

Atty Sanoian, Joanne, Law Offices of Joanne Sanoian (for Petitioner Jennifer Lewis, Executor)

First Amended (1) First and Final Account and Report of Executor, (2) Petition for Its Settlement, and for (3) Final Distribution

DOD: 1/11/1999		<p>JENNIFER LEWIS, niece and Executor appointed on 3/30/2004, is Petitioner. Letters issued on 4/2/2004.</p> <p>Account period: [3/30/2004 – 11/4/2013] <i>Note: Petition does not state the account period pursuant to Probate Code § 1061(a). However, based upon this atypical case characterized by lapse of time with few administrative actions taken and the simplified accounting presented, the account period may be presumed to be from the date of appointment and/or date Letters issued, to the date of the execution and verification of this accounting.</i></p> <p>Accounting - \$25,000.00 Beginning POH - \$25,000.00 Ending POH - \$25,000.00 <i>(no cash; 1/5 interest in real property.)</i></p> <p>Executor - Not requested Attorney - Not requested</p> <p>Petitioner states:</p> <ul style="list-style-type: none"> The estate consists entirely of a 1/5 interest in a parcel of real property in Fresno; Subsequent to the filing [on 6/9/2004] of the <i>Inventory and Appraisal</i> in this matter, a portion the real property was condemned by the Department of Transportation in an eminent domain action; The estate's parcel was assigned a new parcel description and APN (copy attached as Exhibit A); <p>~Please see additional page~</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Page 3 is the related case of the Estate of Gladys Thomas (predeceased sibling.)</p> <p>Continued from 10/9/2013. Minute Order states counsel requests a continuance to make the necessary corrections.</p> <p>The following issue from the last hearing remains:</p> <ol style="list-style-type: none"> Need proposed order, including the distributions stated as being made to the estates of those devisees who are deceased.
Cont. from 100913			
<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 type="checkbox"/>	Letters 040204		
<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 type="checkbox"/>	Order X		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice N/A		
		<p>Reviewed by: LEG</p> <p>Reviewed on: 11/13/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 1 - Atwater</p>	

Petitioner states distribution pursuant to Decedent's Will is to:

- **[ESTATE OF] MARY LEWIS** – 1/4TH interest [in Decedent's 1/5 interest in real property]
- **DANNY THOMAS** – 1/8TH interest [in Decedent's 1/5 interest in real property]
- **LOIS ATWATER** – 1/32ND interest [in Decedent's 1/5 interest in real property]
- **JANICE EPPERSON** – 1/32ND interest [in Decedent's 1/5 interest in real property]
- **[ESTATE OF] LARRY ATWATER** – 1/32ND interest [in Decedent's 1/5 interest in real property]
- **[ESTATE OF] ARLETA ATWATER** – 1/32ND interest [in Decedent's 1/5 interest in real property]
- **CURTIS GILMER** – 1/24TH interest [in Decedent's 1/5 interest in real property]
- **TONI MARSHALL** – 1/24TH interest [in Decedent's 1/5 interest in real property]
- **DENISE GILMER** – 1/24TH interest [in Decedent's 1/5 interest in real property]
- **CHERYL GILMER** – 1/24TH interest [in Decedent's 1/5 interest in real property]
- **BRIAN GILMER** – 1/24TH interest [in Decedent's 1/5 interest in real property]
- **TOM GILMER** – 1/24TH interest [in Decedent's 1/5 interest in real property]
- **GINGER FLEMING** – 1/24TH interest [in Decedent's 1/5 interest in real property]
- **CHERRY ATWATER** – 1/24TH interest [in Decedent's 1/5 interest in real property]
- **WILLIAM HUBBY ATWATER** – 1/24TH interest [in Decedent's 1/5 interest in real property]
- **DORIS JEAN ATWATER** – 1/24TH interest [in Decedent's 1/5 interest in real property]
- **MARTHA ANN ATWATER** – 1/24TH interest [in Decedent's 1/5 interest in real property]
- **NANCY ATWATER** – 1/24TH interest [in Decedent's 1/5 interest in real property].

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

DOD: 10/19/87	<p>CURTIS LEE, son, was appointed Administrator with Will Annexed with bond in the amount of \$9,000.00 on 01/13/04.</p> <p>Bond was filed 02/19/04 and Letters were issued on 03/30/04.</p> <p>I & A showing the value of the estate at \$9,000.00 was filed on 03/22/04 and Reappraisal for Sale I & A filed 04/01/01 showed the value of the estate at \$13,000.00.</p> <p>On 8/29/12 the attorney of record, Darlene Kelly, was relieved as counsel.</p> <p>Minute Order from 8/29/12 the court set an Order to Show Cause hearing regarding Curtis Lee's failure to file an accounting. Curtis Lee was ordered to be personally present on 9/28/12. Counsel need not appear.</p> <p>On 9/28/12 there were no appearances.</p> <p>Minute order dated 11/16/12 states the court on its own motion removes Curtis Lee as the administrator and appoints the Public Administrator.</p> <p>Letters for Successor Administrator with Will Annexed were issued for the Public Administrator on 12/11/2012.</p> <p>The bonding company was mailed notice of Curtis Lee's removal as Administrator on 12/12/12.</p> <p>Former Status Report of the Public Administrator filed on 7/16/2013 states upon receiving the file Administrator and his attorney reviewed it to determine what the asset were, and what surcharge would be appropriate against the former administrator. However, upon further investigation, it appears that if Mr. Lee misappropriated any amount, it may only be \$3,000. In addition, he may be the only heir. The Public Administrator is sorting through County records to determine if there is any documentation to support his claims. Therefore the successor Administrator requests this matter be set out for 30 days, or a date convenient to the court.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>See page 2C Petition for Surcharge.</p>
Cont. from 092812, 111612, 011813, 071913, 082313, 091213, 101713		
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: 11/14/13
Updates:
Recommendation:
File 2A – Baker

Status Report of the Public Administrator filed on 8/5/2013 states the Public Administrator did not locate the whereabouts of the other three beneficiaries. The California Inmate Locator sited and TLO did not show anything for Billie Lee or Willie Lee.

If the Court accepts the allegations of Curtis Lee as set forth in his declaration filed on 12/2/2003, then the Court can determine that Mr. Lee is the only heir. Thus, no other person would be harmed by any purposeful or inadvertent misconduct while acting as administrator.

County Counsel confirmed Probate Referee Rick Smith that he was paid for his appraisal. Mr. Lee would still be responsible for fees owing to the Court.

If the Court does not accept Mr. Lee's allegations, the Public Administrator would need guidance from the Court to continue administering the estate.

Note:

The decedent died on 10/19/1987. It appears she was survived by her four children, former Administrator, Curtis Lee, Billie Lee, Jr., Willie Lee, Jr. and Bertha Lee. In Curtis Lee's declaration filed on 12/3/2003 he states he last saw his sister Bertha at their mother's (decedent) funeral. Mr. Lee states he last saw his brother Willie in 1995 and that he last saw his brother Billie in approximately 1999.

Decedent's Will devised her entire estate to her four children, Curtis, Bertha, Billie and Willie. Since they all survived, regardless if they subsequently died, they (or their estates) are entitled to a share of this estate.

Probate Code §11850 allows for property to be distributed to the County Treasury where the whereabouts of the distributee is unknown. Therefore it appears that if the whereabouts of the Bertha, Willie and Billie (who are entitled to distribution because they survived their mother) is unknown then the share that would go to Bertha, Billie and Willie should be deposited with the County Treasury.

Hearing Re: Request for Instruction

DOD: 10/19/1987	CURTIS LEE, son, was appointed Administrator with Will Annexed with bond in the amount of \$9,000.00 on 01/13/04.	NEEDS/PROBLEMS/COMMENTS:
	Bond was filed 02/19/04 and Letters were issued on 03/30/04.	See page 2C Petition for Surcharge.
Cont. from 091213, 101713	I & A showing the value of the estate at \$9,000.00 was filed on 03/22/04 and Reappraisal for Sale I & A filed 04/01/01 showed the value of the estate at \$13,000.00.	
Aff.Sub.Wit.	<p>Minute order dated 11/16/12 states the court on its own motion removes Curtis Lee as the administrator and appoints the Public Administrator.</p> <p>Letters for Successor Administrator with Will Annexed were issued for the Public Administrator on 12/11/2012.</p> <p>The bonding company was mailed notice of Curtis Lee's removal as Administrator on 12/12/12.</p> <p>Minute Order dated 8/23/13 set this status hearing re: Request for Instructions (please see page 2A)</p>	
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	<p>Reviewed by: KT</p> <p>Reviewed on: 11/14/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 2B – Baker</p>	
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		

2C Theola Louise Baker (Estate)

Case No. 03CEPR01573

Atty Lee, Curtis (former Administrator)

Atty Kruthers, Heather H (for Petitioner/Successor Administrator/Public Administrator)

**Petition for Surcharge Against Former Administrator for Breach of Fiduciary Duty
[Prob. C. 9600 et seq; 11050]**

DOD: 10/19/1987		<p>PUBLIC ADMINISTRATOR, successor Administrator, is Petitioner.</p> <p>Petitioner states according to the Court file former Administrator Curtis Lee entered into a sale agreement for \$13,000.00 for the real property, the only asset of the estate. Chicago Title provided a Seller's Statement dated October 8, 2004. One line reads, "REIMBURSEMENT OF FEES PAID TO CURTIS LEE." The amount was \$7,415.00. According to an e-mail written by a woman named Cindy Lee, also provided by Chicago Title, the breakdown of the reimbursements were for attorneys fees, taxes, garbage bins, tractor rental and fines from the County. Of obvious concern to petitioner is money paid to an attorney before any fees were approved by this Court. Unfortunately, he is not aware of which attorney received the money from Mr. Lee, if any.</p> <p>After all the fees, commissions, and other sale expenses were paid out of escrow, Mr. Lee received the remaining \$3,349.16. This is what he should have received in his capacity as personal representative. Instead he kept that money too.</p> <p>Mr. Lee did not file an accounting of his tenure as administrator. Therefore, he should be surcharged for the total amount of the estate not accounted for. The sale of the sole asset was for \$13,000. Mr. Lee should be surcharged for the \$7,415.00 he took from escrow as "reimbursements". He should also be surcharged for the \$3,349.16 that was turned over to him as personal representative.</p> <p style="text-align: center;">Please see additional page</p>	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>Reviewed by: KT</p> <p>Reviewed on: 11/14/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 2C – Baker</p>

Mr. Lee was sanctioned \$1,000 by the Court for failure to appear. He has not paid the sanction, and therefore, it should also be part of the surcharge against him.

The total surcharge against Curtis Lee, former administrator, is \$11,764.16. The Public Administrator and his attorney, County Counsel, will also see fees for their services in bringing the surcharge action. The underlying surcharge is more than the bond, proof of which, was posted on 2/19/2004 in the amount of \$9,000.00.

Petitioner requests that the bond company, Surety Bonding Company of America (SBCA), be ordered to pay to the successor administrator the full amount of the bond, \$9,000.00 as a surcharge against Curtis Lee, for breaching his fiduciary duty to the beneficiaries and creditors of the estate by misappropriating funds.

The Public Administrator reserves his right to seek payment for his and his attorney's services.

Wherefore, petitioner prays that,

1. The Court find that the former administrator, Curtis Lee, breached his fiduciary duty to the beneficiaries and the creditors of the estate.
2. The Court find that the actual loss to the estate is a minimum of \$11,764.16, and make an order of surcharge against the former administrator in that amount.
3. The bond company, SBCA, be ordered to pay the successor administrator the full amount of the bond, \$9,000.00.

Declaration of David A. Roberts regarding Petition for Surcharge. Mr. Roberts states he is a partner in the law firm of Caswell, Bell & Hillison, LLP (CBH). In 2003, Curtis Lee retained the law firm to probate his mother's will. Mr. Lee gave CBH an initial retainer and reimbursed them for costs incurred during the probating of the estate. Shortly after the court granted Mr. Lee's petition to sell the real property, CBH lost contact with him. The attorney who originated and was handling the matter left CBH. Upon review of the matters he left behind, CBH discovered this probate. CBH attempted to reestablish contact with Mr. Lee and upon failing to do so, file a motion and the court allowed them to withdraw from the case.

Only costs incurred in this probate proceeding in the amount of \$748.00 were paid to CBH by Curtis Lee. There were no attorney's fees paid. The attorney's fees in the amount of \$1,875.00 referenced in the Petition for Surcharge were never received by CBH.

(1) First and Final Account and Report of Administrator and (2) Petition for Its Settlement and (3) for Final Distribution

DOD: 5/21/1980		BRIAN GILMER , administrator, is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Page 1 is the related case of the Estate of Arthur Atwater (post-deceased sibling.)</p> <p>Continued from 10/9/2013. Minute Order states counsel requests a continuance to make the necessary corrections.</p> <p>The following issues from the last hearing remain:</p> <ol style="list-style-type: none"> 1. Petition was verified by the attorney and not the fiduciary. Probate Code §1023 states an attorney cannot verify for a fiduciary. 2. Need proposed order, including the distribution stated as being made to the estate of the devisee who is deceased.
		Account period: [9/2/2004 – 9/22/2013]	
		<i>Note: Petition does not state the account period pursuant to Probate Code § 1061(a). However, based upon this atypical case characterized by lapse of time with few administrative actions taken and the simplified accounting presented, the account period may be presumed to be from the date of appointment and/or date Letters issued, to the date of the execution and verification of this accounting.</i>	
Cont. from 100913			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input type="checkbox"/>	Verified	By Atty	
<input checked="" type="checkbox"/>	Inventory	Accounting - \$5,000.00	
<input checked="" type="checkbox"/>	PTC	Beginning POH - \$5,000.00	
<input checked="" type="checkbox"/>	Not.Cred.	Ending POH - \$5,000.00	
<input checked="" type="checkbox"/>	Notice of Hrg	Administrator - not addressed	
<input checked="" type="checkbox"/>	Aff.Mail	Attorney - not addressed	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.	Distribution, pursuant to intestate succession, is to:	
<input type="checkbox"/>	Pers.Serv.	Carol Gilmer (deceased) – 50% of the decedent's 1/5 interest in real property.	
<input type="checkbox"/>	Conf. Screen	Danny Thomas - 50% of the decedent's 1/5 interest in real property.	
<input checked="" type="checkbox"/>	Letters	9/2/04	
<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 type="checkbox"/>	Order	X	
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		Reviewed by: KT / LEG	
		Reviewed on: 11/13/13	
		Updates:	
		Recommendation:	
		File 3 - Thomas	

4 William Kaplan (Estate)

Case No. 08CEPR00777

Atty Poochigian, Mark S. (for James E. Shekoyan- Petitioner-Executor)

(1) Second and Final Account and Report of Personal Representative and Petition for Its Settlement and (2) for Allowance of Commissions and Attorneys Fees for Ordinary and Extraordinary Services and (3) for Final Distribution

DOD: 07/30/2008		JAMES E. SHEKOYAN , Executor, appointed on 09/09/2008 with full IAEA authority, is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: James E. Shekoyan is partner in the Baker Manock & Jensen, PC law firm therefore pursuant to Probate Code § 10804 a personal representative who is an attorney shall be entitled to receive the personal representative's compensation for services as the attorney for the personal representative unless the court specifically approves right to compensation in advance and finds that the arrangement is to the advantage, benefit, and best interests of the decedent's estate. <i>Under the Law Revision Comments</i> the term "estate attorney" is to be given a broad meaning for the purposes of this section and includes the associates, partners, and attorneys of counsel with the law firm of the attorney retained by the personal representative as estates attorney.</p> <p>1. Need receipt for preliminary distribution to College of Veterinary Medicine of Cornell University in the amount of \$1,220,000.00.</p>
		Account Period: 01/01/2010- 08/18/2013	
Cont. from		Accounting - \$2,559,180.68	
	Aff.Sub.Wit.	Beginning - \$2,526,258.98	
✓	Verified	Ending - \$1,121,757.52	
	Inventory	Administrator – \$38,319.59	
	PTC	Statutory	
✓	Not.Cred.	Attorney - \$18,907.67	
✓	Notice of Hrg	(Statutory is \$38,319.59)	
✓	Aff.Mail	(Pursuant to Order of 08/31/2010 Attorney was paid \$19,411.92, leaving a balance of \$18,907.67)	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.	X/O - \$5,981.50	
	Conf. Screen	(\$3,850 for sale of real property and \$2,596 for income tax per itemization)	
	Letters	09/10/08	
	Duties/Supp	Court Costs (Attorney) - \$460.50	
	Objections	(filing fee, certified copies)	
	Video Receipt	Closing reserve - \$10,000.00	
	CI Report		
✓	9202	Petitioner requests an Order that:	
✓	Order	<ul style="list-style-type: none"> • Petitioner be authorized to retain \$10,000.00 in cash for closing expenses; • Petitioner be authorized and directed to pay to Baker Manock & Jensen, PC the sum of \$25,349.67; • Petitioner be authorized and directed to pay himself \$38,319.59 as statutory commissions for ordinary services as administrator; • Distribution of the estate in petitioner's hands and any other property of the Decedent or the estate now known or discovered be made to the persons entitled to it. 	
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
✓	FTB Notice		

Atty Ruiz, Amanda E., of County Counsel's Office (for Petitioner Public Guardian, Trustee)
 Second Account Current and Report of Trustee; Petition for Allowance of
 Compensation to Trustee and Attorney [Prob. C. 15681; 15688; 16062; 16063]

Age: 75 years	PUBLIC GUARDIAN , Trustee, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: Notice of Hearing filed 10/24/2013 that was mailed to SNT Beneficiary indicates this hearing is for the First Account rather than the Second Account.</p> <p>Notes for background:</p> <ul style="list-style-type: none"> This Special Needs Trust (SNT) was created by the SNT Beneficiary's mother, Juliette Sangster (DOD 3/26/2010), and following her death, and the resignation of Santa Barbara Bank as Successor Trustee, Petitioner was appointed Successor Trustee by this Court on 8/4/2010. Based upon <i>Schedule A(6)</i> of the Second Account, the SNT received its final distribution from Juliette Sangster's Trust on 9/24/2012. Petitioner's First Account covering two years (8/4/2010 to 7/31/2012) was approved 1/17/2013. The instant Second Account covers one year. Petitioner is Conservator of the Estate of William Sangster in Case #09CEPR00249, in which a status hearing is set for the filing of the Third Account on 7/11/2014. <p>Note: Court will set a status hearing on Friday, 1/22/2016 at 9:00 a.m. in Dept. 303 for the filing of the Third Account of the SNT. Pursuant 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.</p> <p>Reviewed by: LEG</p> <p>Reviewed on: 11/13/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 5 – Sangster</p>
	Account period: 8/1/2012 – 7/31/2013	
	Accounting - \$162,387.21	
	Beginning POH - \$157,419.35	
	Ending POH - \$138,468.90 (all cash)	
Cont. from	Trustee - \$1,659.20 (8.00 Staff hours @ \$76.00 per hour and 10.95 Deputy hours @ \$96.00 per hour.)	
Aff.Sub.Wit.	Attorney - \$1,250.00 (Via reference to fees for conservatorships per Local Rule 7.16.)	
<input checked="" type="checkbox"/> Verified	Bond - \$346.17 (ok)	
Inventory	Petitioner prays for an Order:	
PTC	1. Approving, allowing and settling the Second Account and Report of the Trustee;	
Not.Cred.	2. Authorizing payment of the Trustee and Attorney fees; and	
<input checked="" type="checkbox"/> Notice of Hrg	3. Authorizing payment of the bond fee.	
<input checked="" type="checkbox"/> Aff.Mail W /		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202 N / A		
<input checked="" type="checkbox"/> Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		

(1) First and Final Report of Personal Representative and (2) Petition for Final Distribution and (3) Allowance of Attorneys' Fees on Waiver of Accounting

DOD:9-3-12	JAMIE L. HAMILTON , Administrator with Will Annexed with full IAEA without bond is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: Decedent's will provides that "all of my monies and assets and personal items be spent taking care of" the decedent's pets, and upon their death, all monies assets and personal items are devised to Jamie Hamilton (Petitioner).</p> <p>Petitioner contends that the statement in the will that the decedent's property be spent taking care of his pets is precatory and not compulsory; therefore, the estate should be distributed outright to Petitioner. Authority cited.</p> <p>Petitioner states the decedent's dog predeceased the decedent, and the two cats (age approx. 12 years) are being cared for by Petitioner. Petitioner will agree to honor her father's wishes and care for his cats for their lifetimes.</p>
	Accounting is waived.	
<input type="checkbox"/> Aff.Sub.Wit.	I&A: \$320,000.00	
<input checked="" type="checkbox"/> Verified	POH: \$199,855.18	
<input checked="" type="checkbox"/> Inventory	Administrator (Statutory): Waived	
<input checked="" type="checkbox"/> PTC	Administrator (Reimburse costs):	
<input checked="" type="checkbox"/> Not.Cred.	\$33,305.64 (funeral, costs associated with the decedent's residence, costs associated with the decedent's pets)	
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail	w	
Aff.Pub.		
Sp.Ntc.	Attorney: Hourly rate per agreement, not to exceed statutory sum of \$9,400.00	
Pers.Serv.		
Conf. Screen	Costs: \$1,259.00 (filing, certified letters, appraisal)	
<input checked="" type="checkbox"/> Letters		
Duties/Supp	Distribution pursuant to Decedent's will:	
Objections	Jamie L. Hamilton: Entire estate (\$110,693.00 cash plus misc. household furniture and furnishings and personal effects and vehicle.	
Video Receipt		
CI Report		
<input checked="" type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
<input checked="" type="checkbox"/> FTB Notice		
		Reviewed by: skc
		Reviewed on: 11-13-13
		Updates:
		Recommendation:
		File 6 – Hamilton

Petition for Authority to Expend Money for Support and/or Maintenance and/or Education of Minor, Christopher Rodriguez

Age: 6	CECILIA RODRIGUEZ , Mother and Guardian of the Estate, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need status of funds.</p> <p>Petitioner originally stated that the minor was expected to receive \$40,000.00 in death benefits. The Court granted guardianship of the estate on 10-29-13 and set status hearing for 12-6-13 for the filing of a receipt for deposit of money into blocked account.</p> <p>2. Ms. Rodriguez was granted a fee waiver in connection with the original petition; however, upon receipt of funds in the guardianship estate, fees will be due to the court. Therefore, need filing fees of \$870.00 (\$435 for filing of the original petition and \$435 for filing of this petition).</p>
	Petitioner states that prior to her husband's death, he was the main provider for the family, and she worked only seasonally in field work and otherwise cared for the children.	
	The following expenses are incurred monthly for the support and/or maintenance and/or education of the minor Christopher:	
Aff.Sub.Wit.	<ul style="list-style-type: none"> Rent: \$300.00 Food and household supplies: \$376.00 Utilities and telephone: \$50.00 Clothing: \$25.00 Child care: \$600.00 (party for Chrystina) Transportation (gas, insurance, and rent on vehicle): \$620.00 	
Verified	Petitioner states she, Christopher, and Chrystina currently live with Petitioner's mother. However, this is only a short term option and Petitioner needs to find an apartment where she, Christopher, and Chrystina can live alone. This would be in Christopher's best interest.	
Inventory	Petitioner currently works at DFA of California and has to borrow a vehicle to get to work Monday through Friday 6am to 3pm earning \$9.50/hr. This is seasonal work expected to last until November 2013. Petitioner needs to purchase a vehicle so she can provide proper transportation to school, doctor, grocery, etc., for the benefit of Christopher.	
PTC	Petitioner states she is enrolled at Reedley College and will be starting classes in October 2013 for a certificate in business administrative assistant, which will take 12 months if she continues to attend part time.	
Not.Cred.	Petitioner requests authority authorizing her to withdraw \$1,000.00 per month from the blocked account without further court order, to be expended for the comfortable and suitable support and/or maintenance and/or education of Christopher Rodriguez until further order of the Court or as the Court may deem proper.	
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: skc
Reviewed on: 11-13-13
Updates:
Recommendation:
File 8 – Rodriguez

Atty Joy, Maurice E., sole practitioner (for Petitioner Staci Ann Ragan)

Petition for Letters of Administration; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

DOD: 7/27/2013		<p>STACI ANN RAGAN, daughter, is Petitioner and requests appointment as Administrator without bond (<i>All heirs waive bond.</i>)</p> <p>Full IAEA — OK</p> <p>Decedent died intestate.</p> <p>Residence — Fresno Publication — Business Journal</p> <p>Estimated value of the Estate: Personal property - \$ 45,000.00 Real property - \$750,000.00 <hr/> Total - \$795,000.00</p> <p>Probate Referee: Rick Smith</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: If <i>Petition</i> is granted, Court will set status hearings as follows:</p> <ul style="list-style-type: none"> Friday April 25, 2014 at 9:00 a.m. in Dept. 303 for filing of inventory and appraisal; and Friday January 23, 2015 at 9:00 a.m. in Dept. 303 for filing of first account and/or petition for final distribution. <p>Pursuant Local Rule 7.5, if the documents noted above are filed 10 days prior to the dates listed, the hearings will be taken off calendar and no appearance will be required.</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/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 checked="" type="checkbox"/>	FTB Notice			
		<p>Reviewed by: LEG</p> <p>Reviewed on: 11/13/13</p> <p>Updates:</p> <p>Recommendation: SUBMITTED</p> <p>File 9 – Hamlin</p>		

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

DOD: 08/05/2013	DIONNA LUGO , daughter, is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. #9a(3) or #9a(4) of the petition were not answered regarding registered domestic partner.</p>
	40 days since DOD	
	No other proceedings	
Cont. from	I&A - \$126,350.04	
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input checked="" type="checkbox"/> Inventory	Decedent died intestate	
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg	Consent to Transfer of Assets and Assignments of Interest filed 10/31/2013 states that Jason Lugo, decedent's son, understands through intestate succession that he would be entitled to 50% of the value of assets in the decedent's estate. Jason Lugo consents to transfer all assets listed in the Petition to Determine Succession to Real and Personal Property to Dionna Lugo and assign any interest that he might otherwise be entitled to und the Petition to Dionna Lugo.	
<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	Petitioner requests Court determination that the decedent's 100% interest in real property located at 142 Poppy Lane, Clovis, Ca., 2004 Toyota 4 Door EJ, SY and Wells Fargo Checking account pass to Dionna Lugo.	
<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: LV
		Reviewed on: 11/14/2013
		Updates:
		Recommendation:
		File 10 – Mendible

11 In Matter of: Lois Gray Durable Power of Attorney Case No. 13CEPR00214

Lois Gray is currently residing at Cottonwood Retirement facility. The Settlor recently suffered from a stroke and is now diagnosed with dementia. The cost of living at Cottonwood is approximately \$4,720 each month with additional medical incidental costs of \$1,250.00.

Petitioner contends that pursuant to Section 2.A.(1) the Co-Agents are capable of taking any action necessary regarding the Settlor's real and personal property. This would include the Settlor's mobile home she is no longer residing in and will not be able to reside in at any future date. To keep the vacant mobile home costs the Settlor approximately \$700.00 per month for rental of the land within a complex and insurance.

Petitioner stated she has requested of the Co-Agent, Ronald Gray, on several occasions to agree to sell the mobile home owned by the Settlor to allow for additional funds to be provided to the assisted living facility. Ronald Gray refuses to participate in the sale unless the funds are provided to a joint trust account. A trust account is not necessary as the proceeds of the sale can be directly provided to Cottonwood for the monthly expenses.

Petitioner requested the Court enter an order that:

1. Lois Gray established the Lois Gray Durable Power of Attorney, on or about April 8, 2009;
2. The Co-Agents named by the Settlor are Eileen Sutterfield and Ronald Gray;
3. Co-Agent Ronald Gray be ordered to participate in the facilitation of the sale of the mobile home owned by the Settlor;
4. For all other relief as the Court deems proper under the circumstances.

Status Report of Leigh W. Burnside filed on 10/9/13 states on 9/25/13 the parties to this proceeding Ronald Gray ("Ronald") and Eileen Sutterfield ("Eileen"), and their respective attorneys participated in a further settlement conference with the Honorable Robert H. Oliver. Also present at the commencement of the settlement conference was Catherine Sharbaugh, attorney for Lois Gray.

The proceeding arose out of a dispute between Ronald and Eileen over the management of their mother's financial and personal affairs. Both Ronald and Eileen are nominated and acting co-agents under a durable power of attorney executed by their mother, Lois Gray, in April 2009, and are the successor co-trustees of a revocable trust established by Mrs. Gray in April 2009. Ronald and Eileen are also co-agents under an Advanced Health Care Directive signed by Mrs. Gray.

The parties were able to resolve their differences at the settlement conference, and the terms of the settlement were recited in open court and verbally assented to by Ronald and Eileen.

The day following the settlement conference, counsel for the parties spoke (in independent conversations) with the proposed successor trustee, Rick Leas of Central Valley Professional Fiduciary Services, who is based in Fresno. Mr. Leas has agreed to serve as sole successor trustee of Mrs. Gray's Trust, and to Ms. Burnside's knowledge, both Ronald and Eileen agree to resign as co-trustees in favor of Mr. Leas.

Since then, Eileen's attorney, Natalie Nuttall, and Ms. Burnside have been working on a formal written stipulation that sets forth the terms of the parties' settlement. Ms. Burnside believes that they are close to finishing the stipulation.

**12 George Andrew Bonilla-Ramirez and
Azariah Mia Ramirez (GUARD/P)**

Case No. 13CEPR00188

Atty Galindo, Roberta J. (Pro Per – Maternal Grandmother – Petitioner)

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

		NO TEMP REQUESTED	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: This petition pertains to minor Azariah only. Petitioner was previously granted guardianship of minor George on 5-7-13.</p> <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 per Probate Code §1511 <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence on: - Unknown father</p> <p><u>Note:</u> Notice of Hearing filed 11-7-13 indicates mailed service to George Ramirez, who is the father of this minor's brother, at Wasco. However, Petitioner states this minor's father is unknown. If George Ramirez is he father, personal service is required.</p> <p>2. Need proof of service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing per Probate Code §1511 <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence on: - Unknown paternal grandparents</p> <p><u>Note:</u> If George Ramirez is this minor's father, service is required on paternal grandfather George Ramirez and paternal grandmother Lisa Ramirez.</p>
		ROBERT J. GALINDO , Maternal Grandmother, is Petitioner.	
		Father: UNKNOWN	
		Mother: MELISSA BONILLA - Consents and waives notice	
		Paternal Grandparents: Unknown Maternal Grandfather: Sergio Bonilla	
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg	Petitioner states the child was taken from the mother at the hospital by CPS. She was under the influence of drugs/meth.	
	Aff.Mail	X	
	Aff.Pub.		
	Sp.Ntc.		
✓	Pers.Serv.	W	
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
✓	CI Report		
✓	Clearances		
✓	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: skc
			Reviewed on: 11-13-13
			Updates:
			Recommendation:
			File 12 – Bonilla-Ramirez

Travis, 9		<p align="center"><u>NO TEMPORARY EXPIRES; TEMPORARY WAS NOT GRANTED AT HEARING ON 10/02/13</u></p> <p>STACY EDWARDS, maternal aunt, is Petitioner.</p> <p>Father: UNKNOWN Mother: TANYANNA GARDNER - <i>Consent & Waiver of Notice filed 09/18/13</i></p> <p>Paternal grandparents: UNKNOWN</p> <p>Maternal grandfather: UNKNOWN Maternal grandmother: NOT LISTED</p> <p>Petitioner states that the mother is unstable and is not able to care for Harmonee at this time. Petitioner states that she is worried about Harmonee's safety and does not want her to grow up in the system, but with family.</p> <p>Court Investigator Dina Calvillo filed a report on 10/30/13.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>This Petition pertains to Harmonee only. Guardianship of Travis was granted 11/05/13 to maternal great-aunt, Emma Frierson.</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of service at least 15 days before the hearing of Notice of Hearing with a copy of the Petition for Appointment of Guardian of the Person <u>or</u> Consent and waiver of Notice <u>or</u> Declaration of Due Diligence for: <ol style="list-style-type: none"> a. Father (unknown) – Personal service required b. Paternal grandparents (unknown) – service by mail is sufficient c. Maternal grandparents (not listed) – service by mail is sufficient 	
Harmonee, 2				
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 type="checkbox"/>	Notice of Hrg			x
<input type="checkbox"/>	Aff.Mail			x
<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: 10/14/13		
		Updates:		
		Recommendation:		
		File 13 – Gardeley & Gardner		

14 Devon Fisher, Khamile Watson & Titus Watson (GUARD/P)

Case No. 13CEPR00827

Atty Jackson, Velicia Lee (pro per – maternal aunt/Petitioner)

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

Devon, 14	TEMPORARY EXPIRES 11/20/13		<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need <i>Notice of Hearing</i>. 2. 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> <i>Consent & Waiver of Notice</i> <u>or</u> <i>Declaration of Due Diligence</i> for: <ol style="list-style-type: none"> a. Bobbie Jackson (mother) – Personal service required b. Anthony Fisher (Devon's father) – Personal service required c. Orlando Watson (Khamile & Titus' father) – personal service required d. Devon Fisher (minor) – personal service required e. Paternal grandparents (all) – service by mail sufficient
Khamile, 6	<p>VELICIA JACKSON, maternal aunt, is Petitioner.</p>		
Titus, 2	<p>Father (Devon): ANTHONY FISHER Father (Khamile and Titus): ORLANDO WATSON</p>		
Cont. from	<p>Mother: BOBBIE JACKSON</p>		
Aff.Sub.Wit.	<p>Paternal grandparents: UNKNOWN</p>		
✓ Verified	<p>Maternal grandfather: DELORES JACKSON - <i>deceased</i></p>		
Inventory	<p>Maternal grandmother: BOBBIE JACKSON - <i>deceased</i></p>		
PTC	<p>Sibling: MARQAYVEN JONES (18)</p>		
Not.Cred.	<p>Petitioner alleges that the mother is incarcerated and will remain in prison for at least 2 years. Orlando Watson, Khamile and Titus' father is a violent drug addict. Petitioner states that the children would not be safe in the care of Mr. Watson. Petitioner states that guardianship is necessary in order to provide the children with a safe and stable home.</p>		
Notice of Hrg	x	<p>Court Investigator Samantha Henson filed a report on 11/15/13.</p>	
Aff.Mail	x		
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.	x		
✓ Conf. Screen			
✓ Letters			
Duties/Supp			
Objections			
Video Receipt			
✓ CI Report			
9202			
✓ Order			
Aff. Posting			
Status Rpt			
✓ UCCJEA			
Citation			
FTB Notice			
<p>Reviewed by: JF</p>			
<p>Reviewed on: 11/14/13</p>			
<p>Updates: 11/18/13</p>			
<p>Recommendation:</p>			
<p>File 14 – Fisher & Watson</p>			

Petition for Appointment of Temporary Guardian of the Person

Lauren, 15	TEMPORARY GRANTED EX PARTE; EXPIRES 11/20/13		<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of personal service at least 5 court days before the hearing of Notice of Hearing with a copy of the Petition for Appointment of Temporary Guardian of the Person <u>or</u> Consent & Waiver of Notice <u>or</u> Declaration of Due Diligence for: <ul style="list-style-type: none"> - Johnny Jaramillo (father)* *Declaration of Due Diligence filed 11/15/13 states that per a tenant at Mr. Jaramillo's home, he is on vacation and will return 11/16 - Lauren Jaramillo (minor) - Jenelle Jaramillo (minor)
Jenelle, 12	<p>RUBEN MACEDO and ERLINDA MACEDO, maternal grandparents, are Petitioners.</p> <p>Father: JOHNNY JARAMILLO – Declaration regarding Diligence filed 11/15/13</p> <p>Mother: CYNTHIA MACEDO – Consent & Waiver of Notice filed 11/07/13</p> <p>Paternal grandfather: DECEASED Paternal grandmother: UNKNOWN</p> <p>Sibling: JOHNNY JARAMILLO</p> <p>Petitioner alleges that the mother is terminally ill and is currently in hospice care. It is not anticipated that she will live much longer. The mother has nominated Petitioners to be guardians. The children have not visited with their father for approximately 3 years. The mother has custody of the children. Petitioners allege that the father is abusive and has a history of domestic violence in his relationships. Further, Petitioners allege that the last time the girls visited their father, he woke Lauren up and spanked her with a belt in Jenelle's presence. Petitioners state that the girls are afraid of their father and have not visited with him since that incident. Petitioners state that temporary guardianship is necessary because they are fearful that the father will try to take custody of the children when he learns of the mother's illness or passing. The girls do not want to have contact with their father.</p>		
Cont. from			
Aff.Sub.Wit.			
✓ Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg	x		
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.		x	
✓ Conf. Screen			
Letters		x	
✓ Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order		x	
Aff. Posting			
Status Rpt			
✓ UCCJEA			
Citation			
FTB Notice			
			<p>Reviewed by: JF</p> <p>Reviewed on: 11/14/13</p> <p>Updates: 11/15/13</p> <p>Recommendation:</p> <p>File 15 – Jaramillo</p>

1A Stephen & Debrah Winter Revocable Trust 2/16/94 Case No. 13CEPR00564
Atty Pape, Jeffrey B. (for Dennis Freeman – Successor Trustee/Petitioner)

Petition to Determine Title to and Require Transfer of Property to Trust [Prob. C. 850(a)(2)(3), 855, 17200(b)(6)]

Stephan DOD: 08/09/05	DENNIS FREEMAN , successor trustee, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
Debra DOD: 05/13/13	Petitioner states:	This matter to be heard at 1:30 in Dept. 303.
	1. Stephan F. Winter and Debra L. Winter ("Settlor") executed the Stephan F. Winter and Debra L. Winter Revocable Trust (the "Trust") on 02/16/94 in their capacity as Settlor and initial Trustees. The Trust was amended on 09/14/02.	
Cont. from 081213, 102113	2. Petitioner is the currently acting successor trustee of the Trust.	CONTINUED FROM 10/21/13
Aff.Sub.Wit.	3. This petition concerns the ownership of the original Trust documents which Christopher Lull ("Respondent") or his agents have taken possession of and refused to deliver to the trustee.	
✓ Verified	4. The Settlor's maintained the original trust documents in a binder. Shortly before her death, Debra delivered the binder to real estate agent Michele Lane in connection with a real estate transaction. The real estate agent had possession of the binder when Debra died and maintained possession of it, refusing to deliver it to anyone without a court order. Thereafter, Respondent's attorney, Sue Campbell, represented to Michele Lane that the family agreed that it was ok that Ms. Lane release the binder to Respondent in care of attorney Sue Campbell.	As of 11/14/13, nothing further has been filed in regards to this Petition.
Inventory	5. This was not acceptable to Petitioner because (1) Petitioner was the trustee and not respondent, and (2) Respondent, Debra's son, had been intentionally omitted from the Trust due to a long standing estranged relationship.	
PTC	6. Petitioner has demanded the release of the trust binder from Respondent's former attorney, Sue Campbell; however, initially Sue Campbell's assistant professed no knowledge of a binder being picked up by her office and later Sue Campbell professed no knowledge of a binder being picked up from Michele Lane. Petitioner's demands that Respondent deliver the binder to Petitioner's attorney have been ignored.	
Not.Cred.	Petitioner prays for an Order:	Petition to Determine Title to, Require Transfer to and Impose Constructive Trust Over Property and Motion for Judgment on the Pleadings filed by Petitioner are set for hearing on 12/09/13
✓ Notice of Hrg	1. Declaring that Petitioner is the sole owner of the original trust documents and that Respondent has no interest in the original trust documents.	
✓ Aff.Mail w/	2. Directing Respondent to immediately deliver possession to Petitioner of any and all trust documents including but not limited to the original Trust, original Trust amendment, and the estate planning binder.	
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		
Continued on Page 2		
Reviewed by: JF		
Reviewed on: 11/14/13		
Updates:		
Recommendation:		
File 1A – Winter		

Objection filed 08/07/13 by Christopher Lull, Respondent, states:

1. Petitioner does not have standing to bring this Petition. Petitioner is not the trustee because the amendment naming him as trustee was revoked. Morgan Quail witnessed the destruction of the amendment (see *Declaration of Morgan Quail*). Without the amendment, Petitioner is not the trustee or a beneficiary of the Trust and has no vested interest in the Trust.
2. Petitioner is not a relative or heir of Debra L. Winter.
3. Michele Lane, the real estate agent described in the Petition, was in possession of the original estate planning binder at the time of Debra Winter's death. Ms. Lane turned over the binder to Respondent because she found his name in the estate documents, and could not locate Petitioner's name in the binder. Because Ms. Lane could not find Petitioner's name in the documents and didn't know who he was, she refused to turn the binder over to him. Respondent's attorney has spoken to Ms. Lane and anticipates that she will be a witness in this matter. Ms. Lane stated to Respondent's attorney that Petitioner admitted to her that he never even met Debra Winter. This information supports the fact that the amendment was destroyed and not in the original estate planning binder.
4. In the absence of the original, there is a legal presumption that the document was revoked. Additionally, pursuant to Probate Code § 6120(b), we have an act of destruction consistent with the intent to revoke. This presumption cannot be overcome based on the Declaration of Morgan Quail and the expected testimony of Michele Lane.
5. Respondent, Christopher Lull, is the successor trustee of the Trust dated 07/16/94 and the primary beneficiary. He had every right to withdraw the money from Bank of America, as Trustee.

Objector prays for an Order:

1. Denying the Petition to Determine Title to and Require Transfer of Property to Trust Regarding Bank Account; and
2. Denying the Petition to Determine Title to and Require Transfer of Property to Trust.

Declaration of Morgan Quail in Support of Objection filed 08/07/13 states:

1. He is Debra Winter's nephew and probably one of her closest family members. Debra felt like a bit of an outsider in their family and felt left out. Declarant always tried to include her in his life events and she always seemed grateful to be included.
2. Their family has a lot of drama. Declarant states that he has tried to stay out of it and remain neutral. He believes that this is why Debra confided in him and spoke to him about things she might not talk about with others.
3. Approximately 2 years ago on Father's Day, Debra pulled Declarant aside and asked to talk to him. During their conversation, she removed a document titled amendment to trust from her purse and proceeded to tear it up in front of him. She stated that she wanted to keep her money in the family. Declarant also believes she was having conversations with her sister Catherine and father Stanton about this issue as well.
4. At Christmastime later that year, Declarant received a card from Debra thanking him for the talk on Father's Day.

**Petition to Determine Title to and Require Transfer of Property to Trust Regarding
 Bank Account [Prob. C. 850(a)(2)(3), 855, 17200(b)(6)]**

Stephan DOD: 08/09/05	<p>DENNIS FREEMAN, successor trustee, is Petitioner.</p> <p>Petitioner states:</p> <p>7. Stephan F. Winter and Debrah L. Winter ("Settlers") executed the Stephan F. Winter and Debrah L. Winter Revocable Trust (the "Trust") on 02/16/94 in their capacity as Settlers and initial Trustees. The Trust was amended on 09/14/02.</p> <p>8. Petitioner is the currently acting successor trustee of the Trust.</p> <p>9. This petition concerns the ownership of Bank of America account no. xxxx xxxx 3919 with a balance of over \$565,000 which was an asset of the Trust.</p> <p>10. Petitioner is informed and believes that Respondent, Christopher Lull, presented Bank of America on or about June 26, 2013 the original 02/16/94 Trust without including the 09/14/02 amendment and wrongfully obtained the balance of the Bank of America Account.</p> <p>Petitioner prays for an Order:</p> <ol style="list-style-type: none"> 1. Declaring that Petitioner is the sole owner of the funds in Bank of America account no. xxxx xxxx 3919 and the sums wrongfully removed from said account and that Respondent has no interest in the account or the balance of the account; 2. Directing Respondent to immediately deliver the amounts removed from the account to Petitioner; 3. Directing Respondent to pay Petitioner's attorney's fees and costs; and 4. Awarding Petitioner with exemplary damages against Respondent according to proof. 	NEEDS/PROBLEMS/COMMENTS:		
Debra DOD: 05/13/13		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>This matter to be heard at 1:30 in Dept. 303.</p> <p><u>CONTINUED FROM 10/21/13</u></p> <p>As of 11/14/13, nothing further has been filed in regards to this Petition.</p> <p>Petition to Determine Title to, Require Transfer to and Impose Constructive Trust Over Property and Motion for Judgment on the Pleadings filed by Petitioner are set for hearing on 12/09/13</p>		
Cont. from 081213, 102113				
<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				
Continued on Page 2				
		Reviewed by: JF		
		Reviewed on: 11/14/13		
		Updates:		
		Recommendation:		
		File 1B – Winter		

Objection filed 08/07/13 by Christopher Lull, Respondent, states:

6. Petitioner does not have standing to bring this Petition. Petitioner is not the trustee because the amendment naming him as trustee was revoked. Morgan Quail witnessed the destruction of the amendment (see *Declaration of Morgan Quail*). Without the amendment, Petitioner is not the trustee or a beneficiary of the Trust and has no vested interest in the Trust.
7. Petitioner is not a relative or heir of Debra L. Winter.
8. Michele Lane, the real estate agent described in the Petition, was in possession of the original estate planning binder at the time of Debra Winter's death. Ms. Lane turned over the binder to Respondent because she found his name in the estate documents, and could not locate Petitioner's name in the binder. Because Ms. Lane could not find Petitioner's name in the documents and didn't know who he was, she refused to turn the binder over to him. Respondent's attorney has spoken to Ms. Lane and anticipates that she will be a witness in this matter. Ms. Lane stated to Respondent's attorney that Petitioner admitted to her that he never even met Debra Winter. This information supports the fact that the amendment was destroyed and not in the original estate planning binder.
9. In the absence of the original, there is a legal presumption that the document was revoked. Additionally, pursuant to Probate Code § 6120(b), we have an act of destruction consistent with the intent to revoke. This presumption cannot be overcome based on the Declaration of Morgan Quail and the expected testimony of Michele Lane.
10. Respondent, Christopher Lull, is the successor trustee of the Trust dated 07/16/94 and the primary beneficiary. He had every right to withdraw the money from Bank of America, as Trustee.

Objector prays for an Order:

3. Denying the Petition to Determine Title to and Require Transfer of Property to Trust Regarding Bank Account; and
4. Denying the Petition to Determine Title to and Require Transfer of Property to Trust.

Declaration of Morgan Quail in Support of Objection filed 08/07/13 states:

5. He is Debra Winter's nephew and probably one of her closest family members. Debra felt like a bit of an outsider in their family and felt left out. Declarant always tried to include her in his life events and she always seemed grateful to be included.
6. Their family has a lot of drama. Declarant states that he has tried to stay out of it and remain neutral. He believes that this is why Debra confided in him and spoke to him about things she might not talk about with others.
7. Approximately 2 years ago on Father's Day, Debra pulled Declarant aside and asked to talk to him. During their conversation, she removed a document titled amendment to trust from her purse and proceeded to tear it up in front of him. She stated that she wanted to keep her money in the family. Declarant also believes she was having conversations with her sister Catherine and father Stanton about this issue as well.
8. At Christmastime later that year, Declarant received a card from Debra thanking him for the talk on Father's Day.