



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

Status Hearing Re: Filing of the Final Accounting

Margaret Mitchell DOD: 9-17-09	<p>SUSAN MITCHELL and ROBERT SMITTCAMP are Co-Trustees of the William D. Mitchell and Margaret S. Mitchell Trust of 1992 as amended and restated September 17, 2001, as amended.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>		
William Mitchell DOD: 4-27-11			<p><u>Continued from 8-9-13</u></p>	
	<p>The Co-Trustees' Second Account was settled on 6-7-13 and the Court set this status hearing for the filing of the final accounting.</p>	<p>As of 11-18-13, nothing further has been filed.</p>		
<p>Cont. from 080913</p>			<p>1. Need final accounting or updated verified status report.</p>	
<table border="1"> <tr><td>Aff.Sub.Wit.</td><td></td></tr> </table>	Aff.Sub.Wit.			<p>Attorney Darlene Azevedo Kelly filed a Status Report on 8-5-13 (not verified by Co-Trustees). Ms. Kelly states the trust assets have not yet been distributed. The trustees are attempting to sell the mineral interests in Nevada County, CA, as it is not practicable to distribute these non-revenue-generating interests pro rata to beneficiaries. The trustees have offered them to the holders of the real property under which the mineral interests are located, and have received some indication of interest. The trustees have also notified the beneficiaries of their desire to sell the interests. The trustees hope a buyer will be obtained in the next 90 days.</p>
Aff.Sub.Wit.				
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<table border="1"> <tr><td>Inventory</td><td></td></tr> </table>	Inventory		<p>Updates:</p>	
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FTB Notice				

Atty Georgeson, C. Russell; Noyes, Christopher B., of Georgeson, Belardinelli & Noyes (for Petitioner Edmund Nolte, Jr.)
 Atty Sullivan, Jr., Robert L., of McCormick Barstow (for Respondent Marjorie A. Nolte, Trustee)

Petition for Recovery of Trust Property and Account

Edmund Sr. DOD: 12/13/2006	EDMUND V. NOLTE, JR., son and Trust Beneficiary, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
Rosetta DOD: 5/7/2009	Petitioner states:	<u>Page 2B</u> is Petitioner's Motion for Order Compelling Respondent Marjorie Nolte to Provide Further Responses to Request for Production of Documents.
Cont. from 051513, 052013, 062013	<ul style="list-style-type: none"> MARJORIE A. NOLTE is the duly appointed and acting Trustee of the NOLTE FAMILY TRUST dated 5/20/1999; 	<u>Page 2C</u> is the Status Hearing.
Aff.Sub.W.	<ul style="list-style-type: none"> The Trust that is the subject of this <i>Petition</i> was created pursuant to a written Declaration of Trust subsequently modified and restated pursuant to a document entitled "Resignation of Trustees and Agreement Modifying and Restating the Nolte Family Trust" of EDMUND V. NOLTE, SR., and ROSETTA M. NOLTE, deceased (<i>copy attached as Exhibit A</i>); 	<u>Continued from 6/20/2013</u> . Minute Order states Mr. Noyes requests the matter be set for trial. Matter is set for Court Trial on 3/11/2014 with a three-day estimate. The Court sets a status hearing for 11/22/2013 and directs both counsel to file their status reports by 11/15/2013. Counsel is advised that the scheduling of a settlement conference will be addressed at the 11/22/2013 hearing.
✓ Verified	<ul style="list-style-type: none"> As set forth in the Trust, upon the death of the surviving Trustor, Rosetta, the Trustee was directed to distribute the assets of the Trust instrument in equal shares to ERNEST RICHARD NOLTE, son, and the Petitioner; 	1. Need proposed order submitted by Petitioner Edmund V. Nolte, Jr., pursuant to Local Rule 7.1.1 (F) providing that a proposed order shall be submitted with all pleadings that request relief.
Inventory	<ul style="list-style-type: none"> The Trustee has violated the duty owed to Petitioner as beneficiary in that she has failed and refused to administer the trust property according to the trust instrument, and in particular, has failed and refused to distribute half of the assets of the trust instrument to Petitioner; 	Reviewed by: LEG
PTC	<ul style="list-style-type: none"> Marjorie A. Nolte, as Trustee, has failed and refused to provide an account of the Trust at any time; 	Reviewed on: 11/19/13
Not.Cred.	<ul style="list-style-type: none"> On 1/17/2013, Petitioner, through his counsel, delivered to the Trustee a written request for an accounting of her acts as Trustee (<i>copy of request attached as Exhibit B</i>); the Trustee has failed to provide the requested account. 	Updates:
Notc of Hrg	~Please see additional page~	Recommendation:
Non-jud. council		File 2A - Nolte
✓ Aff.Mail		
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Duties/S		
Objection		
Video Receipt		
CI Report		
9202		
Order		
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Status Rpt		
UCCJEA		
Citation		
FTB Notice		

Petitioner prays for an Order:

1. Compelling Marjorie A. Nolte, as Trustee, to submit her accounting of her acts as Trustee since 5/7/2009 through present;
2. Compelling Marjorie A. Nolte to redress the breach of trust described in the *Petition* by distributing half of the assets of the Trust to Petitioner; and
3. For costs.

Reply to Petition for Recovery of Trust Property and Account filed by MARJORIE A. NOLTE on 5/13/2013 states:

- Edmund V. Nolte, Sr. and Rosetta M. Nolte originally established the **NOLTE FAMILY TRUST** by Declaration of Trust dated 5/20/1999; the Trust was amended and restated in its entirety by *Resignation of Trustees and Agreement Modifying and Restating the Nolte Family Trust* dated 11/7/2005 (copy attached as Exhibit A);
- When the Trust was initially established, the Trust was funded with only two assets: (a) a parcel of commercial property located on Marks Ave. in Fresno; and (b) a residence located at Windsor Blvd. in Cambria;
- On 10/28/2005, shortly before the Resignation and Restatement was executed, the commercial property was sold by the Trust and the net proceeds from the sale of the commercial property were deposited into a joint bank account established on 6/28/2005 by the Trustors in the joint names of Edmund V. Nolte, Sr., Rosetta M. Nolte, and their granddaughter, **NATALIE NOLTE**;
- On 11/7/2005, following the sale of the commercial property, Mr. and Mrs. Nolte executed the *Resignation of Trustees*, by which, among other things, they resigned as Trustees of the Trust and appointed their daughter-in-law, Marjorie (Respondent), as Trustee of the Trust; when Respondent became Trustee of the Trust on 11/7/2005, the only remaining asset of the Trust was the Cambria residence; at the time of death of the last surviving Trustor (Rosetta), the Trust became irrevocable and the Cambria residence remained the only asset of the Trust;
- On 9/2/2010, Respondent as Trustee of the Trust caused the Cambria residence to be distributed to the two beneficiaries of the Trust by execution of Grant Deed to Ernest Richard Nolte and Edmund V. Nolte, Jr., in equal shares as tenants in common (copy of Grant Deed attached as Exhibit B);
- By making final distribution of the Cambria residence, Respondent completed her duties and responsibilities as Trustee of the Trust;
- Petitioner alleges that Respondent "...has failed and refused to administer the trust property according to the trust instrument, and in particular, has failed and refused to distribute half of the assets of the trust instrument to Petitioner." This allegation is false, for indeed on 9/2/1010, the Respondent did in fact cause all of the assets of the Trust to be distributed to the Trust's beneficiaries;
- Petitioner alleges that Respondent "...has failed and refused to provide an account of the above-described trust at any time." Once again, this allegation is false; in a telephone conversation with Petitioner's counsel on 2/11/2012, Respondent's counsel advised Petitioner's counsel that there was only one asset of the Trust (the Cambria residence); that the residence had been distributed to the Trust's beneficiaries in 2010; and that under these circumstances it would seem a waste of time and money to prepare an accounting which merely showed the distribution in kind of the sole asset of the Trust; at no time did either Respondent or her counsel refuse to provide an accounting;

~Please see additional page~

Reply to Petition filed 5/13/2013 by MARJORIE A. NOLTE, continued:

- As demanded in the *Petition*, Respondent has prepared an accounting of the administration of the Trust from 5/7/2009 through 3/31/2013 (copy attached as Exhibit C); Exhibit C, *First and Final Account of Trustee, Marjorie A. Nolte, Covering the Period from 5/7/2009 To and Including 9/2/2010*, shows the following:

Accounting	-	\$850,000.00
Beginning POH	-	\$850,000.00
Ending POH	-	\$ 0.00*

***Schedule G, Deductions from Account / Distributions states:** Pursuant to Article Fourth, Section D, Subsection 4 and Article Fourth, Section F, Subsection 2 of the foregoing Trust, distribution of residential real estate in Cambria, CA [legal description omitted] to **ERNEST RICHARD NOLTE** and **EDMUND V. NOLTE, JR.**, each as to an undivided 1/2 interest as tenants in common, Appraised value – **\$850,000.00**.

- In connection with the accounting, Petitioner caused the Cambria residence to be appraised as of 5/7/2009 [Rosetta's date of death, showing a value of **\$850,000.00**] by the San Luis Obispo County Probate Referee (copy of the Appraisal Report attached as Exhibit D).

Respondent prays for an Order:

- Denying any and all of the relief sought in the *Petition*;
- Allowing and approving the account of Trustee which is attached as *Exhibit C*; and
- Determining that by and upon distribution of the Cambria residence to the Trust's beneficiaries, the Respondent completed and fully performed all of her duties as Trustee of the Trust.

Status Report filed by Attorney Sullivan for Marjorie A. Nolte, Trustee, on 6/17/2013 states:

- At the 5/20/2013 hearing on the *Petition for Recovery of Trust Property and Account*, and in response to the question of the Court, Mr. Noyes advised the Court that he wished to proceed with discovery in this matter; to set a mandatory settlement conference; and to have the matter set for trial; Mr. Sullivan advised the Court that Mr. Noyes had represented that he had specific information concerning various accounts of the Trust, but that he had declined to provide them to Mr. Sullivan; the Court ordered that a status conference be set on 6/20/2013; that no discovery proceed until after the status conference; and that Mr. Noyes should provide to Mr. Sullivan the information in his possession concerning accounts held in the name of the Trust;
- On 5/23/2013, Mr. Noyes provided to Mr. Sullivan 112 pages of documents consisting of current and previous estate planning documents of Edmund V. Nolte, Sr., and Rosetta M. Nolte; the only documents delivered which referred to Trust account information at issue were [9 specific pages, copies attached as Exhibits A, B and C];

~Please see additional page~

Status Report filed by Attorney Sullivan for Marjorie A. Nolte, Trustee, on 6/17/2013, continued:

- Respondent and her attorney have reviewed the foregoing information and other account information in the possession of the Respondent, and report to the Court as follows:
 1. Exhibits A and B disclose 3 Mid-State Bank [*located in Cambria*] accounts [*numbers omitted*] standing in the name of Edmund V. Nolte, Sr., and Rosetta M. Nolte in May of 1999, the month in which the Trust was originally established;
 2. Exhibit C makes reference to 2 Mid-State Bank accounts [*numbers omitted*] standing in the name of the Trust in March of 2005;
- Respondent was not involved with the Trust in 1999, as she did not become Trustee of the Nolte Family Trust until 11/7/2005, and accordingly, she has no specific knowledge of the disposition of the 3 accounts referenced in Exhibits A and B; however, it appears that the 2006 checking and savings accounts referenced in Exhibit C were merely renumbering of the 1999 accounts referred to in Exhibits A and B in order to reflect the retitling of those accounts in the name of the Nolte Family Trust; the Respondent has no knowledge as to the disposition of the 1999 Certificate of Deposit [*number omitted*];
- At the time the Trust was amended and restated in its entirety on 11/7/2005, the Trust's Mid-State Bank checking and savings accounts continued in existence; both of these accounts were actively used by Edmund V. Nolte, Sr., and Rosetta M. Nolte as Trustees of the Nolte Family Trust from the establishment of the Trust in 1999 until 11/7/2005 when Mr. and Mrs. Nolte restated the Trust, resigned as Co-Trustees and appointed Respondent as Trustee of the Trust;
- Prior to amending and restating the Trust and resigning as Trustee, Mr. and Mrs. Nolte established a joint bank account at Union Bank, not in the name of the Trust but in the name of Edmund V. Nolte, Sr., and Rosetta M. Nolte, and their granddaughter, **NATALIE NOLTE** ("Joint Tenancy Account"); after 2005, the Joint Tenancy Account was the primary account used for the payment of Mr. and Mrs. Nolte's bills and living expenses;
- The Mid-State Bank checking account remained in existence until 5/4/2006, on which date the Respondent instructed Mid-State Bank to close the account by fax transmittal dated 5/4/2006 (*copy attached as Exhibit D*); bank statement for that account dated 5/5/2006 (*copy attached as Exhibit E*), indicates a balance of **\$17.78**, and after applying an account closing charge of **\$2.83**, the bank issued a check for **\$14.95**, thereby closing the account; Respondent has no recollection of the disposition of the **\$14.95** check;
- The Mid-State Bank savings account remained in existence until March of 2008, and the 3/31/2008 statement for the account (*copy attached as Exhibit F*) indicates a closing balance of **\$1,312.91**, and this is the last statement for this account in the Respondent's possession; on 5/6/2009, this account was closed by issuance of a cashier's check for **\$1,314.19** (*copy attached as Exhibit G*), which was deposited into the Joint Tenancy Account on 5/6/2009 by Respondent because this was the account used for the care and benefit of Mr. and Mrs. Nolte during their lifetimes; however, Respondent now realizes the check should not have been deposited into the Joint Tenancy Account in 2009 for the reason that both Mr. and Mrs. Nolte were then deceased, and the beneficiaries of the Trust were not the beneficiaries of the Joint Tenancy Account; had the funds been held in a trust account, they would nevertheless have not been available for distribution to the beneficiaries of the Trust, for the reason that the expenses of administration of the Trust, including preparation of the Trustee's accounting, far exceeded the **\$1,314.19** amount of funds in question;

~Please see additional page~

Status Report filed by Attorney Sullivan for Marjorie A. Nolte, Trustee, on 6/17/2013, continued:

- To the best of Respondent's knowledge, the bank accounts referred to in this *Status Report* are the **ONLY** *[emphasis in original]* accounts in which Edmund V. Nolte, Sr., and Rosetta M. Nolte ever held any interest, either individually or through the Trust; the Mid-State Bank accounts referred to in *Exhibit C* are the only bank accounts which ever came into the Trustee's possession and control;
- Accordingly, as fully set forth in Respondent's *Reply* filed 5/13/2013, the only remaining asset of the Trust on the date of Rosetta M. Nolte's death on 5/7/2009 was the Cambria Residence, which was distributed to the beneficiaries of the Trust on 9/2/2010, by reason of which there are no remaining assets in the Trust.

Respondent requests the Court grant the relief set forth in her *Reply* by entering an Order as follows:

1. Denying any and all relief sought in the Petition;
2. Allowing and approving the account of the Trustee filed 5/13/2013; and
3. Determining that upon distribution of the Cambria Residence to the Trust's beneficiaries, the Respondent completed and fully performed all of her duties as Trustee of the Trust.

Atty Georgeson, C. Russell; Noyes, Christopher B., of Georgeson, Belardinelli & Noyes (for Petitioner Edmund Nolte, Jr.)
 Atty Sullivan, Jr., Robert L., of McCormick Barstow (for Respondent Marjorie A. Nolte, Trustee)

Petitioner's Notice of Motion for Order Compelling Respondent Marjorie Nolte to Provide Further Responses to Request for Production of Documents, Set No. 1 and for an award of Monetary Sanctions

Edmund Sr. DOD: 12/13/2006	<p>EDMUND V. NOLTE, JR., son and Trust Beneficiary, is Movant.</p> <p>Movant moves the Court for an order compelling Respondent MARJORIE A. NOLTE, Trustee, to provide further responsive documents pursuant to Code of Civil Procedure § 2031.310; <i>Motion</i> is made on the grounds that the discovery sought is relevant to the subject matter of the action, is reasonably calculated to lead to the discovery of admissible evidence, and is relevant to assist Movant in evaluating his case, preparing for trial, and evaluating settlement.</p> <p>Movant states Respondent has refused to meet her statutory obligations relative to Movant's request for Production of Documents No.'s 1 – 32 by including irrelevant objections, failing to provide complete responses, and failing to produce all responsive documents.</p> <p>Movant also seeks a monetary sanction pursuant to Code of Civil Procedure §§ 2013.310(h), 2023.101, and 2023.030(a), and CA Rule of Court 3.1348 against Respondent and her attorneys of record, in the amount of \$1,560.00, representative of the reasonable amount of expenses and attorney's fees incurred by Petitioner in connection with making this motion.</p> <p style="text-align: center;">~Please see additional page~</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Continued from 10/29/2013.</u></p>	
Rosetta DOD: 5/7/2009			
Cont. from 102913			
Aff.Sub.Wit.			
Verified			N/A
Inventory			
PTC			
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Notice of Hrg			
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Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		Reviewed by: LEG	
		Reviewed on: 11/19/13	
		Updates:	
		Recommendation:	
		File 2B – Nolte	

Edmund Noltes' Motion for Order Compelling Respondent Marjorie Nolte to Provide Further Responses to Request for Production of Documents filed 9/25/2013, continued:

Motion is based on the following:

- The **Notice of Motion**;
- **Memorandum of Points and Authorities in Support of Petitioner's Motion for Order Compelling Respondent Marjorie Nolte to Provide Further Responses to Request for Production of Documents, Set No. 1 and for an Award of Monetary Sanctions** filed 9/25/2013;
- **Declaration of Christopher B. Noyes in Support of Motion for Order Compelling Respondent Marjorie Nolte to Provide Further Responses to Request for Production of Documents, Set No. 1 and for an Award of Monetary Sanctions** filed 9/25/2013;
- **Separate Statement in Support of Petitioner's Motion for Order Compelling Respondent Marjorie Nolte to Provide Further Responses to Request for Production of Documents, Set No. 1** filed 9/25/2013;
- **Petitioner's Request for Judicial Notice in Support of Petitioner's Motion for Order Compelling Respondent Marjorie Nolte to Provide Further Responses to Request for Production of Documents, Set No. 1 and for an Award of Monetary Sanctions** filed 9/25/2013;
- The Court's record and files in this action; and
- Upon such other materials as may be presented prior to the Court's ruling on this *Motion*.

OTrustee Marjorie A. Nolte's Separate Statement in Response to Petitioner's Motion for Order Compelling Respondent Marjorie Nolte to Provide Further Responses to Request for Production of Documents, Set No. 1 was filed 10/17/2013.

Declaration of David L. Emerzian in Support of Opposition to Motion for Order Compelling Respondent Marjorie Nolte to Provide Further Responses to Request for Production of Documents, Set No. 1 and for an Award of Monetary Sanctions was filed 10/17/2013.

Request for Judicial Notice in Support of Opposition to Motion for Order Compelling Respondent Marjorie Nolte to Provide Further Responses to Request for Production of Documents, Set No. 1 and for an Award of Monetary Sanctions was filed 10/17/2013.

Memorandum of Points and Authorities in Support of Opposition to Motion for Order Compelling Respondent Marjorie Nolte to Provide Further Responses to Request for Production of Documents, Set No. 1 and for an Award of Monetary Sanctions was filed 10/17/2013.

Reply [of Edmund V. Nolte, Jr.] in Support of Petitioner's Motion for Order Compelling Respondent Marjorie Nolte to Provide Further Responses to Request for Production of Documents, Set No. 1 and for an Award of Monetary Sanctions was filed 10/22/2013.

Petitioner EDMUND V. NOLTE, JR.'S Status Report filed by Attorney Christopher Noyes on 11/14/2013 states:

- On 5/22/2013, Petitioner voluntarily produced 122 documents in his possession to Respondent;
- On 6/4/2013, Petitioner served a *Request for Production of Documents, Set No. One* to Respondent;
- On 8/9/2013, Respondent served her responses to Petitioner's *Request for Production of Documents, Set No. One*;
- Respondent produced 31 documents, served objections and refused to produce all responsive documents in response to the discovery;
- On 9/25/2013, Petitioner filed a *Motion for Order Compelling Responses to Provide Further Responses and for an Award of Monetary Sanctions*;
- The Court has yet to rule on Petitioner's *Motion*;
- Trial is set to commence on 3/11/2014 with an estimated 3 days of trial;
- Except for Petitioner's discovery motion, there are no other pending issues before the Court.

Probate Status Hearing Re: Filing Inventory & Appraisal

Age:		NEEDS/PROBLEMS/COMMENTS: OFF CALENDAR. Petition for Final Distribution filed and set for hearing on 1/13/2014.
DOD:		
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
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Notice of Hrg		
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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: 11/18/2013
		Updates:
		Recommendation:
		File 3 – Breckenridge

Probate Status Hearing Re: (1) Failure to File Inventory and Appraisal; (2) Failure to File a First Account or Petition for Final Distribution [Prob. C. 12200, et seq.]

DOD: 3/24/01	<p>LAUREN JEROME SEVERSON was appointed Executor with full IAEA authority and without bond on 6/5/01.</p> <p>Letters issued on 6/6/01.</p> <p>Inventory and appraisal was due on 10/5/01.</p> <p>Note: The Petition for Probate indicated the estate consisted of personal property valued at \$240,000.00 and real property valued at \$160,000.00.</p> <p>First account or petition for final distribution was due on 6/6/02.</p> <p>Notice of Status Hearing was mailed to the attorney on 7/31/13.</p> <p>A Request for Dismissal denied on 8/20/13 stating the estate must be properly closed.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>OFF CALENDAR. Petition for Final Distribution was filed and is set for hearing on 1/2/2014.</p>
Cont. from 092713		
Aff.Sub.Wit.		
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Objections		
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UCCJEA		
Citation		
FTB Notice		
	Reviewed by: KT	
	Reviewed on: 11/18/13	
	Updates:	
	Recommendation:	
	File 4 – Severson	

DOD: 6-7-01	RICHARD HICKMAN was appointed Executor with Full IAEA without bond and Letters issued on 3-19-02.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>OFF CALENDAR</p> <p>Motion to Dismiss filed 11-6-13 is set for hearing on 1-6-14</p> <p>Note: Attorney Carrillo is still the attorney of record in this case, as the Substitution of Attorney was never filed.</p> <p>Note: Pursuant to Decedent's Will, there are eight (8) heirs to the estate.</p> <p>Note: A Request for Special Notice was filed by two of the heirs, James R. Elerick, Ph.D., and Debra Jean Elerick, c/o Law Office of Rodney C. Haron, on 3-19-02.</p> <ol style="list-style-type: none"> Need Inventory and Appraisal. Probate Code §8900. Need petition for final distribution. Probate Code §12200. File documents reference an "embezzlement issue." The Court may require clarification. <p>Reviewed by: skc</p> <p>Reviewed on: 10-1-13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 5 - Elerick</p>
	According to file documents, the sole asset of the estate was an account containing approx. \$65,000.00; however, no Inventory and Appraisal was filed, and no account or petition for final distribution was filed.	
	On 7-31-13, the Court set this status hearing for failure to file an Inventory and Appraisal and failure to file an account or petition for final distribution. Notice was mailed to Attorney Patricia Carrillo.	
	On 9-24-13, Attorney Carrillo filed a status report stating that in 2003, he office received a letter from Attorney Thom Snyder (attached) indicating that his office was substituting in as attorney for Executor and demanding a copy of the file. Ms. Carrillo replied with copies as well as a billing statement. Mr. Snyder's reply demanded that she sign the Substitution of Attorney (attached, last signature dated 4-15-03, but not filed). Since her last communication with Attorney Thom Snyder on 4-15-03, Ms. Carrillo has not had any written or verbal communication with Executor or Mr. Snyder or any of the beneficiaries. Ms. Carrillo has not made any formal demands for payment of attorney fees or reimbursement of costs.	
	Attorney Carrillo states that upon receipt of the Notice of Status Hearing, she emailed Attorney Snyder, but received a response that states his practice is closed as he is now with the Kings County District Attorney's Office, and he has not had contact with any of the parties in many years. Ms. Carrillo then mailed a copy of the Notice of Status Hearing to the Executor, Richard Hickman, and to date have not received any response. She has made several attempts via internet and telephone to contact him and the other parties, but has not been able to reach anyone.	
	Attorney Carrillo states that it is her belief that the bank account was liquidated outside of the probate proceeding and the beneficiaries were given their fair distributions. Prior to filing the petition for probate, interfamily disputes had prohibited the beneficiaries from liquidating the account and had caused the initial filing of the probate case. The disputes continued the year after the petition for probate was granted, making it impossible to proceed with the filing of the required court documents. There is no evidence that there are any outstanding costs or expenses.	
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Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		

[Prob. C. 12200, et seq.]

DOD: 07/22/02	<p>THOMAS MORENO, son, was appointed Administrator with limited IAEA authority on 12/11/07. Letters were issued on 01/29/08.</p> <p>Notice of Status Hearing filed 01/28/13 set this matter for a status hearing regarding filing of the Inventory & Appraisal and filing of the First Account and/or Petition for Distribution.</p> <p>Clerk's Certificate of Mailing states that the Notice of Status Hearing was mailed to attorney Val J. Dornay on 01/28/13.</p> <p>Inventory & Appraisal filed 02/04/13 - \$80,000.00 (real property)</p> <p>Order Confirming Sale of Real Property authorizing the sale of real property was filed on 10/21/13.</p> <p>Status Report filed 11/12/13 states: An escrow has been opened, but the sale is not yet in a position to be completed because the title company is attempting to locate the holder of a relatively old lien on the property and to date has yet to be successful. .</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>CONTINUED FROM 06/14/13</u></p> <p>1. Need Accounting and/or Petition for Distribution.</p>
Cont. from 030813, 061413		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
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Notice of Hrg		
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Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		<p>Reviewed by: JF</p> <p>Reviewed on: 11/18/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 6A- Moreno</p>

Atty Dornay, Val J. (for Thomas Moreno – Administrator

Status Hearing Re: Filing of Receipt for Deposit of Proceeds into a Blocked Account

DOD: 07/22/02	<p>THOMAS MORENO, son, was appointed Administrator with limited IAEA authority on 12/11/07. Letters were issued on 01/29/08.</p> <p>Inventory & Appraisal filed 02/04/13 - \$80,000.00 (real property)</p> <p>Order Confirming Sale of Real Property authorizing the sale of real property was filed on 10/21/13.</p> <p>Minute Order from hearing on 10/21/13 set this matter for status regarding the Filing of Receipt for Deposit of Funds into a Blocked Account.</p> <p>Status Report filed 11/12/13 states: An escrow has been opened, but the sale is not yet in a position to be completed because the title company is attempting to locate the holder of a relatively old lien on the property and to date has yet to be successful. Accordingly, the Administrator will not be able to file receipts for funds into a blocked account before the status hearing on 11/22/13.</p>	NEEDS/PROBLEMS/COMMENTS:
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
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Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
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Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
	<p>Reviewed by: JF</p> <p>Reviewed on: 11/18/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 6B – Moreno</p>	

DOD:12-10-10	<p>LAWRENCE M. LOWE, Son, was appointed Executor with Full IAEA without bond and Letters issued 6-2-11.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>		
	<p>I&A filed 3-6-13 reflected a total estate value of \$765,111.17. Supplemental I&A indicates an additional \$6,000.00 for a total estate value of \$771,111.17</p>	<p><u>CONTINUED FROM 7-26-13, 10-11-13, 11-8-13</u></p>		
<p>Con from 072613, 101113, 110813</p>	<p>Upon filing of the I&A and review of the file, it was determined that a first account or petition for final distribution was due; therefore, on 3-18-13, the Court set a status hearing for failure to file a first account or petition for final distribution for 6-28-13 and sent notice to Attorney Fanucchi.</p>	<p>Note: Status Report filed 10/09/13 states the First & Final Account and Report of Executor is currently being prepared and should be on file within the next 3-4 weeks.</p>		
<table border="1"> <tr> <td>Aff.Sub.Wit.</td> <td></td> </tr> </table>	Aff.Sub.Wit.		<p>A status report filed by Attorney Fanucchi on 6-26-13 stated that the executor had advised the decedent's granddaughter that a specific bequest of jewelry to her was stolen from his home; however, the attorney was not advised of this fact until contacted by the granddaughter. There were also specific bequests of \$10,000.00 each to the decedent's two grandchildren which have not been made after procedures under probate code have been followed by counsel. Counsel is unable to prepare a final accounting without the documentation requested, and counsel has had no contact from the executor or response to multiple requests, other than to be advised that he has not been able to obtain, or the bank made a mistake, or other reasons. Counsel has no information on current status of disbursements, receipts, balances, or location of assets.</p>	<p>As of 11-18-13, nothing further has been filed.</p>
Aff.Sub.Wit.				
<table border="1"> <tr> <td>Verified</td> <td>X</td> </tr> </table>	Verified	X	<p>Minute Order 6-28-13: Mr. Fanucchi informs the Court that Dr. Woo is planning on filing petition to be successor executor. Mr. Lowe is ordered to appear on 7/26/13. Order to show cause issued Re: failure to appear and failure to act as executor. Sanctions of \$1000.00. The Court will consider a surcharge of any loss assets not protected while he has been executor. Set on: 7/26/13 at 9 am in Dept. 303 for: Filing Petition for Successor Executor.</p>	<p>Note: Heirs include:</p> <ul style="list-style-type: none"> • Lawrence M. Lowe (Son and Executor), • Lawrence M. Lowe, as trustee of testamentary trust fbo Sharon Oniwa, (Daughter), • Dori Ann Kawai and Darold Oniwa (Grandchildren) (specific bequests).
Verified	X			
<table border="1"> <tr> <td>Inventory</td> <td></td> </tr> </table>	Inventory		<p>On 7-22-13, Executor Lawrence Lowe filed a verified status report stating that the jewelry has been delivered for appraisal, and that the turmoil in the case and the thoughts about removing the executor have settled down, the Executor is in full compliance with the instructions of his attorney, and the case is moving along swiftly. Executor does not recall any notice to be present at the last hearing, but will be present on 7-26-13. It is anticipated that the above matters will be completed and final accounting filed within the next month.</p>	<p>Reviewed by: skc</p>
Inventory				
<table border="1"> <tr> <td>PTC</td> <td></td> </tr> </table>	PTC		<p>Supp I&A was filed 7-30-13. Status Report filed 10/09/13 states Executor's First & Final Account is being prepared and should be filed in the next 3-4 weeks.</p>	<p>Reviewed on: 11-18-13</p>
PTC				
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<table border="1"> <tr> <td>Citation</td> <td></td> </tr> </table>	Citation			
Citation				
<table border="1"> <tr> <td>FTB Notice</td> <td></td> </tr> </table>	FTB Notice			
FTB Notice				

Re: Status Report from Public Administrator

DOD: 9-13-10	EARL CUNNINGHAM , son, was appointed as Administrator with Full IAEA without bond on 5-19-11.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Note:</u> There have been two creditor's claims filed in this estate:</p> <ol style="list-style-type: none"> 1) \$9,845.58 by Phillips & Cohen Associates, LTD on behalf of RBS Citizens N.A. 2) \$4,069.54, increasing \$326 monthly, by Donald S. Cooley, DBA Sierra Mobile Park. (Examiner notes that the rent appears to be for the period 2-1-12 through 2-1-13, which is far after the death of the decedent.) <p><u>Note:</u> There are four heirs, all of whom live out of state:</p> <ul style="list-style-type: none"> • Earl Cunningham (son) • Gregory Cunningham (son) • Kenneth Cunningham (son) • Lorri Hulery (daughter) <p><u>Note:</u> Attorney Rindlisbacher filed a Request for Special Notice on 10-15-13. The Court may require proof of service of Notice of Hearing and Status Report on Mr. Rindlisbacher pursuant to Probate Code §1252.</p>
	Mr. Cunningham is a resident of Carlsbad, New Mexico.	
	Mr. Cunningham was previously represented by Attorney Curtis D. Rindlisbacher; however, pursuant to Substitution of Attorney filed 7-24-12, Mr. Cunningham proceeded as self-represented. Mr. Rindlisbacher filed a Request for Special Notice on 10-15-13.	
Cont. from 092613	On 12-5-12, I&A Partial No. 1 indicated a vehicle and a mobile home, total value \$7,800.00.	
Aff.Sub.Wit.	Final I&A filed 1-22-13 adds \$1,000.00 cash, for a total estate value of \$8,800.00.	
Verified	At status hearing on 8-30-13, Mr. Cunningham was removed as Administrator and the Public Administrator was appointed as personal representative.	
Inventory	Status Report filed 11-7-13 states that the rent exceeds the appraised value of the estate; therefore, the Public Administrator intends to relinquish the mobile home to the mobile home park. Mr. Cunningham told Deputy Jimenez that he intends to send back the \$1,000.00 to deposit in the estate account and assist in the sale of the vehicle, but he believes it is just worth scrap value. In order to allow time to abandon the mobile home, sell the vehicle and perform other tasks necessary to the administration of the estate, Public Administrator requests continuance for at least four (4) months.	
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
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Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
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Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: skc
		Reviewed on: 11-18-13
		Updates:
		Recommendation:
		File 9 - Martin

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

DOD: 2-9-12		<p>GEORGE HERNANDEZ, Son, was appointed as Administrator with Full IAEA without bond on 9-4-12 and Letters issued on 9-5-12.</p> <p>At hearing on 9-4-12, the Court set this status hearing for filing of the first account or petition for final distribution.</p> <p>Final I&A filed 10-12-12 indicated a total estate value of \$66,800.55 including cash and real and personal property.</p> <p>Various creditor's claims have been filed.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Continued from 10-25-13</u></p> <p>Minute Order 10-25-13: No appearances. Matter continued to 11-22-13. The Court orders George Hernandez to be personally present on 11-22-13 if the first account or petition for final distribution is not filed.</p> <p>Copies of the minute order were mailed to George Hernandez and Attorney Deborah Boyett on 11-4-13.</p> <p><u>As of 11-18-13, nothing further has been filed.</u></p> <ol style="list-style-type: none"> 1. Need first account or petition for final distribution or status report per local rules.
Cont. from 102513			
Aff.Sub.Wit.			
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Inventory			
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Notice of Hrg			
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Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
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Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		Reviewed by: skc	
		Reviewed on: 11-18-13	
		Updates:	
		Recommendation:	
		File 11 – Hernandez	

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

Age:		NEEDS/PROBLEMS/COMMENTS: OFF CALENDAR. Petition for Final Distribution has been filed and set for hearing on 1/8/2014.
DOD:		
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
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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: 11/18/2013
		Updates:
		Recommendation:
		File 12 – Melton

DOD: 06/22/2012		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Off Calendar Subsequent Status Hearing set for 06/13/2014 per Minute Order dated 04/10/2013</u></p>
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
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Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: LV
		Reviewed on: 11/18/2013
		Updates:
		Recommendation:
		File 13 – Williams

Status Hearing Re: Filing of the Inventory and Appraisal

DOD: 7-1-12	<p>GEORGE P. PAPPAS was appointed Executor with Full IAEA without bond on 4-25-13 and Letters issued on 5-1-13.</p> <p>At hearing on 4-25-13, the Court set this status hearing for filing the Inventory and Appraisal.</p> <p>Status Report filed 9-24-13 states the decedent's estate consists primarily of interests in legal entities (one corporation and five general partnerships) for which appraisal is being obtained and one partial interest in a piece of real property for which a sale has been completed. The appraiser engaged by the personal representative is currently working on finalizing the appraisals of the decedent's interests in the entities mentioned above. Once complete, the personal representative intends to either submit to the probate referee for his appraisals, or request waiver of the probate referee appraisal. Status report requests continuance to 11-22-13.</p>	NEEDS/PROBLEMS/COMMENTS:
		<u>Continued from 9-27-13</u>
Cont. from 092713		Minute Order 9-27-13: Counsel informs the Court that they are in the process of getting appraisals for the decedent's property.
Aff.Sub.Wit.		As of 11-18-13, nothing further has been filed.
Verified		1. Need Inventory and Appraisal.
Inventory		Note: If the personal representative decides to request to waive appraisal by the Probate Referee, a separate petition and noticed hearing is required pursuant to Probate Code §8903.
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: skc
		Reviewed on: 11-18-13
		Updates:
		Recommendation:
		File 14 – Pappas

DOD: 01/04/13		<p>FRANCES YBARRA, sister, Petitioned to be appointed Administrator on 07/02/13. At the hearing on 07/29/13, the Court denied the Petition and appointed the PUBLIC ADMINISTRATOR.</p> <p>Minute order from hearing on 07/29/13 set a status hearing on 09/09/13. That was continued to 11/22/13.</p> <p>Inventory & Appraisal filed 09/18/13 - \$120,000.00</p> <p>Report Regarding Status of Estate filed 11/15/13 states: A notice of proposed action was filed on 10/04/13 regarding the sale of the real property belonging to the estate. Having received no objections to the sale, the property is now in escrow. Once the money from the liquidation of the assets is received, the Public Administrator can proceed with the remaining tasks dealing with the administration of the estate. Among the tasks involved is preparing and filing the final taxes for the estate. In order to allow time to complete the administration of the estate and to prepare the documents needed for the preparation and filing of the final account, it is respectfully requested that the next status hearing be set no sooner than 6 months from the date of this hearing.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>CONTINUED FROM 09/09/13</u></p> <p>Note: Declaration of Mary H. Ybarra filed 10/24/13 states that she is the mother of Erik Ybarra, only surviving heir of the decedent. She states that an auction of the decedent's personal property was held on 10/05/13 without notice to her son. Further, she states that there were items missing from the auction. Ms. Ybarra states that she does not feel it is in the best interest that Frances Ybarra be the Administrator of Decedent's estate.</p> <p>*It does not appear that Mary Ybarra is aware that the Public Administrator is the Administrator of the estate and not Frances Ybarra.</p>
Cont. from			
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
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Objections			
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UCCJEA			
Citation			
FTB Notice			
		Reviewed by: JF	
		Reviewed on: 11/18/13	
		Updates:	
		Recommendation:	
		File 15 – Ybarra	

