



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.

1 Herbert Levy (Estate)

Case No. 0433774

Atty Levy, Joel S. (pro per – son/special administrator)

Probate Status Hearing Re: Filing Accounting

DOD: 12-14-90	JOEL S. LEVY , Son was appointed Special Administrator on 2-14-1991 for the specific purpose of compromising a claim of the decedent in an action entitled <u>Levy v. Levi Strauss</u> , San Francisco Superior Court Case No. 862101.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: it is noted that all purported interested parties (decedent's intestate heirs) have signed waivers of account waiving their rights to an accounting in this matter, however, no Notice of Hearing has been served on any interested parties. Proof of service attached to the Declaration of Joel Levy indicates that the interested parties were mailed a copy of the Declaration on 11/07/14.</p> <p>1. Need Order.</p>	
Cont. from	Also in 1991 Mildred Levy, surviving spouse of the decedent, filed a Spousal Property Petition based on the decedent's will, which devised the decedent's entire estate to her. (Order filed 05/16/91.)		
Aff.Sub.Wit.	Thereafter nothing further was filed in the matter until Joel Levy filed a Petition for Order Determining Title to Real Property in the Name of Herbert Levy is Property of Evelyn Heilbronn on 08/11/14, the matter was heard on 10/01/14.		
<input checked="" type="checkbox"/> Verified	Per Minute Order from 10/01/14 the Petition was granted and this hearing was filed re status of filing an accounting and/or petition to close the special administration.		
Inventory	Declaration of Joel Levy filed 11/10/14 states: to the best of his recollection, the only reason for his appointment as Special Administrator was to settle a lawsuit on behalf of the estate. He recalls that the case was settled for approximately \$30,000.00. He believes that the attorney representing the decedent's interest in the lawsuit was paid \$9,000 - \$10,000 from the settlement proceeds to reimburse out of pocket litigation expenses and the balance was distributed to decedent's wife, Mildred Levy. Other than the lawsuit, declarant states that he has no recollection of any other matter relating to Probating decedent's estate. Declarant states that he received no compensation in connection with the settlement or from this probate proceeding and states that he is not owed anything at this time. It has been 23 years since the last activity in this case. It is his understanding that this court wants him to provide a report, account/waivers of account, and request termination of the special administration. He states that the above information is essentially a report of everything he knows about the estate and all heirs of the estate have signed waivers of accounts (attached to declaration). Declarant therefore requests that the special administration be terminated without the need for filing a separate petition.		
PTC			
Not.Cred.			
Notice of Hrg	x		
Aff.Mail	x		
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order	x		
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
			<p>Reviewed by: JF</p> <p>Reviewed on: 11/18/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 1 - Levy</p>

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

DOD: 12/01/2002	<p>JUDY RILEY, daughter, was appointed Administrator with will annexed without bond on 09/06/2005.</p> <p>Letters issued on 09/06/2005.</p> <p>Inventory and Appraisal as due on 02/2006.</p> <p>First Account or Petition for Final Distribution was due on 11/2006.</p> <p>Notice of Status Hearing was mailed to Attorney Michael A. Milnes and Judy Riley on 11/21/2013.</p> <p>Pursuant to the minute order dated 07/15/2014, on the Court's own motion removes Judy Riley as the administrator and appoints the Public Administrator as the personal representative.</p> <p>Former Status Report filed 08/28/2014 states the Senior Probate Assistant Susan Banuelos researched and learned that the sole asset of the estate was the real property located at 4463 South East Ave, Fresno. She has determined that the real property was sold. Therefore she is currently trying to locate the other four heirs to find out if the former administrator distributed the funds among them as the Will directed.</p> <p>In order to allow time to contact the other heirs and to ascertain what must be done based on their response, the Public Administrator respectfully requests that the next status hearing be set no sooner than 90 days from the date of this status hearing.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Minute Order of 09/02/2014: Counsel informs the Court that Ms. Riley has been noticed. The Court continues sanctions as to Ms. Riley for the no appearances of 05/09/2014, 06/10/2014, 07/25/2014, and 09/02/2014. The Court excuses sanctions as to Mr. Milnes only.</p> <p>Copy of Minute Order dated 09/02/2014 was mailed to Judy Riley on 10/06/2014.</p> <p>Note: Court's Certificate of Mailing of Minute Order 09/02/2014 returned by Post Office.</p> <p>Minute Order of 07/15/2014: No appearances. The Court notes that Judy Riley has failed to comply and communicate. The Court on its own motion removes Judy Riley as the administrator and appoints the Public Administrator as the personal representative. The Court imposes sanctions in the amount of \$1,000.00 each as to Judy Riley and Michael Milnes.</p> <p>Copy of Minute Order dated 07/15/2014 was mailed to Michael Milnes and Judy Riley on 07/21/2014.</p> <p style="text-align: center;"><u>Please see additional page</u></p>
Cont. from 022114, 050914, 061014, 071514, 090214		
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: LV
		Reviewed on: 11/18/2014
		Updates:
		Recommendation:
		File 2 – Eldridge

Needs/Problems/ Comments continued:

Minute Order of 06/10/2014: The Court notes that the hour is 10:15 a.m. and there are no appearances. The Court further notes that sanctions have been previously imposed. The Court sets the matter for an Order to Show Cause on 07/15/2014 regarding failure to appear and further sanctions in the amount of \$1,000.00 each as to Michael Milnes and Judy Riley. Michael Milnes and Judy Riley are ordered to be personally present on 07/15/2014.

Copy of Minute Order dated 06/10/2014 and Order (re: Order to Show Cause) mailed to Michael Milnes and Judy Riley on 06/16/2014.

Minute Order of 05/09/2014: No appearances. Michael Milnes is ordered to be personally present on 06/10/2014.

Minute Order of 05/09/2014 on Order to Show Cause Re: Failure to File and Failure to Appear: No appearances. The Court imposes sanctions against Michael Mines and Judy Riley in the amount of \$500.00 each. Sanctions are ordered paid by 05/23/2014.

Copy of Minute Order mailed to Michael Milnes and Judy Riley on 05/14/2014.

Minute Order of 02/21/2014: No appearances. The Court notes the file has no indication of notices of being returned. The Court issues order to Show Cause with sanctions of \$500 to Judy Riley and Mr. Milnes for failure to file or appear.

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

Petition for Final Distribution

DOD: 1/6/2009		MARY SUE LANCASTER, sister and Administrator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
Cont. from 040814, 051314, 062414, 081214, 090214			
Aff.Sub.Wit.		Administrator —not requested	<p>Continued from 9/2/2014. Minute Order states Mr. Donaldson filed documents to cure defects in the examiner notes.</p> <p>Notes:</p> <ul style="list-style-type: none"> Petitioner's actions taken during administration of this estate and in distributing the estate property to herself as the sole heir violate the Probate Code provisions for closing an estate, specifically Probate Code § 10501(a)(4) requiring court supervision and authorization for final distribution of the estate. Further, the instant <i>Petition for Final Distribution</i> filed 2/28/2014, and the <i>Declaration of Petitioner Mary Sue Lancaster in Support of Petition for Order of Final Distribution</i> filed 2/28/2014, do not comply with Probate Code § 10954 and CA Rules of Court 7.550 and 7.705 for waivers of account in estate matters. <i>Declaration of Mary Sue Lancaster</i> attached to the initial <i>Petition for Probate</i> filed 6/19/2009 states the only creditors of the Decedent of which she is aware are mortgages on the real property and a Visa credit card with a balance of \$400.00. <i>Verified Declaration of Petitioner Mary Sue Lancaster in Support of Petition for Order of Final Distribution</i> filed 2/28/2014 states all bill[s] and obligations of the estate have been paid or assumed by [her.] <i>Receipt on Distribution</i> filed 2/19/2014 states MARY SUE LANCASTER received from the Administrator Mary Sue Lancaster the entirety of the estate [as specified in the petition] including 100% interest in real property, and that she assumes all mortgage, tax, and other obligations owing on the real property distributed to her.
✓	Verified		
✓	Inventory		
✓	PTC	Distribution pursuant to intestate succession is to:	
✓	Not.Cred.		
✓	Notice of Hrg	MARY SUE LANCASTER – entire estate.	
✓	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters	091509	
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202	?	
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
✓	FTB Notice		

DOD: 4-14-12	ESTHER F. SOTELO , Granddaughter and Trustee with bond of \$10,000.00, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
	Account period: 1-1-11 thru 12-31-13	Continued from 5-27-14.
	Accounting: \$215,842.76	<u>SEE ADDITIONAL PAGES</u>
	Beginning POH: \$200,000.00	
Cont. from 052714	Ending POH: \$200,000.00 (real property)	
<input type="checkbox"/> Aff.Sub.Wit.	Trustee: Petitioner requests fees to be deferred until the trust is ready for distribution	
<input checked="" type="checkbox"/> Verified	Attorney: Petitioner requests fees to be deferred until the trust is ready for distribution	
<input type="checkbox"/> Inventory	Petitioner states Mrs. Esther Sotelo died on 4-14-12. The trust has been kept open because the trustee wants to maximize the return on sale of the trust's principal asset, a house in Pasadena, Ca, prior to distribution. There was substantial deferred maintenance on the property when the Sotelo Conservatorship (03CEPR01364) was first established. Also, a caretaker that has been residing at the property has invested a substantial sum in repairs in exchange for rent. More recently, Petitioner has engaged a company that provides carpentry and plumbing work to do additional repairs to bring it up to code for sale. A real estate agent has been engaged to list the property for sale and it is petitioner's intent to distribute the trust estate to beneficiaries as soon as the house in Pasadena is sold.	
<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 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	Petitioner prays that: 1. Notice of the hearing of this Account, Report, and Petition be given as required by law; 2. The Court make an order approving, allowing, and settling the second account and report of the trustee and granting the petition as filed; 3. The Court defer ruling on compensation for Petitioner and her attorneys until the estate has funds to pay such compensation; and 4. Such other relief be granted as the Court considers proper.	Reviewed by: skc Reviewed on: 11-17-14 Updates: Recommendation: File 4 – Sotelo

Page 2

NEEDS/PROBLEMS/COMMENTS:

1. **Examiner Notes previously stated:** Need account statements pursuant to Probate Code §2620. Note: The account statements filed 4-15-14 are from the middle of the account period. Need the statements showing the balance as of the closing date of the account period (12-31-13.)

On 8-4-14, Petitioner filed the same account statements that were previously filed, without further explanation. Need clarification.
2. **Examiner Notes previously noted** that Article V requires distribution of the trust upon the death of the grantor. Mrs. Sotelo died almost two years ago, but the petition was not filed as a final account. At this time, Petitioner states she intends to bring the house to code and sell and distribute. The Court may require clarification regarding the time frame involved.
3. **Bond:** It appears the trustee's bond amount of \$10,000.00 was based on the conservatorship bond and the conservatee's income, and did not need to cover the real property because sale of the conservatee's real property would require Court oversight during her lifetime. However, at this time, the Court may require increased bond if the property is to be sold.
4. **On 11-4-14, Attorney Nancy LeVan filed a "Declaration in Support of Request for Attorney's Fees."** However, no petition has been filed in connection with this request. If this request is to be considered, petition must be properly filed and noticed. Therefore, this Declaration has not been reviewed by the Examiner at this time.

Note: The Court will set a status hearing for the filing of the final account and petition for final distribution.

Atty French, G. Dana, of Wild, Carter & Tipton (for Petitioners Dennis Veech and Bruce M. Brown)

Petition for Order Authorizing Wild, Carter & Tipton to Receive Compensation as Attorneys for the Executors Pursuant to Probate Code Section 10804

DOD: 11/14/2013		<p>DENNIS VEECH, CPA, and BRUCE M. BROWN, ESQ., Co-Executors, are Petitioners.</p> <p>Petitioners state:</p> <ul style="list-style-type: none"> • Petitioners were appointed Executors of the estate pursuant to Order of this Court dated 4/17/2014; Letters Testamentary were issued on 4/25/2014; • The sole beneficiary of the estate is the RONALD D. GRAY LIVING TRUST dated 9/7/2000; Petitioners are the Trustees of the Trust; • Petitioners have engaged the services of Wild, Carter & Tipton ("Firm") to represent them with respect to this probate proceeding; Bruce M. Brown is a principal shareholder and attorney for the Firm; • Probate Code § 10804 states: "a personal representative who is an attorney shall be entitled to receive the personal representative's compensation as provided in this part, but shall not receive compensation for services as the attorney for the personal representative unless the court specifically approves the right to compensation in advance and finds that the arrangement is to the advantage, benefit, and best interests of the decedent's estate." (See Points and Authorities [filed 10/14/2014]); • Because Bruce M. Brown is an Executor and a shareholder of the Firm, Probate Code § 10804 is applicable to the fees which would be payable to the Firm (see Points and Authorities [filed 10/14/2014]); <p align="center">~Please see additional page~</p>	<p>NEEDS/PROBLEMS/COMMENTS:</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 <small>w/</small>		
<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/S		
<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: LEG</p> <p>Reviewed on: 11/18/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 8 - Gray</p>	

Petitioners state, continued:

- It would be to the advantage, benefit and best interests of the Decedent's estate to authorize the Firm to represent Petitioners and to allow the Firm to receive compensation as attorneys for the Executors, for the following reasons:
 - (A) Bruce M. Brown and the Firm were the Decedent's personal attorney for ~30 years before his death; the Trust, of which Petitioners are Trustees, is the sole beneficiary of this estate and the Trust currently holds the majority of the Decedent's property of ~**\$45,000,000.00**; Petitioners, as Trustees, continue to conduct the Trust's business affairs, including operating several ongoing businesses; because of the long representation of Decedent and his Trust, Petitioners and the Firm are intimately acquainted with all aspects of the Decedent's property and his and his Trust's business affairs; accordingly, the estate will receive the advantage of having the services of attorneys that are already knowledgeable and familiar with the assets and business affairs of the Decedent, which facilitates the administration of the estate.
 - (B) Petitioners agree to waive any compensation as Executors of the estate, provided this Petition for Authorization of Attorney's fees is approved; the waiver of Executor compensation by Bruce M. Brown, by itself, is not enough to automatically allow attorneys compensation (See Points and Authorities [filed 10/14/2014]); however, it provides a significant financial advantage to the estate, negates the risk of a double compensation to the Executor and his law firm, and the additional waiver of Executor compensation by Dennis Veech increases the financial advantage to the estate; accordingly, the estate will receive the benefit of not paying Executor fees if this Petition is granted.
 - (C) The Firm has agreed to limit its fees for its ordinary services with respect to this probate to the lesser of its hourly rate, or the statutory rate (plus reimbursement of costs advanced), pursuant to an Engagement Agreement (copy attached as Exhibit A); accordingly, the estate will receive the benefit of paying attorney's fees at the lower hourly rate rather than the permissible higher statutory rate.
 - (D) Bruce M. Brown, as an attorney for the Firm, has agreed to not bill or participate in any billing from the Firm with respect to this probate, pursuant to the Engagement Agreement; accordingly, Bruce M. Brown will not receive any compensation as Executor or for services as attorney for the estate, negating any potential for Bruce M. Brown as attorney and Executor to receive double compensation, and providing a significant financial advantage to the estate and its beneficiaries; if there is a written fee agreement between Executors and Firm that Bruce M. Brown shall not share in any of the monies to be received by the Firm, the Firm may be paid fees with respect to the probate (See Points and Authorities [filed 10/14/2014]).

Petitioners pray for an Order of this Court that the Executors shall be entitled to pay the law firm of Wild, Carter & Tipton compensation as attorneys for Executors, not in excess of the lesser of the Firm's hourly rate or the permissible statutory rate, and reimburse the Firm for costs advanced, provided the Executor, Bruce M. Brown, does not bill or participate in any billing from the Firm, and provided further that the Executors, Bruce M. Brown and Dennis Veech, waive any compensation as Executors.

Points and Authorities in Support of Petition for Order Authorizing Wild, Carter & Tipton to Receive Compensation as Attorneys for the Executors Pursuant to Probate Code Section 10804 was filed 10/14/2014.

	BARBARA ROMERO , daughter, was appointed Conservator of the person and estate on 1/19/07. Bond was set at \$15,000.00.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need Proof of Bond in the amount of \$156,000.00.</p> <p>Court will set a Status Hearing for the filing of the Fourth Account:</p> <p style="text-align: center;">• Monday, 04/04/2016 at 9:00a.m. in Dept. 303 for the filing of the fourth account.</p> <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.</p>
	Bond was filed and letters issued on 1/19/07.	
Cont. from		
Aff.Sub.Wit.	Order Approving Third Account was filed 09/15/2014.	
Verified		
Inventory		
PTC	Minute Order of 09/15/2014: The Court is satisfied with the bond amount of \$156,000.00 plus statutory amount to cover the costs of recovery.	
Not.Cred.		
Notice of Hrg	Minute Order of 10/27/2014: Bond is set at \$156,000.00. Counsel is directed to prepare an Order.	
Aff.Mail		
Aff.Pub.		
Sp.Ntc.	Minute Order of 10/27/2014 set this matter for hearing for the filing of the Bond.	
Pers.Serv.		
Conf. Screen	Order After Status Hearing Requiring Conservator of the Estate to Obtain a New Bond in the amount of \$156,000.00 signed by Judge Oliver on 10/29/2014.	
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: LV
		Reviewed on: 11/18/2014
		Updates:
		Recommendation:
		File 16 – Castro

