type="checkbox"/> Not.Cred. | Costs | - \$1,265.50 (filing fees, publication, certified copies)(to be paid by Petitioner outside of the estate) | |
| <input checked="" type="checkbox"/> Notice of Hrg | 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. | | |
| <input checked="" type="checkbox"/> Aff.Mail | <input type="checkbox"/> w/ | | |
| <input type="checkbox"/> Aff.Pub. | | | |
| <input type="checkbox"/> Sp.Ntc. | | | |
| <input type="checkbox"/> Pers.Serv. | | | |
| <input type="checkbox"/> Conf. Screen | | | |
| <input type="checkbox"/> Letters | 03/13/14 | | |
| <input type="checkbox"/> Duties/Supp | | | |
| <input type="checkbox"/> Objections | | | |
| <input type="checkbox"/> Video Receipt | | | |
| <input type="checkbox"/> CI Report | | | |
| <input checked="" type="checkbox"/> 9202 | | | |
| <input checked="" type="checkbox"/> Order | | | |
| <input type="checkbox"/> Aff. Posting | | | |
| <input type="checkbox"/> Status Rpt | | | |
| <input type="checkbox"/> UCCJEA | | | |
| <input type="checkbox"/> Citation | | | |
| <input checked="" type="checkbox"/> FTB Notice | | Phyllis Ann Netherton – 100% interest in various securities valued at \$193,091.00 | |
| | | | Reviewed by: JF |
| | | | Reviewed on: 11/13/14 |
| | | | Updates: 11/17/14 |
| | | | Recommendation: |
| | | | File 8 - Centrone |

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 | RONALD D. MANLEY , petitioner, requests that CRYSTAL MANLEY MOBLEY , decedent's daughter, be appointed as Administrator with Will Annexed without bond. | <p>NEEDS/PROBLEMS/COMMENTS:</p> <p>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.</p> <p>Minute Order of 10/01/2014 (Judge Cardoza): Counsel needs to file a Status Report regarding statements stated in Court.</p> <p>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.</p> <p>Note: If the petition is granted status hearings will be set as follows:</p> <ul style="list-style-type: none"> • 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. <p>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.</p> |
| Cont. from 100114 | Named Executors Decline to Act | |
| <input checked="" type="checkbox"/> Aff.Sub.Wit. | Full IAEA- o.k. | |
| <input checked="" type="checkbox"/> Verified | Will dated: 09/14/2008 | |
| Inventory | Residence: Clovis | |
| PTC | Publication: The Business Journal | |
| Not.Cred. | Estimated value of the Estate: | |
| <input checked="" type="checkbox"/> Notice of Hrg | Total - \$0 | |
| <input checked="" type="checkbox"/> Aff.Mail | Probate Referee: Rick Smith | |
| <input checked="" type="checkbox"/> Aff.Pub. | 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. | |
| Sp.Ntc. | | |
| Pers.Serv. | | |
| Conf. Screen | | |
| <input checked="" type="checkbox"/> Letters | | |
| <input checked="" type="checkbox"/> Duties/Supp | | |
| Objections | | |
| Video Receipt | | |
| CI Report | | |
| 9202 | | |
| <input checked="" type="checkbox"/> Order | | |
| Aff. Posting Status Rpt | | |
| UCCJEA | | |
| Citation | | |
| FTB Notice | | |
| Reviewed by: LV | | |
| Reviewed on: 11/14/2014 | | |
| Updates: | | |
| Recommendation: | | |
| File 9B - Manley | | |

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

| | | | |
|---|---|--|---|
| | | <p>NOAH MANLEY, by and through Guardian Ad Litem, LESLIE SMITH, is petitioner.</p> <p>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.</p> <p>Contestant objects to the appointment of Ronald D. Manley as Executor of the Estate of Donald C. Manley, the following grounds:</p> <ol style="list-style-type: none"> 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. 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. Contestant is informed and believes and based on such information and belief alleges that Ronald D. Manley has breached his fiduciary duty in that <ol style="list-style-type: none"> Ronald D. Manley was employed as an administrator for the Don Manley 401(k) Profit Sharing Plan account with Gary Brown Construction. 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". At the time of the decedent's death, the sum of \$230,757.91 was in the 401(k) Plan. <p>Please see additional page</p> | <p>NEEDS/PROBLEMS/COMMENTS:</p> <p>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 Propria 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.</p> <p>Minute Order of 06/04/2014: Efforts continue to be made to resolve this matter.</p> <p>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.</p> |
| 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 | | | |
| | | 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.

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.

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

| | | | | | | | | |
|-------------------------------------|---------------|--|--|-----------------|-----------------------|----------|-----------------|-------------------|
| DOD: 5/1/14 | | JACK DARRYL JOHNSON , named executor without bond, is petitioner. Full IAEA - ?? Will dated: 4/25/1996 Residence: Fresno Publication: Need <u>Estimated value of the Estate:</u> Personal property - \$ 53,517.91 Real property - \$140,000.00 Total - \$193,517.91 | NEEDS/PROBLEMS/COMMENTS: 1. Need Affidavit of Publication. Note: If the petition is granted, status hearings will be set as follows: <ul style="list-style-type: none"> • 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. | | | | | |
| Cont. from | | | | | | | | |
| <input checked="" type="checkbox"/> | Aff.Sub.Wit. | | | | | | | |
| <input checked="" type="checkbox"/> | Verified | | | | | | | |
| | Inventory | | | | | | | |
| | PTC | | | | | | | |
| | Not.Cred. | | | | | | | |
| | Notice of Hrg | | | | | | | |
| <input checked="" type="checkbox"/> | Aff.Mail | | | W/ | | | | |
| | Aff.Pub. | | | X | | | | |
| Sp.Ntc. | | Probate Referee: Steven Diebert | <table border="1"> <tr> <td>Reviewed by: KT</td> </tr> <tr> <td>Reviewed on: 11/14/14</td> </tr> <tr> <td>Updates:</td> </tr> <tr> <td>Recommendation:</td> </tr> <tr> <td>File 11 - Johnson</td> </tr> </table> | Reviewed by: KT | Reviewed on: 11/14/14 | Updates: | Recommendation: | File 11 - Johnson |
| Reviewed by: KT | | | | | | | | |
| Reviewed on: 11/14/14 | | | | | | | | |
| Updates: | | | | | | | | |
| Recommendation: | | | | | | | | |
| File 11 - Johnson | | | | | | | | |
| | Pers.Serv. | | | | | | | |
| <input checked="" type="checkbox"/> | Conf. Screen | | | | | | | |
| <input checked="" type="checkbox"/> | Letters | | | | | | | |
| <input checked="" type="checkbox"/> | Duties/Supp | | | | | | | |
| | Objections | | | | | | | |
| | Video Receipt | | | | | | | |
| | CI Report | | | | | | | |
| | 9202 | | | | | | | |
| <input checked="" type="checkbox"/> | Order | | | | | | | |
| | Aff. Posting | | | | | | | |
| | Status Rpt | | | | | | | |
| | UCCJEA | | | | | | | |
| | Citation | | | | | | | |
| | FTB Notice | | | | | | | |

Petition to Confirm Transfer of Assets to Revocable Trust
 [Probate Code § 17200 and § 850]

| | | |
|--|--|---------------------------------|
| DOD: 7/27/2014 | CHARLES B. STEPHENSEN , brother and Successor Trustee, is Petitioner. | NEEDS/PROBLEMS/COMMENTS: |
| | | |
| | | |
| | | |
| Cont. from | | |
| <input type="checkbox"/> Aff.Sub.Wit. | | |
| <input checked="" type="checkbox"/> Verified | | |
| <input type="checkbox"/> Inventory | | |
| <input type="checkbox"/> PTC | | |
| <input type="checkbox"/> Not.Cred. | | |
| <input checked="" type="checkbox"/> Notice of Hrg | | |
| <input checked="" type="checkbox"/> Aff.Mail | W/ | |
| <input type="checkbox"/> Aff.Pub. | | |
| <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:</p> <ul style="list-style-type: none"> Decedent created the JOHN BOLT STEPHENSEN LIVING TRUST on 7/24/2014 (copy of Trust attached as Exhibit A to Declaration of Judith Wright filed 11/17/2014); Although the Decedent intended to transfer all of his bank and individual investment accounts to his Trust, he was unable to complete the required paperwork during his lifetime; By his signature on Schedule A to the Trust, Decedent's intent is clear (copy of Schedule A attached as Exhibit C to Declaration of Judith Wright filed 11/17/2014); Transfer to the Trust of the following assets was not completed [specific bank names and ending numbers omitted; list includes 4 bank accounts and shares of stock]; Decedent's [original] Will was deposited with the Court on 8/7/2014 (copy attached as Exhibit D to Declaration of Judith Wright filed 11/17/2014); The Decedent's Will provides a gift of all his estate to the JOHN BOLT STEPHENSEN LIVING TRUST to be held, managed, administered and distributed under the terms and provisions of the Trust; Petitioner, as Successor Trustee of the Trust, desires an order of the Court establishing that all of the bank and investment assets were part of the Trust as of 7/27/2014, the date of Decedent's death; Petitioner believes it was the Decedent's intent to complete the transfers. <p>Petitioner prays for an Order:</p> <ol style="list-style-type: none"> The JOHN BOLT STEPHENSEN LIVING TRUST date 7/24/2014 is valid; The bank and investment accounts [listed in the Petition] are deemed to have been transferred to the JOHN BOLT STEPHENSEN LIVING TRUST prior to 7/27/2014, and the accounts are assets of the JOHN BOLT STEPHENSEN LIVING TRUST; and CHARLES B. STEPHENSEN is the acting [Successor] Trustee of the JOHN BOLT STEPHENSEN LIVING TRUST. | |
| | | Reviewed by: LEG |
| | | Reviewed on: 11/14/14 |
| | | Updates: 11/17/14 |
| | | Recommendation: |
| | | File 12 - Stephenson |

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 | | <p>ROBERT BOOKER, step-son/named alternate Executor without bond, is Petitioner.</p> <p>Full IAEA – OK</p> <p>Will dated 02/24/10</p> <p>Residence: Fresno Publication: The Business Journal</p> <p>Estimated Value of the Estate: Personal property - \$ 21,000.00 Real property - 260,000.00 Total - \$281,000.00</p> <p>Probate Referee: RICK SMITH</p> | <p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: If the petition is granted, status hearings will be set as follows:</p> <ul style="list-style-type: none"> Wednesday, April 15, 2015 at 9:00 a.m. in Department 303, for the filing of the inventory and appraisal. Wednesday, January 13, 2016 at 9:00 a.m. in Department 303, for the filing of the first account or petition for final distribution. <p>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.</p> |
| Cont. from | | | |
| <input type="checkbox"/> | Aff.Sub.Wit. s/p | | |
| <input checked="" type="checkbox"/> | Verified | | |
| <input type="checkbox"/> | Inventory | | |
| <input type="checkbox"/> | PTC | | |
| <input type="checkbox"/> | Not.Cred. | | |
| <input checked="" type="checkbox"/> | Notice of Hrg | | |
| <input checked="" type="checkbox"/> | Aff.Mail w/o | | |
| <input checked="" type="checkbox"/> | Aff.Pub. | | |
| <input type="checkbox"/> | Sp.Ntc. | | |
| <input type="checkbox"/> | Pers.Serv. | | |
| <input type="checkbox"/> | Conf. Screen | | |
| <input checked="" type="checkbox"/> | Letters | | |
| <input checked="" type="checkbox"/> | Duties/Supp | | |
| <input type="checkbox"/> | Objections | | |
| <input type="checkbox"/> | Video Receipt | | |
| <input type="checkbox"/> | CI Report | | |
| <input type="checkbox"/> | 9202 | | |
| <input checked="" type="checkbox"/> | Order | | |
| <input type="checkbox"/> | Aff. Posting | | |
| <input type="checkbox"/> | Status Rpt | | |
| <input type="checkbox"/> | UCCJEA | | |
| <input type="checkbox"/> | Citation | | |
| <input type="checkbox"/> | FTB Notice | | |
| | | <p>Reviewed by: JF</p> <p>Reviewed on: 11/13/14</p> <p>Updates:</p> <p>Recommendation: SUBMITTED</p> <p>File 13 - Booker</p> | |

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

| | | |
|--|---|---|
| DOD: 08/21/13 | MILDRED THOMSEN , spouse/named Executor without bond, is Petitioner. | <p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. 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.</p> <p>Note: If the petition is granted, status hearings will be set as follows:</p> <ul style="list-style-type: none"> Wednesday, April 15, 2015 at 9:00 a.m. in Department 303, for the filing of the inventory and appraisal. Wednesday, January 13, 2016 at 9:00 a.m. in Department 303, for the filing of the first account or petition for final distribution. <p>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.</p> |
| Cont. from | Full IAEA – OK | |
| <input type="checkbox"/> Aff.Sub.Wit. s/p | Will dated 08/11/06 | |
| <input checked="" type="checkbox"/> Verified | Residence: Kerman | |
| <input type="checkbox"/> Inventory | Publication: The Kerman News | |
| <input type="checkbox"/> PTC | | |
| <input type="checkbox"/> Not.Cred. | | |
| <input checked="" type="checkbox"/> Notice of Hrg | Estimated Value of the Estate: | |
| <input checked="" type="checkbox"/> Aff.Mail w/ | Personal property - \$1,085,844.00 | |
| <input checked="" type="checkbox"/> Aff.Pub. | Annual income - 155,998.00 | |
| <input type="checkbox"/> Sp.Ntc. | Real property - 360,000.00 | |
| <input type="checkbox"/> Pers.Serv. | Total - \$1,601,842.00 | |
| <input type="checkbox"/> Conf. Screen | Probate Referee: STEVEN DIEBERT | |
| <input checked="" type="checkbox"/> Letters | | |
| <input checked="" type="checkbox"/> Duties/Supp | | |
| <input type="checkbox"/> Objections | | |
| <input type="checkbox"/> Video Receipt | | |
| <input type="checkbox"/> CI Report | | |
| <input type="checkbox"/> 9202 | | |
| <input checked="" type="checkbox"/> Order | | |
| <input type="checkbox"/> Aff. Posting | | |
| <input type="checkbox"/> Status Rpt | | |
| <input type="checkbox"/> UCCJEA | | |
| <input type="checkbox"/> Citation | | |
| <input type="checkbox"/> FTB Notice | | |
| | | Reviewed by: JF |
| | | Reviewed on: 11/13/14 |
| | | Updates: 11/17/14 |
| | | Recommendation: |
| | | File 14 - Thomsen |

Status Hearing

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

Petition for Visitation

| | | |
|--|---|---|
| Age: 8 years | BLANCA DE RAMIREZ , maternal grandmother, is petitioner. | 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. |
| | | |
| | BLANCA DE RAMIREZ , maternal grandmother, was appointed Guardian on 1/2/12. | |
| Cont. from | Father: Edgar Agundez | |
| <input type="checkbox"/> Aff.Sub.Wit. | Mother: Karla Alvarez | |
| <input checked="" type="checkbox"/> Verified | Paternal Grandfather: Moises Agundez | |
| <input type="checkbox"/> Inventory | Paternal Grandmother: Angelica Agundez – <i>personally served on 10/30/14</i> | |
| <input type="checkbox"/> PTC | Maternal Grandfather: Not listed | |
| <input type="checkbox"/> Not.Cred. | 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. | |
| <input checked="" type="checkbox"/> Notice of Hrg | 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. | |
| <input type="checkbox"/> Aff.Mail | 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. | |
| <input type="checkbox"/> Aff.Pub. | 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. | |
| <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 checked="" type="checkbox"/> Aff. Posting | | |
| <input type="checkbox"/> Status Rpt | | |
| <input type="checkbox"/> UCCJEA | | |
| <input type="checkbox"/> Citation | | |
| <input type="checkbox"/> FTB Notice | | |

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

Petition for Visitation

| | | |
|---|--|--|
| Age: 6 years | RACHEL SHEA, mother, is Petitioner. | NEEDS/PROBLEMS/COMMENTS: 1. Need proof of service of the Notice of Hearing on: a. Sharon Kugelman (maternal grandmother/guardian) |
| | | |
| | | |
| | | |
| Cont. from | | |
| <input type="checkbox"/> Aff.Sub.Wit. | Father: JOSHUA GOMEZ | |
| <input checked="" type="checkbox"/> Verified | | |
| <input type="checkbox"/> Inventory | 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. | |
| <input type="checkbox"/> PTC | | |
| <input type="checkbox"/> Not.Cred. | | |
| <input checked="" type="checkbox"/> Notice of Hrg | | |
| <input checked="" type="checkbox"/> Aff.Mail | W/ | |
| <input type="checkbox"/> Aff.Pub. | | |
| <input type="checkbox"/> Sp.Ntc. | | |
| <input type="checkbox"/> Pers.Serv. | | |
| <input type="checkbox"/> Conf. Screen | | |
| <input type="checkbox"/> Letters | Petitioner requests that her physical address be kept confidential from 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. | |
| <input type="checkbox"/> Duties/Supp | | |
| <input type="checkbox"/> Objections | | |
| <input type="checkbox"/> Video Receipt | | |
| <input type="checkbox"/> CI Report | | |
| <input type="checkbox"/> 9202 | | |
| <input type="checkbox"/> Order | X | |
| <input type="checkbox"/> Aff. Posting | | |
| <input type="checkbox"/> Status Rpt | Please see additional page for Objections to Visitation. | |
| <input type="checkbox"/> UCCJEA | | |
| <input type="checkbox"/> Citation | | |
| <input type="checkbox"/> FTB Notice | | |
| | | Reviewed by: KT |
| | | Reviewed on: 11/14/14 |
| | | Updates: |
| | | Recommendation: |
| | | File 18 – Kugelman |

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.

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

| | | | |
|---|---------------|--|--|
| | | TEMP DENIED 8-19-14 | NEEDS/PROBLEMS/COMMENTS: |
| | | 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. | <p>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.)</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>Note: If granted, the Court will set status hearings as follows:</p> <ul style="list-style-type: none"> • 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 <p>If the proper items are on file prior to the status date, the hearing may be taken off calendar.</p> |
| | Aff.Sub.Wit. | Father: FRANCISCO SIMENTAL - Deceased | |
| ✓ | Verified | Paternal Grandfather: Louie Cortez - Deceased | |
| | Inventory | Paternal Grandmother: Maria Cortez - Mailed service 10-31-14 | |
| | PTC | Maternal Grandfather: Joe H. Rodriguez - Deceased | |
| | Not.Cred. | Maternal Grandmother: Margaret E. Rodriguez - Deceased | |
| ✓ | Notice of Hrg | Siblings: David Vega, Jr., Erika Vallez, Thomas Vallez (All consent and waive notice) | |
| ✓ | Aff.Mail | 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. | |
| | 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: 11-14-14 |
| | | | Updates: |
| | | | Recommendation: |
| | | | File 18 - Simental |

Atty Bazan, Ruben (pro per Petitioner/maternal grandfather)
 Atty Bazan, Amelia (pro per Petitioner/maternal grandmother)

Petition for Appointment of Guardian of the Person

| | | | |
|-------------------|---|--|----|
| Daunte age: 15 | <p>Temporary Expires 8/19/14; extended to 10/8/2014; extended to 11/19/2014</p> <p>RUBEN BAZAN, maternal grandfather and AMELIA BAZAN, maternal grandmother, are petitioners.</p> <p>Father (Daunte & Bryson): TYRONE LEE TUCKER; Declaration of Due Diligence filed 10/28/2014.</p> <p>Father (Alex): ALEX M. HERNANDEZ, SR.; Declaration of Due Diligence filed 10/2/2014 and 10/14/2014; Declaration Re: Alex Hernandez filed 10/28/2014.</p> <p>Mother: BELEN BAZAN; personally served 8/9/2014. Minors Daunte Tucker, Bryson Tucker and Alex Hernandez, Jr., consent and waive notice.</p> <p>Paternal grandfather (Daunte & Bryson): Ernest Tucker; Declaration of Due Diligence filed 10/2/2014.</p> <p>Paternal grandmother (Daunte & Bryson): Clara Tucker; sent notice by mail 9/16/2014.</p> <p>Paternal grandfather (Alex): Unknown; Declaration of Due Diligence filed 10/2/2014.</p> <p>Paternal grandmother (Alex): Estela Hernandez; Declaration of Due Diligence filed 10/2/2014.</p> <p>Petitioners state the mother is using drugs and is on the streets, and is neglecting the children's welfare. Petitioners state the mother does not feed the children, she throws things at the children and hits them, and brings different men into the home. Petitioners state the mother has threatened to kill herself and the children if the Petitioners take them, and the Petitioners fear for the children's safety.</p> <p>Court Investigator Samantha Henson's Report was filed on 9/30/2014.</p> <p align="center">~Please see additional page~</p> | <p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 10/8/2014. Minute Order [Judge Cardoza] states: Mr. Gamez is sworn and interprets for the Petitioners. Mother requests a continuance. Examiner notes are provided to the Petitioners. As to father, Alex Hernandez, Sr., the Court finds the declaration of due diligence to be sufficient. Mother is authorized to contact the children via telephone between the hours of 6:00 p.m. and 7:00 p.m. Monday through Friday. Visitation between mother and the children is ordered as follows: visitation shall take place at the Guardian's home every Sunday from 12:00 noon until 2:00 p.m.</p> <p>1. Need proof of personal service of the Notice of Hearing or Consent and Waiver of Notice for:</p> <p>a. Tyrone Lee Tucker (father), if Court does not find due diligence per Declaration filed 10/28/2014.</p> | |
| Bryson age: 12 | | | |
| Alex age: 8 | | | |
| Cont. from 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 | | | |
| ✓ Clearances | | | |
| ✓ Order | | | |
| Aff. Posting | | | |
| Status Rpt | | | |
| ✓ UCCJEA | | | |
| Citation | | | |
| FTB Notice | | | |
| | | <p>Reviewed by: LEG</p> <p>Reviewed on: 11/14/14</p> <p>Updates: 11/17/14</p> <p>Recommendation:</p> <p>File 20 – Tucker & Hernandez</p> | |

Declaration filed by Belen Bazan, mother, on 9/15/2014 contains a copy of the Probate Mediation Agreement signed on 8/19/2014 by Belen Bazan, Amelia Bazan and Ruben Bazan; agreement specifies phone call visits with mother and children; states parties agreed to continue mediation on 9/15/2014.

Declaration filed by Belen Bazan, mother, on 11/17/2014 states:

- She would like to start off by saying that as of [11/17/2014], her mother and father still have not served her with the paperwork for their petition for permanent guardianship; *[Note: Proof of Personal Service of Notice of Hearing filed 10/14/2014 shows Belen Bazan was served on 8/9/2014 at 2:00 p.m. at an address in Parlier by Jared Tucker on behalf of Petitioners];*
- She requested a continuance at the last hearing on 10/8/2014 and they were explained by the Judge how they had to properly serve her and how to do it; although she has given her mother her address and see them every Sunday she was never served;
- In this case, she can request to have this thrown out of court (dismissed) but instead she has a request, if she may; instead of going against her mother for her children she respectfully requests that they work together in transitioning her back as their primary care provider as she has been since the birth of every single one of her 4 children;
- Her parents have a small rental home in the back of their home that is available and she would like to request that they allow her to temporarily move into it so that she can transition back into her children's lives while her mother is nearby (practically in the same home);
- After a couple of months that she proves to this Court, to her children and even her parents she can move away from them; She has no doubt she will pass any test required of her to get her family back;
- She knows her parents love them and believe they are doing right by trying to follow their religious beliefs but shunning her by becoming permanent guardians is not an option;
- Her parents made sure they took her off as payee for her 2 kids' SSI and went to the county so she can be taken off the case when they got temporary guardianship and that disqualified them from the Homeless program which she was counting on to get a place for her and her children;
- These last 3 months have been the only time she's had to live apart from her children because of her parents' religious beliefs that they are to carry out God's will and shun family members who do not follow their Jehovah's Witness beliefs;
- Her mother claims she does drugs; she has taken drug tests that are on file and she is clean and ready to take one anytime to please this Court;
- Her mother also claims she is involved with a gang member which is also unfounded and untrue; that relationship has been long over and she has not had contact with him since July; he is serving a 3-year prison term and they have no contact whatsoever;
- She is currently living in Evangel Home which is a shelter for women, but most importantly where she has found Jesus Christ and forgiveness along with the will to continue fighting to reconcile with her children and her mother and father;
- She is there [at Evangel Home] until 12/3 and at the end of her stay there she would have completed anger management, nutrition and parenting classes;
- The purpose of this Declaration is to state that she is willing to forget and dismiss any negativity between her and her parents, and work with them to allow her to be back in the lives of her children full time as she has been for 20 years now;
- She hopes this isn't too much to ask and pray that this is resolved outside mediation since her parents haven't exactly been following their agreements they signed in mediation.

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

| | | | |
|--|-------------------------------------|---|---|
| Age: 17 years | | <p>THERE IS NO TEMPORARY. No temporary was requested.</p> <p>JAMIL AYESH, non-relative, is petitioner.</p> <p>Father: SHAMIH ELABED</p> <p>Mother: AMAL SULEIMAN</p> <p>Paternal grandparents: not listed Maternal grandparents: not listed</p> <p>Petitioner states a guardianship is needed to keep the child off the streets and get her back to school.</p> <p>DSS Social Worker Irma Rodriguez' Report filed on 11/14/14.</p> | <p>NEEDS/PROBLEMS/COMMENTS:</p> <p>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.</p> <p>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.</p> <ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> a. Eman Elabed (minor) b. Shamih Elabed (father) c. Amal Suleiman (mother) <p>Please see additional page</p> |
| | | | |
| | | | |
| Cont. from | | | |
| <input type="checkbox"/> Aff.Sub.Wit. | | | |
| <input checked="" type="checkbox"/> Verified | | | |
| Inventory | | | |
| PTC | | | |
| Not.Cred. | | | |
| Notice of Hrg | <input checked="" type="checkbox"/> | | |
| Aff.Mail | <input checked="" type="checkbox"/> | | |
| Aff.Pub. | | | |
| Sp.Ntc. | | | |
| Pers.Serv. | <input checked="" type="checkbox"/> | | |
| <input checked="" type="checkbox"/> Conf. Screen | | | |
| <input checked="" type="checkbox"/> Letters | | | |
| <input checked="" type="checkbox"/> Duties/Supp | | | |
| Objections | | | |
| Video Receipt | | | |
| <input checked="" type="checkbox"/> CI Report | | | |
| 9202 | | | |
| <input checked="" type="checkbox"/> Order | | | |
| Aff. Posting | | | |
| Status Rpt | | | |
| <input checked="" type="checkbox"/> UCCJEA | | | |
| Citation | | | |
| FTB Notice | | | |
| | | <p>Reviewed by: KT</p> <p>Reviewed on: 11/13/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 21 – Elabed</p> | |

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.

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

| | | | |
|---|---|--|---|
| Percy, 15 | TEMPORARY EXPIRES 11/19/14 | | NEEDS/PROBLEMS/COMMENTS: 1. Declaration of Due Diligence filed 09/25/14 states that the father(s) are unknown and the whereabouts of the maternal grandfather Danny McGuinness, is unknown. If diligence is not found, need proof of service at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Guardian of the Person</i> <u>or</u> Consent & Waiver of Notice for: a. Father(s) – personal service required b. Danny McGuinness (maternal grandfather) – service by mail ok. Also need proof of service by mail <u>or</u> Consent & Waiver of Notice <u>or</u> Declaration of Due Diligence for: a. Angelina Alanis (sister) b. Paternal grandparents (unknown) |
| Jeremiah, 13 | IRENE HARO , maternal second cousin, is Petitioner. Father: UNKNOWN Mother: PATRICIA MCGUINNESS – deceased Paternal grandparents: UNKNOWN – Declaration of Due Diligence filed 09/25/14 Maternal grandfather: DANNY MCGUINNESS – Declaration of Due Diligence filed 09/25/14 Maternal grandmother: JESSIE CARDENAS – served by mail on 09/24/14 Siblings: RIGO ALANIS, JR. (25), ANGELINA ALANIS (12) – Rigo served by mail on 09/24/14 Petitioner states the mother is deceased and the father has never been involved in their lives. Petitioner states that she is providing a loving, safe environment and the children want to remain in her care. Court Investigator Julie Negrete filed a report on 11/06/14. | | |
| Cont. from | | | |
| <input type="checkbox"/> Aff.Sub.Wit. | | | |
| <input checked="" type="checkbox"/> Verified | | | |
| <input type="checkbox"/> Inventory | | | |
| <input type="checkbox"/> PTC | | | |
| <input type="checkbox"/> Not.Cred. | | | |
| <input checked="" type="checkbox"/> Notice of Hrg | | | |
| <input checked="" type="checkbox"/> Aff.Mail | w/ | | |
| <input type="checkbox"/> Aff.Pub. | | | |
| <input type="checkbox"/> Sp.Ntc. | | | |
| <input type="checkbox"/> Pers.Serv. | x | | |
| <input checked="" type="checkbox"/> Conf. Screen | | | |
| <input checked="" type="checkbox"/> Letters | | | |
| <input checked="" type="checkbox"/> Duties/Supp | | | |
| <input type="checkbox"/> Objections | | | |
| <input type="checkbox"/> Video Receipt | | | |
| <input checked="" type="checkbox"/> CI Report | | | |
| <input type="checkbox"/> 9202 | | | |
| <input checked="" type="checkbox"/> Order | | | |
| <input type="checkbox"/> Aff. Posting | | | |
| <input type="checkbox"/> Status Rpt | | | |
| <input checked="" type="checkbox"/> UCCJEA | | | |
| <input type="checkbox"/> Citation | | | |
| <input type="checkbox"/> FTB Notice | | | |
| | | | Reviewed by: JF |
| | | | Reviewed on: 11/14/14 |
| | | | Updates: |
| | | | Recommendation: |
| | | | File 22 – Elebere & Samuels |

| | | | |
|---|---------------|---|--|
| | | NO TEMP REQUESTED | NEEDS/PROBLEMS/COMMENTS: |
| | | MARY HEARLD , Maternal Grandmother, is Petitioner. | Note: 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: |
| | | Father (Kenzie): ANTONIO HERNANDEZ, JR. | 1. Need Court Investigation report and clearances. |
| | Aff.Sub.Wit. | | 2. Need Notice of Hearing. |
| ✓ | Verified | Father (Luke): UNKNOWN | 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 |
| | Inventory | Mother: BLANCA RENE M. HEARLD | 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) |
| | PTC | Paternal Grandfather (Kenzie): Antonio Hernandez | |
| | Not.Cred. | Paternal Grandmother (Kenzie): Ms. Hernandez | |
| | Notice of Hrg | x Paternal Grandfather (Luke): Unknown Paternal Grandmother (Luke): Unknown | |
| | Aff.Mail | x Maternal Grandfather: Douglas Hearld | |
| | Aff.Pub. | 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. | |
| | Sp.Ntc. | | |
| | Pers.Serv. | x Court Investigator Jennifer Young filed a report on 11-10-14. The report states both minors are dependents of the Fresno County Juvenile Dependency Court. It is therefore recommended that the petition be denied and dismissed. | |
| ✓ | Conf. Screen | | |
| ✓ | Letters | | |
| ✓ | Duties/Supp | | |
| | Objections | | |
| | Video Receipt | | |
| ✓ | CI Report | | |
| | Clearances | x | |
| ✓ | Order | | |
| | Aff. Posting | | Reviewed by: skc |
| | Status Rpt | | Reviewed on: 11-14-14 |
| ✓ | UCCJEA | | Updates: |
| | Citation | | Recommendation: |
| | FTB Notice | | File 23 – Hernandez & Herald |

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

Atty Minjarez, Paula Medrano (Pro Per Petitioner)

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

| | | | |
|---|----------------------|--|--|
| | | GENERAL HEARING 1-15-15 | <p>NEEDS/PROBLEMS/ COMMENTS:</p> <p>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) or consent and waiver of notice or declaration of due diligence on:</p> <ul style="list-style-type: none"> - Clara Munoz (Mother) - Zenaida Vargas (Minor) - Joeleen Munoz (Minor) |
| | | <p>PAULA MEDRANO MINJAREZ, Paternal Aunt of Joeleen, is Petitioner.</p> <p>Father (Zenaida): ARMANDO VARGAS - Consents and waives notice</p> <p>Father (Joeleen): JOE MANUEL MEJIA, JR. (Deceased)</p> <p>Father (Evangelina): MAURILIO PASCUAL, JR. - Consents and waives notice</p> <p>Mother: CLARA MUNOZ</p> <p>Paternal Grandfather (Zenaida): Unknown Paternal Grandmother (Zenaida): Maria Del Rosario Melendez - Consents and waives notice</p> <p>Paternal Grandfather (Joeleen): Jose Manuel Mejia - Consents and waives notice</p> <p>Paternal Grandmother (Joeleen): Federica Medrano Mejia - Consents and waives notice</p> <p>Paternal Grandfather (Evangelina): Maurilio Pascual, Sr. - Consents and waives notice</p> <p>Paternal Grandmother (Evangelina): Elsa Pascual</p> <p>Maternal Grandfather: Rito Munoz Maternal Grandmother: Belia Hernandez - Consents and waives notice</p> <p>Siblings: Andrea Theresa Ortiz, Elena Ortiz, April Ortiz</p> <p>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 girls 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.</p> | |
| | 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 | | |
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| | Video Receipt | | |
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| | 9202 | | |
| ✓ | Order | | |
| | Aff. Posting | | |
| | Status Rpt | | |
| ✓ | UCCJEA | | |
| | Citation | | |
| | FTB Notice | | |
| | | | <p>Reviewed by: skc</p> <p>Reviewed on: 11-14-14</p> <p>Updates: 11-17-14</p> <p>Recommendation:</p> <p>File 24 – Vargas, Munoz, Pascual</p> |

(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 | | <p>ROBERT SHAW, GAYDEN L. SCHORLING, and DOUGLAS D. SCHORLING, First Cousins of the Decedent and Co-Administrators with Limited IAEA without bond, are Petitioners.</p> <p>Accounting is waived (?)</p> <p>I&A: \$655,522.13 POH: \$515,024.24 plus a 1995 Pontiac Monte Carlo</p> <p>Co-Administrators (Statutory): \$16,110.44 (to be divided equally between two of the Co-Administrators Robert Shaw and Gayden L. Schorling)</p> <p>Attorney (Statutory): \$16,110.44 (Note: Co-Administrator Douglas D. Schorling is the attorney for the three Co-Administrators.)</p> <p>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)</p> <p>Closing: \$10,000.00 (for anticipated expenses including estate income taxes and Decedent's personal income taxes)</p> <p>Distribution pursuant to intestate succession:</p> <p>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.</p> | <p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 11-12-14. The following issues remain noted:</p> <p><u>SEE ADDITIONAL PAGES</u></p> | |
| Cont. from 111214 | | | | |
| <input type="checkbox"/> | Aff.Sub.Wit. | | | |
| <input checked="" type="checkbox"/> | Verified | | | |
| <input checked="" type="checkbox"/> | Inventory | | | |
| <input checked="" type="checkbox"/> | PTC | | | |
| <input checked="" type="checkbox"/> | Not.Cred. | | | |
| <input checked="" type="checkbox"/> | Notice of Hrg | | | |
| <input checked="" type="checkbox"/> | Aff.Mail | | | w |
| <input type="checkbox"/> | Aff.Pub. | | | |
| <input type="checkbox"/> | Sp.Ntc. | | | |
| <input type="checkbox"/> | Pers.Serv. | | | |
| <input type="checkbox"/> | Conf. Screen | | | |
| <input checked="" type="checkbox"/> | Letters | | | 12-26-12 |
| <input type="checkbox"/> | Duties/Supp | | | |
| <input type="checkbox"/> | Objections | | | |
| <input type="checkbox"/> | Video Receipt | | | |
| <input type="checkbox"/> | CI Report | | | |
| <input checked="" type="checkbox"/> | 9202 | | | |
| <input checked="" type="checkbox"/> | Order | | | |
| <input type="checkbox"/> | Aff. Posting | | | |
| <input type="checkbox"/> | Status Rpt | | | |
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| <input type="checkbox"/> | Citation | | | |
| <input checked="" type="checkbox"/> | FTB Notice | | | |
| | | <p>Reviewed by: skc</p> <p>Reviewed on: 11-13-14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 25 – Marden</p> | | |

Page 2

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 without 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.

Status Hearing Re: Filing of the Inventory and Appraisal

| | | |
|--|--|---|
| DOD: 8-1-03 | KENNETH A. NIINO , son was appointed Executor will full IAEA authority without bond on 11/14/2013. | <p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>OFF CALENDAR.</u> <u>Petition for Termination filed 11/17/2014. Hearing set for 01/08/2015.</u></p> <p>Minute Order of 11/12/2014: Mr. Renge will file a Petition for Termination forthwith. If filed by 11/17/2014, then no appearance is necessary on 11/19/2014.</p> <p>1. Need Inventory and Appraisal or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.</p> <p>Note: If the decedent owned the real property at the time of death it would appear that it would be an asset of the estate and should therefore be inventoried. The Court may require authority as to why the real property should not be required to be administrated.</p> <p>Reviewed by: LV Reviewed on: 11/13/2014 Updates: 11/17/2014 Recommendation: File 26 – Niino</p> |
| | Letters issued on 11/14/2013. | |
| | Minute Order of 11/14/2013 set this matter for hearing. | |
| Cont. from 041114, 052314, 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 | <p>Status Report re Filing of Inventory and Appraisal filed 11/12/2014 states the purpose of filing a probate petition was to secure the appointment of a personal representative of the Estate which was required by Stewart Title of California, 8355 N. Fresno, Fresno, Ca 93720 for execution of a reconveyance/closure documents pertaining to real property that was not the subject of probate proceedings.</p> <p>There are no assets in this Estate subject to probate distribution and, accordingly, the personal representative does not intend to file an Inventory and Appraisal. All matters with the exception of the need for appointment of a personal representative as herein declared do not require probate administration.</p> <p>As of the date of this declaration, pursuant to discussion with the personal representative, Kenneth Niino, it appears that he has signed a reconveyance document as the personal representative for decedent and that no further action is necessary. The personal representative has signed a Petition for Termination of Further Proceedings and Discharge of Personal Representative (Probate Code § 12251) for filing now that it appears that the need to keep this authority active is no longer required.</p> | |
| Aff. Posting | | |
| Status Rpt | | |
| UCCJEA | | |
| Citation | | |
| FTB Notice | | |

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

| | | |
|--------------------------|--|--|
| DOD: 3-25-14 | 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. | <p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Continued from 11-12-14.</u></p> <p>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.</p> <p>1. 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.</p> <p>On 11-17-14, Ms. Areyano filed "Supplemental I&A No. 1" indicating \$2,775.45 cash, and also filed a Receipt indicating that \$1,573.32 was deposited into a blocked account.</p> <p>Need clarification regarding the discrepancy between the amount inventoried and the amount blocked, and clarification regarding whether further supplemental I&As are expected. The Court may require increased bond or further blocking.</p> |
| Cont. from 111214 | | |
| Aff.Sub.Wit. | 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. | |
| Verified | | |
| Inventory | Bond was filed on 10-30-14 and Letters issued on 11-4-14. | |
| PTC | | |
| Not.Cred. | | |
| Notice of Hrg | 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. | |
| Aff.Mail | | |
| Aff.Pub. | | |
| Sp.Ntc. | | |
| Pers.Serv. | | |
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| Citation | | |
| FTB Notice | | |
| | | Reviewed by: skc |
| | | Reviewed on: 11-13-14 |
| | | Updates: 11-17-14 |
| | | Recommendation: |
| | | File 27 – Areyano |

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

| | | | | |
|-------------------------------------|----------------------|---|--|--|
| Age: 1 month | | <u>GENERAL HEARING 1/6/14</u> | | 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. |
| | | WILLIE MAE JOHNSON , maternal aunt, is petitioner. | | |
| Cont. from 110514, 111214 | | Father: RICHARD CAMPBELL, SR. – <i>consents and waives notice.</i> | | |
| <input type="checkbox"/> | Aff.Sub.Wit. | | | |
| <input checked="" type="checkbox"/> | Verified | Mother: JAHADRAH JOHNSON – <i>consents and waives notice.</i> | | |
| <input type="checkbox"/> | Inventory | | | |
| <input type="checkbox"/> | PTC | Paternal grandfather: Narvel Boston Paternal grandmother: Selestine Campbell | | |
| <input type="checkbox"/> | Not.Cred. | Maternal grandfather: Lodie Caldwell Maternal grandmother: Rosalind Caldwell | | |
| <input type="checkbox"/> | Notice of Hrg | N/A | | |
| <input type="checkbox"/> | Aff.Mail | | | |
| <input type="checkbox"/> | Aff.Pub. | | | |
| <input type="checkbox"/> | Sp.Ntc. | 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. | | |
| <input type="checkbox"/> | Pers.Serv. | | | |
| <input checked="" type="checkbox"/> | Conf. Screen | | | |
| <input checked="" type="checkbox"/> | Letters | | | |
| <input checked="" type="checkbox"/> | Duties/Supp | | | |
| <input type="checkbox"/> | Objections | | | |
| <input type="checkbox"/> | Video Receipt | | | |
| <input type="checkbox"/> | CI Report | | | |
| <input type="checkbox"/> | 9202 | | | |
| <input checked="" type="checkbox"/> | Order | | | |
| <input type="checkbox"/> | Aff. Posting | | | |
| <input type="checkbox"/> | Status Rpt | | | |
| <input checked="" type="checkbox"/> | UCCJEA | | | |
| <input type="checkbox"/> | Citation | | | |
| <input type="checkbox"/> | FTB Notice | | | |
| | | | | Reviewed by: KT |
| | | | | Reviewed on: 11/13/14 |
| | | | | Updates: |
| | | | | Recommendation: |
| | | | | File 28 – Campbell |

Petitioner states, continued:

- The stipulated settlement included payment of Kenneth Alexander and Suzanne Alexander of **\$8,500.00** in exchange for release of their claims as stated in their objections and, in return, Kenneth Alexander and Suzanne Alexander agreed to withdraw their objection to the petition and to settle any and all remaining disputes;
- Kenneth Alexander and Suzanne Alexander were advised by their own legal counsel, Thomas Boyajian, throughout this proceeding and the settlement terms were entered in open Court before the Honorable Robert Oliver, and thereafter reduced to writing by Declarant [*Attorney Michael Dowling*] in the form of a *Stipulation on Petition for Confirmation of Proposed Distribution of Alexander Family 1998 Revocable Trust – Survivor's Trust*;
- The Stipulation incorporated the *Order on Petition for Confirmation of Proposed Distribution of Alexander Family 1998 Revocable Trust – Survivor's Trust* dated 4/8/2014 as Exhibit A; the Order incorporated a withdrawal of the objections of Kenneth Alexander and Suzanne Alexander, and also incorporated a waiver of accounting, mutual general releases of the parties and their respective heirs, successors and assigns, and a Civil Code § 1542 waiver of all known or unknown claims against all parties, including the representative of the Estate of Arthur Alexander, the Survivor's Trust and the Alexander Disclaimer Trust;
- Kenneth Alexander and Suzanne Alexander were paid the settlement consideration of **\$8,500.00**;
- Kenneth Alexander and Suzanne Alexander were served by U.S. Mail with Notice of Entry of Order on 4/15/2014;
- At all times herein, Kenneth Alexander and Suzanne Alexander had the ability to comply with the foregoing Order and still have the ability to do so;
- At all times mentioned, the Order has remained in full force and effect;
- Kenneth Alexander has disobeyed the Order in that **~25 days** after receiving payment of **\$8,500.00** in settlement of his objections, he filed on 6/12/2014 a Small Claims Court lawsuit in Monterey County against his brother-in-law, **ROBERT DE MICHILLIE**, the spouse of **LINDA ALEXANDER DE MICHILLIE** [Successor Trustee of the **ALEXANDER DISCLAIMER TRUST**], seeking **\$10,000.00** for alleged non-payment of a promissory note owed to the Estate of Arthur Alexander;
- On 8/19/2014, Kenneth Alexander filed a Small Claims Court lawsuit against the spouse of the Successor Trustee [of the **ALEXANDER FAMILY 1998 REVOCABLE TRUST—SURVIVOR'S TRUST**], **JERRY GIMLIN**, in Sacramento County seeking **\$10,000.00** for alleged non-payment of a promissory note owed to the Estate of Arthur Alexander;
- **JERRY GIMLIN** and **ROBERT DE MICHILLIE** were intended third party beneficiaries to the settlement that resulted in the Order of this Court;
- These small claims actions filed by Kenneth Alexander constituted an attempt to circumvent the Order of this Court that directly violate the plain language of the Order and the intent of the parties; each small claims action is pending trial;
- Kenneth Alexander's disobedience has been willful and with the intent to frustrate the processes of this Court and to deprive the Successor Trustee and the other parties to the settlement of the benefits to which each of them is entitled under the Order;
- Given Kenneth Alexander's willful disobedience of the Order, it has been necessary for the Declarant to pursue this Order to Show Cause, to prepare and file this request and supporting Declaration, and to appear at the hearing on this matter; accordingly, the Declarant requests attorney's fees in this matter of **\$2,750.00**;

Declarant prays that this Court issue an Order requiring Kenneth Alexander to appear before this Court and show cause, if any, why he should not be adjudged in contempt of Court by reason of his violation of the Order of 4/8/2014.

~Please see additional page~

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

Notice of Related Case was filed 9/18/2014 by Attorney Dowling indicating the pending Monterey County Superior Court limited civil Small Claims case was filed 6/12/2014.

Declaration of CARA ALEXANDER GIMLIN in Support of Request for Ex Parte Hearing Re Contempt filed on 10/29/2014 states:

- She is the Successor Trustee of the **ALEXANDER FAMILY 1998 REVOCABLE TRUST – SURVIVOR’S TRUST**, and is also a beneficiary of the Survivor’s Trust;
- The administration of the Survivor’s Trust is substantially completed;
- Pursuant to the settlement entered into on 3/23/2014, she wrote Check No. 1095 drawn on the Survivor’s Trust checking account to Kenneth Alexander and Suzanne Alexander in the amount of **\$8,500.00** and forwarded that check to them; the check cleared the Survivor’s Trust check account on 5/16/2014;
- On 8/20/2014, her husband, Jerry Gimlin, was served at his place of business with a Small Claims Court lawsuit alleging non-payment of a promissory note held by my late father, Arthur Alexander, as well as an unrelated claim relating to her father’s garage being left unattended; the lawsuit was filed in Sacramento County by her brother, Kenneth Alexander (*copy of lawsuit attached as Exhibit A; [small claims Trial date set for 10/3/2014]*);
- Her brother-in-law, Robert De Michillie, has also been sued in Monterey County Small Claims Court by Kenneth Alexander alleging non-payment of a promissory note held by my late father (*copy of lawsuit attached as Exhibit B [small claims Trial date set for 9/29/2014]*).

Atty Kaufman, Jeffrey; Brawley, Mason, of Berliner Cohen of Merced (for Petitioners Eugene Espinola, Marvin Espinola, and Margaret Corvello, Beneficiaries)
Atty Esraelian, Robyn, of Richardson, Jones & Esraelian (for James Espinola and Irene Espinola St. Martin, Trustees)
Atty Rube, Melvin K., sole practitioner (also for James Espinola and Irene Espinola St. Martin, Trustees)

Status Re: Settlement Agreement; Settlement Conference

| | | |
|-------------------------|---|--|
| Oliver DOD: 9/1/2006 | <p>EUGENE ESPINOLA, MARVIN ESPINOLA and MARGARET CORVELLO, children and Beneficiaries of 3 irrevocable Sub-Trusts created under the ESPINOLA FAMILY TRUST of 1990 (namely SURVIVOR'S TRUST, RESIDUAL TRUST and MARITAL TRUST), filed a <i>Petition for Order Instructing Trustees to Provide Supporting Documentation, Compelling Trustees to Account, and Instructing Trustees to Distribute Trust Assets</i> on 5/12/2014.</p> <p>JAMES DOUGLAS ESPINOLA and IRENE ESPINOLA ST. MARTIN, Petitioners' siblings, are the current Trustees of the Sub-Trusts and are the other two beneficiaries of the Sub-Trusts.</p> <p>Petitioners allege in the <i>Petition for Order Instructing Trustees</i>:</p> <ul style="list-style-type: none"> • During their administration of the Sub-Trusts, James and Irene have provided deficient accounts and have failed to fully and adequately disclose the Trustees' acts and transactions; • Despite the fact that the total value of Sub-Trusts assets is ~\$8 million (based on asset schedule provided by Trustees on 1/8/2014 showing ~\$4 million in SURVIVOR'S TRUST; ~\$2 million in RESIDUAL TRUST; and ~\$2 million in MARITAL TRUST), the Trustees have not made any distributions to the beneficiaries in the 2 years since Virginia's death; • The Sub-Trusts provide that upon Virginia's death, all of the assets of the Sub-Trusts shall be distributed outright and free of trust among the Settlor's 5 children: EUGENE ESPINOLA, MARVIN ESPINOLA, MARGARET CORVELLO, JAMES DOUGLAS ESPINOLA and IRENE ESPINOLA ST. MARTIN; • Petitioners seek Court orders instructing Trustees to provide the previously requested information, compelling Trustees to submit Sub-Trust accountings for 2011, 2012 and 2013 to the Court for approval, and instructing Trustees to distribute the Sub-Trust assets according to trust terms. | <p>NEEDS/PROBLEMS/ COMMENTS:</p> <p>Note: This matter is scheduled for 1:30.</p> <p>Note: Minute Order dated 9/22/2014 from the Settlement Conference Hearing states: Settlement agreement read in open Court. All parties agree. Counsel will submit settlement agreement for signature. Matter set on 11/10/2014 for Status Re: Settlement Agreement. <i>Minute Order</i> dated 11/10/2014 [Judge Sanderson] set a Settlement Conference on 11/19/2014 at 1:30 p.m.</p> |
| Virginia DOD: 4/29/2012 | | |
| Cont. from 111014 | | |
| Aff.Sub.Wit. | | |
| Verified | | |
| Inventory | | |
| PTC | | |
| Not.Cred. | | |
| Notice of Hrg | | |
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| Order | | |
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| Status Rpt | | |
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| Citation | | |
| FTB Notice | | |
| | <p>Reviewed by: LEG</p> <p>Reviewed on: 11/17/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 1 - Espinosa</p> | |