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

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 Levy v. Levi Strauss, San Francisco Superior Court Case No. 862101.

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.)

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.

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.

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.

NEEDS/PROBLEMS/COMMENTS:

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.

1. Need Order.

Reviewed by: JF

Reviewed on: 11/18/14

Updates:

Recommendation:

File 1 - Levy

Dept. 303, 9:00 a.m. Monday, December 1, 2014

2 Nellie Mae Eldridge (Estate) Case No. 05CEPR00552

Atty Kruthers, Heather H. (for Public Administrator)
Atty Milnes, Michael (for Judy Riley – Former Administrator)

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		
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	

JUDY RILEY, daughter, was appointed Administrator with will annexed without bond on 09/06/2005.

Letters issued on 09/06/2005.

Inventory and Appraisal as due on 02/2006.

First Account or Petition for Final Distribution was due on 11/2006.

Notice of Status Hearing was mailed to Attorney Michael A. Milnes and Judy Riley on 11/21/2013.

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.

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.

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.

NEEDS/PROBLEMS/COMMENTS:

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.

Copy of Minute Order dated 09/02/2014 was mailed to Judy Riley on 10/06/2014.

Note: Court's Certificate of Mailing of Minute Order 09/02/2014 returned by Post Office.

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.

Copy of Minute Order dated 07/15/2014 was mailed to Michael Milnes and Judy Riley on 07/21/2014.

Please see additional page

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.

3 Michael James Lancaster (Estate) Case No. 09CEPR00499

Atty **Donaldson, Larry A., sole practitioner (for Mary Sue Lancaster, Administrator)**

Petition for Final Distribution

DOD: 1/6/2009		
Cont. from 040814, 051314, 062414, 081214, 090214		
	Aff.Sub.Wit.	
✓	**Verified**	
✓	**Inventory**	
✓	**PTC**	
✓	**Not.Cred.**	
✓	**Notice of Hrg**	
✓	**Aff.Mail**	W/
	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**	

MARY SUE LANCASTER, sister and Administrator, is Petitioner.

Accounting is waived.

I & A — **$164,886.42**
POH — **$164,886.42**
($6,511.42 is cash)

Administrator —**not requested**

Attorney —**not requested**

Distribution pursuant to intestate succession is to:

MARY SUE LANCASTER – entire estate.

NEEDS/PROBLEMS/COMMENTS:

Continued from 9/2/2014. *Minute Order* states Mr. Donaldson filed documents to cure defects in the examiner notes.

Notes:

- 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 *Petition for Final Distribution* filed 2/28/2014, and the *Declaration of Petitioner Mary Sue Lancaster in Support of Petition for Order of Final Distribution* 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.
- *Declaration of Mary Sue Lancaster* attached to the initial *Petition for Probate* 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**. Verified *Declaration of Petitioner Mary Sue Lancaster in Support of Petition for Order of Final Distribution* filed 2/28/2014 states all bill[s] and obligations of the estate have been paid or assumed by [her.]
- *Receipt on Distribution* 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.

Reviewed by: LEG

Reviewed on: 11/18/14

Updates:

Recommendation:

File 3 – Lancaster

4 **Esther Sotelo Family Grantor Trust (Trust)** **Case No. 11CEPR00503**

Atty **Wall, Jeffrey L. (for Esther Sotelo – Trustee – Petitioner)**

Second Account Current of Trustee

DOD: 4-14-12		
Cont. from 052714		
	Aff.Sub.Wit.	
✔	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
✔	**Notice of Hrg**	
✔	**Aff.Mail**	w
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
	Order	X
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

ESTHER F. SOTELO, Granddaughter and Trustee with bond of $10,000.00, is Petitioner.

Account period: 1-1-11 thru 12-31-13
Accounting: $215,842.76
Beginning POH: $200,000.00
Ending POH: $200,000.00
(real property)

Trustee: Petitioner requests fees to be deferred until the trust is ready for distribution

Attorney: Petitioner requests fees to be deferred until the trust is ready for distribution

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.

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.

NEEDS/PROBLEMS/COMMENTS:

Continued from 5-27-14.

SEE ADDITIONAL PAGES

Reviewed by: skc

Reviewed on: 11-17-14

Updates:

Recommendation:

File 4 – Sotelo

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.

5 Michaela Lozano (Special Needs Trust) Case No. 13CEPR00241

Atty **Miller, Jennifer A (for Petitioner/Trustee Melissa Lozano)**

First Account and Report of Trustee of the Michaela Dawn Lozano Special Needs Trust; Petition to Settle Account; and to Fix and Allow Attorney Fees

Age: 9 years		
Cont. from 101413		
	Aff.Sub.Wit.	
✓	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
✓	**Notice of Hrg**	
✓	**Aff.Mail**	W/
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
✓	**Order**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

MELISSA LOZANO, Trustee, is petitioner.

Account period: 6/15/13 – 7/16/14

Accounting	-	**$123,501.62**
Beginning POH	-	**$0**
Ending POH	-	**$103,501.62**
Trustee	-	**Not requested**
Attorney (per Local Rule)	-	**$1,250.00**

Current bond is $140,379.50

Petitioner request that based on the property on hand the bond be reduced to $110,000.00.

Petitioner prays for an Order:

1. Approving, allowing and settling the first account:
2. Authorizing the attorney fees;
3. Reducing the bond to $110,000.00.

NEEDS/PROBLEMS/COMMENTS:

Continued from 10/14/14. Minute order states the bond is reduced to $115,227.00. (Examiner has interlineated the order.)

1. Notice of Hearing was not on the mandatory Judicial Council form.
2. Need proof of service of the Notice of Hearing (on the Mandatory Judicial Council form) on:
   a. Michaela Lozano (beneficiary)
   b. Department of Health Care Services
   c. Department of Developmental Services
   d. Department of Mental Health.

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

- **Wednesday, September 14, 2016** at 9:00 a.m. in Department 303, for the filing of the second account.

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

Reviewed by: KT
Reviewed on: 11/19/14
Updates:
Recommendation:
File 5 - Lozano

6 Ivone Carlson (Estate) Case No. 13CEPR00294

Atty **Hinshaw, Caroline K (for Mark Reif – Executor/Petitioner)**

Amended Executor's Report of Status of Administration of Estate, Request for Order Approving Distribution of Personalty Pursuant to the Independent Administration of Estates Act and Request for Order Authorizing Payment of Fee for Due Diligence Search

DOD: 03/29/13		
Cont. from		
	Aff.Sub.Wit.	
✓	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
✓	**Notice of Hrg**	
✓	**Aff.Mail**	w/o
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	09/13/13
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
✓	**9202**	
✓	**Order**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
✓	**FTB Notice**	

MARK REIFF, Executor, is Petitioner.

Account period: 03/29/13 – 06/30/14

Accounting	-	$2,155,601.15
Beginning POH	-	$2,077,135.27
Ending POH	-	$2,063,932.51
Current Bond	-	$2,100,000.00

Petitioner states:

1. Petitioner distributed the household furnishings and furniture to Colleen Zanovitch pursuant to decedent's will and codicils. Petitioner requests the court's approval of this distribution to Ms. Zanovitch.
2. All creditor's claims have been paid and the estate is solvent.
3. The estate is not in a condition to be closed at this time because some of the real property assets of the estate still need to be sold. Petitioner requests the Court's approval to continue the administration of the estate for one year.
4. Early in the administration of the estate, Petitioner learned that the Decedent had distant relatives who were her heirs at law and had not previously been located. Petitioner and his attorney spent numerous hours in a diligence search to locate the relatives and located Mary V. Peterson who had gathered and maintained genealogical records that included Decedent's family. More than 50 living heirs at law were located. Ms. Peterson spent more than 30 hours searching through records to locate Decedent's heirs. Petitioner is informed that persons who conduct investigations to locate heirs at law charge in the range of $195 per heir located. Given the efforts of Ms. Peterson, Petitioner requests authorization from the court to pay Ms. Peterson an honorarium of $1,500.00 for her valuable efforts.

Continued on Page 2

NEEDS/PROBLEMS/COMMENTS:

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

- **Monday, 01/11/16 at 9:00a.m. in Dept. 303** for the filing of the Second and Final Account and Petition for Final Distribution

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

Reviewed by:	JF
Reviewed on:	11/19/14
Updates:	
Recommendation:	
File 6 - Carlson	

5. The beneficiaries of the estate pursuant to Decedent's will and codicils thereto are:
   a. Colleen Zanovitch
   b. Concordia Lutheran Church
   c. The Fresno Chapter of the Arthritis Foundation
   d. Kingsburg High School
   e. The American Heart Association
   f. The Lutheran Hour

Petitioner prays for an Order:
1. Approving this report;
2. Approving all acts of Petitioner as Executor of the Estate as set forth in the Petition;
3. Confirming and Approving the Distribution of the Decedent's furniture and household furnishings to Colleen Zanovitch;
4. Authorizing payment of an honorarium in the amount of $1,500.00 to Mary V. Peterson for service locating Decedent's heirs at law;
5. Directing that the administration of the Estate continue for an additional year.

7 **Chester Leon Avery (Estate)** **Case No. 14CEPR00207**

Atty **Arthur, Susan K. (for Petitioner/Administrator Mary Jessie Avery)**

(1) Waiver of Accounting and First and Final Report of Administrator and Petition for its Settlement, (2) for Allowance of Compensation for Ordinary Services, and (3) for Final Distribution

DOD: 12/13/13		
Cont. from		
	Aff.Sub.Wit.	
✓	**Verified**	
✓	**Inventory**	
✓	**PTC**	
✓	**Not.Cred.**	
✓	**Notice of Hrg**	
✓	**Aff.Mail**	W/
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
✓	**Letters**	4/24/14
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
✓	**9202**	
✓	**Order**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
✓	**FTB Notice**	

MARY JESSIE AVERY, Surviving Spouse/Administrator, is petitioner.

Accounting is waived.

I & A	-	**$301,833.59**
POH	-	**$301,833.59**
Administrator	-	**waives**
Attorney	-	**$9,037.67**

(statutory, to be paid outside of the estate)

Proposed distribution is to:

Mary Jessie Avery - 1445 share of Sempra Energy Common Stock.

Tracy Avery - 505.5 share of Sempra Energy Common Stock.

Alicia Avery - 505.5 share of Sempra Energy Common Stock.

Charisse Avery - 505.5 share of Sempra Energy Common Stock.

Deborah Avery Jones - 505.5 share of Sempra Energy Common Stock.

NEEDS/PROBLEMS/COMMENTS:

Reviewed by: KT

Reviewed on: 11/19/14

Updates:

Recommendation: SUBMITTED

File 7 - Avery

Dept. 303, 9:00 a.m. Monday, December 1, 2014

8 Ronald David Gray (Estate) Case No. 14CEPR00211

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			**DENNIS VEECH, CPA,** and **BRUCE M. BROWN, ESQ.**, Co-Executors, are Petitioners.
			Petitioners state:
Cont. from			• 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;
	Aff.Sub.Wit.		• The sole beneficiary of the estate is the **RONALD D. GRAY LIVING TRUST dated 9/7/2000**; Petitioners are the Trustees of the Trust;
✓	**Verified**		• 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;
	Inventory		• 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]*);
	PTC		• 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]*);
	Not.Cred.		
✓	**Notice of Hrg**		
✓	**Aff.Mail**	W/	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/S		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	**Order**		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

~Please see additional page~

NEEDS/PROBLEMS/COMMENTS:
Reviewed by: LEG
Reviewed on: 11/18/14
Updates:
Recommendation:
File 8 - Gray

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 in 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.

9 **Karen Bisgaard (Estate)** **Case No. 14CEPR00240**

Atty **Moore, Susan L. (for Margaret Elaine Bisgaard – Successor Administrator)**

(1) Petition for Settlement of First and Final Account; (2) Petition for Final Distribution and (3) for Allowance of Compensation for Ordinary Services

DOD: 12/24/2013		
Cont. from		
	Aff.Sub.Wit.	
✓	**Verified**	
✓	**Inventory**	
	PTC	
✓	**Not.Cred.**	
✓	**Notice of Hrg**	
✓	**Aff.Mail**	w/
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
✓	**9202**	
✓	**Order**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
✓	**FTB Notice**	

MARGARET ELAINE BISGAARD, Successor Administrator, is petitioner.

Account period: 12/24/2013 – 10/08/2014

Accounting	-	**$272,660.70**
Beginning POH	-	**$155,000.00**
Ending POH	-	**$270,815.70**
Administrator	–	**Waives**
Attorney (Statutory)	-	**$8,453.21**
Closing (taxes)	-	**$800.00**

Petitioner requests that Melvin Bisgaard, decedent's father and heir of the estate, who died on 06/13/2014, beneficial interest in the estate should be distributed to Margaret Elaine Bisgaard, as Trustee of The Bisgaard Living Trust dated September 29, 1999, pursuant to the Declaration in Support of Transfer of Personal Property under California Probate Code § 13100.

Proposed Distribution:
Margaret Elaine Bisgaard – cash in the amount of $38,307.18 and real property located at 6194 N. Gregory, Fresno, Ca.

Margaret Elaine Bisgaard, as Trustee of the Bisgaard Living Trust dated September 29, 1999, cash in the amount of $68,255.30.

NEEDS/PROBLEMS/COMMENTS:

1. Petitioner and her deceased husband, Melvin Bisgaard are the beneficiaries of this estate. Property on hand consists of real property valued at $155,000 (with encumbrances of $125,051.88) and cash in the amount of $115,815.70. Petitioner proposes to pass $38,307.18 and the real property with a value of $29,948.12 ($155,000 appraised value less encumbrances) to herself and have $68,355.30 (representing Melvin Blsgaard's share of the estate) pass to her as Trustee of the Blsgaard Living Trust pursuant to Probate Code §13100. Melvin's estate is the beneficiary of this estate and is entitled to ½ of the real property (encumbrances should not be factored into the proposed distribution) and ½ of the cash on hand. Melvin's estate is not before the court. Therefore, Melvin's share of this estate (½ interest in the real property and ½ of the remaining cash on hand) must first pass to his estate and then from his estate can pass to the trust, if appropriate.

Reviewed by: LV
Reviewed on: 11/19/2014
Updates:
Recommendation:
File 9 - Bisgaard

10 Jazmyne Fuller (GUARD/P) Case No. 14CEPR00371

Atty **Pulido, Reynaldo Carrillo (for Antoinette Fuller – temporary guardian/Petitioner)**
Atty **Miller, James (for Orrin Fuller – father)**

Request to Modify Visitation Orders

Age: 5
DOB: 03/23/09

Cont. from

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

ANTOINETTE FULLER, paternal aunt/temporary guardian, is Petitioner.

Petitioner filed a Petition for Appointment of Temporary and General Guardian of the Person on 04/23/14. The temporary was granted Ex Parte and then extended at the hearing on 05/15/14.

ORRIN FULLER, father, objected and the Petition Court set the matter for a settlement conference on 07/02/14. The temporary remained in place. On 08/12/14 the parties held a status hearing. **Minute Order from 08/12/14** states: The parties agree to a 6 month guardianship. The child shall be enrolled in counseling. The therapist shall submit a report to this Court. The father shall enroll in a parenting class, anger management and a 52 week batterers treatment program. The father shall have supervised visits, supervised by Nancy Fuller. Attorney Miller will prepare an Order after Hearing with visitation and phone schedule. The temporary guardianship was extended to 02/12/15.

Petitioner states that the current visitation schedule allows for supervised visits with the father in Ventura County (supervised by Nancy Fuller), the father is supposed to reimburse Petitioner the mileage spent based on IRS mileage guidelines. Petitioner states that the visits are hard on the minor and she is typically very tired after travelling the nearly 5 hours each way for the visits to take place. Petitioner states that it takes the minor a few days to recover from the visits and she is exhausted at school the next day. Additionally, Petitioner states that the father has not followed the Court order on several occasions which constitutes a change in circumstances. Further, the Father has not reimbursed any mileage to Petitioner. On 09/14/14 Petitioner drove the minor more than 300 miles to visit and the father never showed up. Because of the minors age, the length of travel and the Father's inability to attend or reimburse Petitioner for the visits, Petitioner requests that the current visitation order be modified to supervised visitation, at a supervising agency in Fresno to be paid for by the Father.

NEEDS/PROBLEMS/COMMENTS:

Note: It does not appear that Attorney Miller ever submitted an Order re visitation and phone schedule as stated in the 08/12/14 minute order.

The next status hearing is set for 02/12/15 for status of the guardianship.

1. The Request to Modify Visitation is not Verified by Petitioner.
2. Need *Notice of Hearing* and proof of service by mail at least 15 days before the hearing of Notice of Hearing for:
   a. Orrin Fuller (father)
   b. Melissa Calderon (mother)
   c. Paternal grandparents
   d. Maternal grandparents
   Note: Proof of Service filed 10/17/14 indicates that a copy of the Request to Modify Visitation Order was mailed to James Miller, attorney for father Orrin Fuller, on 10/17/14.
3. Need Order.

Reviewed by: JF
Reviewed on: 11/19/14
Updates:
Recommendation:
File 10 - Fuller

11 Pedro G. Gonzales (Estate) Case No. 14CEPR00401

Atty **Johnson, Summer A. (for Pedro G. Gonzales, Jr. – Administrator – Petitioner)**

(1) Petition to Close and Distribute Estate on Waiver of Account and (2) to Approve Payment of Administrator's and Attorney's Statutory Fees and (3) Reimbursement of Costs Advanced

DOD: 4-23-10		
	Aff.Sub.Wit.	
✓	Verified	
✓	Inventory	
✓	PTC	
✓	Not.Cred.	
✓	Notice of Hrg	
✓	Aff.Mail	w
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
✓	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
✓	9202	
✓	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
✓	FTB Notice	

PEDRO G. GONZALES, JR., Administrator With Full IAEA without bond, is Petitioner.

Accounting is waived

I&A: $148,361.84
POH: $158,518.54
(cash held in attorney trust account)

Administrator (Statutory): $5,450.86

Costs (Reimburse to Administrator): $1,110.16 (copies of birth certificates and death records, delivery charges, filing fees, publication, certified copies)

Attorney (Statutory): $5,450.86
Costs (Reimburse to Attorney): $435.00 (filing fee for this petition)

Closing: $2,000.00 (for preparation of the estate's final fiduciary income tax return)

Petitioner states that heir Katherine Gonzales assigned a total sum of $16,700.00 in three separate assignments obligating her distributive share of the estate as full payment for the three loans made to her personally by Approved Inheritance Cash, Inc., dba "Approved Cash."

Distribution pursuant to intestate succession and three assignments of interest:

Pedro G. Gonzales, Jr.: $48,023.88

Nina Lucia Gonzales: $48,023.89

Kathleen Gonzales: $31,323.89

Approved Inheritance Cash, Inc., dba "Approved Cash": $16,700.00

NEEDS/PROBLEMS/COMMENTS:

1. **Petitioner requests reimbursement of $178.00 for certified copies of birth and death records. The Court may require clarification as to why these expenses were necessary for estate administration.**

2. **Petitioner requests reimbursement of $76.16 for "delivery charges." Need clarification with reference to Local Rule 7.17.**

3. **Petitioner states Katherine Gonzales assigned a total sum of $16,700.00 to Approved Cash. However, the agreements provide for reduced payoff amounts if distribution occurs before September 2015. Based on the terms of the agreements, Examiner calculates $14,500.00 due to Approved cash, not $16,700.00 (a $2,200.00 difference, which would be added to Katherine's share).**

4. **Need new order, with distribution amounts depending on the outcome of the hearing.**

Reviewed by: skc
Reviewed on: 11-19-14
Updates:
Recommendation:
File 11 - Gonzales

Examiner notes the following details for consideration:
Kathleen's first agreement/assignment is dated 8-26-14 and provides that she will receive $3,500.00 and irrevocably assigns the fixed amount of $6,900.00 (*almost double*) to Approved Cash. The agreement then provides that if distribution is made prior to 9-15-15, they will accept $5,900.00, and if distribution is made prior to 12-31-15, they will accept $6,250.00.

Kathleen's second agreement/assignment is dated 9-10-14 and provides that she will receive $2,000.00 and irrevocably assigns the fixed amount of $3,900.00 (*almost double*) to Approved Cash. The agreement then provides that if distribution is made prior to 9-30-15, they will accept $3,500.00, and if distribution is made prior to 12-31-15, they will accept $3,700.00.

Kathleen's third agreement/assignment is dated 10-7-14 and provides that she will receive $3,000.00 and irrevocably assigns the fixed amount of $5,900.00 (*almost double*) to Approved Cash. The agreement then provides that if distribution is made prior to 10-15-15, they will accept $5,100.00, and if distribution is made prior to 1-15-16, they will accept $5,400.00.

Therefore, Kathleen received $8,500.00 and agreed to pay *up to* $16,700.00 *(almost double)*; however, if distribution is made prior to September 2015, it appears that the reduced rates apply, for a total of $14,500.00 *(approx. 71%)*.

$158,518.54 (POH) less the requested costs of administration $14,446.88 = $144,071.66
If $254.16 in reimbursements are disallowed pursuant to #1 and #2 above, then the amount distributable would be as follows:
$144,071.66 + $254.16 = $144,325.82
$144,325.82 / 3 heirs = $48,108.60 each to Pedro and Nina
Katherine's $48,108.60, less $16,700.00 = $31,408.60
Or, Katherine's $48, 108.60, less $14,500.00 = $33,608.60

If some other amount is approved or disallowed, further recalculation may be necessary.

12 Josephine F. Hinckley Family Trust dtd 10/6/92 Case No. 14CEPR00920

Atty **Jaech, Jeffrey A., of Baker Manock & Jensen (for Petitioner Gregory Hinckley, Successor Trustee)**

Petition to Establish Claim of Ownership in Favor of Trust, for an Order Directing Respondent to Return Trust Assets and for Damages under Probate Code 859; or for Instructions, if Return of the Assets is not Ordered to Charge Respondents share for the Value of the Unreturned Assets [Probate Code §§ 850(a)(3)(B); 17200]

DOD: 4/26/2014

Cont. from

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

GREGORY HINCKLEY, son and Successor Trustee of the **JOSEPHINE F. HINCKLEY FAMILY TRUST**, is Petitioner.

Petitioner seeks to recover various items of tangible personal property belonging to the trustee of the **JOSEPHINE F. HINCKLEY FAMILY TRUST** from the possession of **HOWARD HINCKLEY**, son (Respondent); Petitioner states:

- Decedent Josephine F. Hinckley established the Trust on 10/6/1992, and amended the Trust several times, the final and operative version being the amended and restated Trust dated 4/4/2014; Decedent's Will dated 4/4/2014 is a "pour-over" will devising her entire estate to the Trust *(copy of Will attached as Exhibit A; copy of amended Trust attached as Exhibit B)*;
- Decedent acted as Trustee until her death, after which Petitioner became the successor trustee as provided in the Trust;
- Decedent declared in the Trust that the property listed on Schedule A thereto is part of the Trust estate; Schedule A lists "personal effects" as being part of the Trust estate;
- The Trust provides that the Trust estate is to be distributed substantially as follows:
  - (A) One-half of the net estate is to pass to Respondent **HOWARD HINCKLEY;**
  - (B) **$200,000.00** is to be held in trust for the benefit of Respondent's son, **DEREK HINCKLEY**, until he reaches age 30;
  - (C) Decedent's snuff bottle collection is to pass to Petitioner **GREGORY HINCKLEY**;
  - (D) **$10,000.00** is to be distributed to **GLORIA TAYLOR**, Decedent's caretaker;
  - (E) Trust estate residue is to be divided into thirds, with 2/3 passing to **CLAREMONT McKENNA COLLEGE** and the other 1/3 passing to the **UNIVERSITY OF CALIFORNIA, BERKELEY**;

~Please see additional page~

NEEDS/PROBLEMS/ COMMENTS:

Continued to 2/3/2015

Per Attorney Request

1. Pursuant to Probate Code § 17201, *Petition* does not but should state the names and addresses of each person entitled to notice of the *Petition*. *(Notice of Hearing filed 10/14/2014 shows notice was served to the persons and entities listed in Paragraph 10 of the Petition* – Trust distributees.)
2. Need proposed order pursuant to Local Rule 7.1.1(F) providing that a proposed order shall be submitted with all pleadings that request relief.

Reviewed by: LEG

Reviewed on: 11/19/14

Updates: 11/24/14

Recommendation

File 12 - Hinckley

<u>Petitioner states, continued</u>:

- Trust declaration specifically authorizes Petitioner to purchase any tangible personal property from the Trust at its fair market value, regardless of whether Petitioner is acting as Trustee;
- Before Decedent's death, Respondent took possession of certain items of tangible personal property from the Decedent, ostensibly with permission;
- Decedent made several attempts to recover these items of tangible personal property before her death;
- Respondent has claimed that at least some of the items were gifts from the Decedent, despite the fact that Decedent expended considerable effort and expense to recover the items before her death;
- About June 2010, Decedent moved from Monterey County to Fresno; in 2012, Decedent (then age 98) fell and broke her hip, requiring another move to a rehabilitation facility in Fresno, and her furniture and other belongings were put in storage until she moved out of the rehabilitation facility; Respondent had helped her with these moves and the storage of her things;
- About August 2013, after Decedent got her things out of storage, she discovered certain of her tangible personal property ("personal items") were missing, and she believed these items had been taken by Respondent; her missing personal items consist of:
    - Jewelry;
    - Chinese snuff bottle collection;
    - Ivory figurines;
    - China set;
    - Sterling silver place setting for 12.
- At the Decedent's direction, her attorney wrote a letter dated 9/11/2012 to Respondent, asking him to return her personal items *(copy attached as Exhibit C)*; around the same time Decedent realized her personal items were missing, she notice she had stopped receiving dividend checks and she suspected that Respondent had diverted her mail and had been taking checks;
- About September 2012, Respondent admitted that he was holding Decedent's jewelry, ivory and sterling silver place setting, having packed them on 7/7/2012 and 7/8/2012, when Decedent was considering moving to live near him;
- Respondent claimed that Decedent had given him the snuff bottle collection, but that she could have it back; Respondent stated he had sold the china on eBay for **$175.00** with Decedent's consent; Respondent stated that he would return the jewelry, ivory, sterling silver place setting, and snuff bottle collection provided that Decedent paid him **$2,000.00**, claiming that was the approximate cost that he incurred while packing and moving Decedent's property in July 2012;
- About 10/8/2012, after Decedent agreed to pay Respondent **$2,000.00**, Respondent stated he would deliver the personal items to Decedent within 2 weeks; on 10/26/2012, Respondent stated in an email to Decedent's counsel that he would travel to Fresno that weekend to deliver the personal items; in another email dated 10/26/2012, Respondent stated he planned to drive to Fresno to deliver the personal items but decided not to make the trip until Decedent either filed charges against him or apologized for accusing him of taking her dividends; on the same day, Decedent's counsel informed Respondent that Decedent had no intention of pressing charges against Respondent or reporting the matter to police, and again offered to pay the **$2,000.00** requested by Respondent;
- In December 2012, Respondent arranged to have a friend deliver Decedent's jewelry to her; Decedent then had her counsel send a letter to Respondent, thanking him for returning her jewelry and again requesting return of the rest of Decedent's personal items;

~Please see additional page~

Petitioner states, continued:

- About 1/7/2013, Respondent wrote to Decedent's counsel, reiterating his previous threat to take legal action unless Decedent filed charges against him or apologized *(copy of letter attached as Exhibit D*); Respondent stated he intended to return the silver and ivory, but that Decedent gave the snuff bottles to him and considered them his property;
- About 6/8/2013, Respondent wrote to Decedent's counsel, claiming that Decedent's diminished mental capacity had caused her to make unfounded accusations against him *(copy of letter attached as Exhibit E*); his letter ended with an ultimatum stating that he would return Decedent's valuables to her as soon as (1) he receives notification that she has had a mental evaluation, and (2) she issues a written statement of apology for the false accusations she had directed toward him;
- About 10/18/2013, Decedent's counsel informed Respondent by letter that Decedent had been examined by a physician who concluded Decedent's short-term memory was slightly impaired but that she did not have dementia *(copy of letter attached as Exhibit F*); the letter contained an apology for Decedent's accusations, stating there was no evidence that Respondent had stolen her dividend checks; the letter requested delivery of Decedent's personal items again, explaining that Decedent had complied with the conditions in Respondent's letter dated 6/8/2013 (see Exhibit B);
- About 4/17/2014, Respondent brought Decedent's personal items to her; Respondent claims that personal for the assisted living facility where Decedent resided instructed him not to leave the items there, because of the security risk; Respondent took the items home with him; Decedent died about 9 days later;
- According to an appraisal report dated 4/30/1992, the Decedent's snuff bottle collection and ivory figures then had an aggregate value over **$70,000.00**;
- Petitioner is entitled to Decedent's items of personal property because title remained in the Trust; Respondent claims that the personal items were given to him, but there is no evidence of Decedent's intent to make a gift other than Respondent's own uncorroborated assertions;
- Before her death, Decedent maintained that she let Respondent take possession of her property only for safekeeping; Respondent has converted or embezzled the personal items;
- In the alternative, even if the transfer of the personal items qualified as a gift, Respondent's October 2012 statement and letter dated 6/8/2013, should be construed as unilateral contract offers (see Exhibit E); Respondent offered to return the items for payment of **$2,000.00** which was tendered to him; Respondent made an offer to return the items upon Decedent obtaining a mental evaluation and sending a written apology (see Exhibit E), and Decedent complied with these conditions and cause a letter to be sent explaining as much to Respondent (see Exhibit F), and accordingly, by contract, Respondent is obligated to return the personal items;
- Petitioner holds legal title to the Trust property, which includes the personal items; Decedent never transferred title to the Respondent as Respondent claims; however, if there is any doubt surrounding Decedent's intent, Respondent must return the personal items under contract law; under Probate Code § 856, the Court is authorized to order Respondent to transfer the personal items to Petitioner;
- Petitioner contends that Respondent wrongfully took and withheld Decedent's personal items in bad faith; therefore, the Trust is entitled to recover the items plus double damages and reasonable attorney's fees and costs, under Probate Code § 859;

~Please see additional page~

<u>Petitioner states, continued</u>:

- The Decedent was at all relevant times over 65 years of age, and therefore an "elder" for the purposes of the Elder Abuse and Dependent Adult Civil Protection Act;
- Respondent retained Decedent's personal items with the intent to defraud the Decedent by convincing the Decedent that she had gifted the items to Respondent;
- By retaining the personal items, Respondent's action deprived Decedent of the use and enjoyment of her personal property during the last few years of her life; Respondent was aware that these items were of sentimental value to her; Respondent knew or should have known that this conduct was likely to be harmful to Decedent;
- Respondent's conduct was a substantial factor in causing this harm and constitutes financial elder abuse under Welfare and Institutions Code § 15657.5(a);
- Respondent is liable to Petitioner for reasonable attorney's fees and costs.

Petitioner prays for an Order:

1. That Respondent be ordered to deliver to Petitioner, as [Successor] Trustee of the Trust, all of the Decedent's personal items as described in the *Petition*, which includes but is not limited to the Chinese snuff bottle collection, the ivory figurines, and the sterling silver place setting for 12, but excludes the jewelry previously returned to the Decedent and the China that was sold;

2. For damages under Probate Code § 859 in the amount of twice the value of the property recovered as determined according to proof;

3. For attorneys' fees and costs of suit herein; and

4. In the alternative, if the above-listed relief is not granted, for an order instructing Petitioner to charge Respondent's share of the Trust estate for the value, according to proof, of the unreturned personal items.

13 Octavio & Mary Ruelas 2001 Family Trust **Case No. 14CEPR00929**

Atty Walters, Jennifer L. (for Irma Hicks – Co-Trustee – Petitioner)
Atty Donohue, Francis T, III, (of Newport Beach, CA, for Jesse Joe Ruelas – Co-Trustee – Objector)
Atty Ruelas, Angela (Pro Per – Beneficiary – Objector)

Petition for Instructions Regarding Life Estate of Angela Ruelas and Removal of Co-Trustee of The Octavio and Mary Ruelas Family Trust

Octavio Ruelas
DOD: 6-7-06

Mary Ruelas
DOD: 6-11-14

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

IRMA HICKS, a Co-Trustee of the Octavio and Mary Ruelas Family Trust, is Petitioner.

Petitioner states she and **JESSE JOE RUELAS** were named as joint successor trustees; however, since Mary Ruelas' passing, Jesse Ruelas has not been abiding by this provisions of the trust and has been making decisions regarding trust property without Petitioner's approval or knowledge.

Article VIII, Section C of the trust provides a life estate in the trust property located at 61 N. DeWitt Ave., in Clovis to Angela Ruelas, and states that should Angela Ruelas choose not to live in said property or upon her death, the property shall be held in trust with any income distributed in equal shares to the seven heirs, approx. 14.28% each.

Petitioner states Angela has indicated she would be granting residency in the property to Christina Ruelas, who is Co-Trustee Jesse Ruelas' daughter. Angela indicates she has made personal arrangements with Christina regarding rent and the monies are being collected by Angela without any benefit to the trust.

Petitioner states the beneficiaries, all siblings, cannot come to an agreement as to whether this is an acceptable method for Angela to secure her life estate.

Petitioner states that according to the provisions of the trust, if Angela Ruelas chooses not to live in the home, it reverts back to trust property and is under the exclusive control of the trustees to determine the appropriate resolution regarding the property. Co-Trustee Jesse Ruelas' position is that Angela has the right to have anyone in the property she wishes during her life estate, even if she is not living in the home. This causes Petitioner concern regarding his motives, since the person living in the home is his daughter. She is receiving a great benefit from living in the home at the expense of all the beneficiaries.

Therefore, Petitioner requests instructions regarding the life estate of Angela Ruelas. Considering her non-compliance with the provision indicating that she must live in the home to ratify the life estate, Petitioner is requesting the Court instruct the 61 N. DeWitt property to revert back to trust property to be under the exclusive control of the Co-Trustees.

SEE ADDITIONAL PAGES

NEEDS/PROBLEMS/ COMMENTS:

1. **The petition does not state the names and addresses of each person entitled to notice of this petition, which includes Petitioner, pursuant to Probate Code §17201. Need verified declaration with this information.**
2. **Notice was sent to "Angelina Ruelas" at an address in Mission Viejo, Ca. Need verification that "Angelina Ruelas" is the same person as "Angela Ruelas," whose life estate in the property is the subject of this petition.**
3. **It is unclear if Christina is currently residing in the home at this time. The Court may require 30 days' notice to Christina Ruelas pursuant to Probate Code §17203(c) or other applicable law.**
4. **Need order pursuant to Local Rule 7.1.1.F.**

Reviewed by: skc
Reviewed on: 11-19-14
Updates: 11-21-14
Recommendation:
File 13 - Ruelas

Jesse Joe Ruelas, Co-Trustee, filed Answer and Objections on 11-14-14. Mr. Ruelas denies that he has not been abiding by the provisions of the trust and denies that he has been making decisions wtihout Petitioner's approval or knowledge. The only dispute concerns the life estate. Respondent believes it was his parents' wishes that their youngest daughter, Angela Ruelas, was to be given a life estate in the property and is entitled to possession of the property. Petitioner disagrees.

Respondent states that the fact that he disagrees with Petitioner on this matter is not a reason to remove him as co-trustee. Respondent is concerned that if he is removed, Petitioner will ignore the terms of the trust. Petitioner wanted her son Matthew to have the home, and was upset when their mother asked Matthew to move out. Respondent states Petitioner is also upset that the home was left to Angela and Angela has not agreed to give or rent the home to Matthew.

Respondent states the only assets of the trust that he is aware of are the home and personal property at the home. There is a separate property in Ensenada being overseen by Petitioner; however, Respondent doesn't know if it is part of the trust.

Respondent states Angela has stated that she intends to return to live in the property and believes that she has been moving items into the home. Respondent is informed that Angela has allowed Christina Ruelas and her child to also reside at the home, and they have use of two bedrooms, and the others are for Angela.

Respondent believes the Court should determine the meaning of the trust temrs, and this issue about Angela Ruelas' life estate in the property. Respondent denies that he has any hostility or has refused to cooperate with Petitioner as his co-trustee, and states he is not being guided in his actions by the fact that Christina is his daughter. Respondent believes Angela is entitled to the home, and Petitioner wants her out of the home so that she can rent it to her son.

See Answer for additional information. See also Points and Authorities filed concurrently. Respondent prays:

1. That the Court instruct the parties as to what, if anything, Angela Ruelas needs to do to obtain the life estate in the home and property at 61 N. DeWitt;
2. That the Court instruct the parties that Angela Ruelas has been granted a life estate in the home and property at 61 N. DeWitt;
3. That the Court declare that Angela Ruelas' life estate has not terminated;
4. That the court deny Petitioner's demand that Jesse J. Ruelas be removed as a co-trustee of the trust;
5. That Jesse J. Ruelas be reimbursed his costs and attorney fees for responding to this peititon and motion; and
6. For such other relief as the Court deems just.

Angela Ruelas also filed an Answer and Objection on 11-18-14.

SEE ADDITIONAL PAGES

Angela Ruelas states she does want to live in the home and has moving clothes and possessions into the home and purchasing furniture for the home. She agreed to sublet a portion of the home to a relative, Christina, and her child, in return for Christina contributing to pay the costs of keeping up the house, taxes, etc. Angela states she is keeping the other two bedrooms for her use alone and intends to live in the home while Christina also resides there.

Angela Ruelas states she has already done all that she needs to do to "secure" her life interest in the home and the life interest was granted to her without any conditions precedent that she had to meet before she is given the life estate. It is her understanding that the life estate continues until she dies or chooses not to live there. Neither of these conditions has occurred. Angela requests the Court say what must be done so that she can do it.

Angela Ruelas states she has tried to pay for instucance, gardener, property taxes, and other costs associated with the home, but Petitioner has interfered and made it impossible for her to pay costs directly. For example, the gardener refused to take the payment, stating that Petitioner told him not to take payments from Angela Ruelas. She has also tried to reimburse the trust for various costs and expenses, but Petitioner has refused to cash the check. She has been able to pay utilities and home warranty, and remains ready and willing to pay the other expenses, if Petitioner were not preventing it. Various authority cited.

Angela Ruelas further states that Petitioner entered the home and removed property that was supposed to stay with the home, including furniture, and requests that Petitioner return specific items.

Angela Ruelas prays:

1. That the Court deny Petitioner's request that the court find that her life estate in the property is terminated;
2. That the Court give instructions and declare that she has a life estate in the home and that there were no conditions precedent to her obtaining the life estate;
3. That if the court finds that there are conditions precedent to her obtaining the life estate, that the court give instructions as to what, if anything, she needs to do to obtain the life estate, and give time to meet those conditions;
4. That the Court deny Petitioner's request that the court find that the life estate is terminated;
5. That the Court find that she has not terminated her life estate in the property;
6. That the Court order Petitioner to return the taken property to the home;
7. That the Court deny Petitioner's request to remove Jesse Ruelas as co-trustee;
8. That the Court award Angela Ruelas recovery of her attorney fees and costs of suit;
9. That the Court grant such other relief as is just.

14 Isidora Rangell (CONS/PE) Case No. 14CEPR00954

Atty Amador, Catherine A (for Aristan Cruz – Petitioner – Son)

Atty Walters, Jennifer L. (Court Appointed for Proposed Conservatee)

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

Age: 86

Cont. from

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

NO TEMPORARY REQUESTED

ARISTAN CRUZ, son, is petitioner and requests appointment as Conservator of the person, with medical consent and dementia powers to administer dementia medication, and for appointment of Conservator of the estate with bond set at $32,560.00.

Capacity Declaration – Need

Estimated Value of the Estate - ?

Petitioner states: the proposed conservatee was diagnosed with dementia approximately 2 ½ years ago. As of 09/03/2014, her treating neurologist confirmed that she was not competent to handle her affairs, and that her condition is permanent and progressive. The proposed conservatee has a history of falling and health problems, in addition to her dementia, unfortunately her long-time partner Herman has been unable or unwilling to assist her appropriately when she fell or needed medical care. Petitioner describes an instance the proposed conservatee fell in her bedroom and was unable to get up, Herman was unable to assist her himself. Instead of calling for the proposed conservatee's son Jimmy, who resided down the hall, Herman called his daughter who refused to help. Herman then called the petitioner's sister who rushed to the home and called 911. The next day, Herman put a lock on the bedroom door so that Jimmy could not enter the room. Petitioner lists other instances where the proposed conservatee need medical attention and Herman failed to assist including a time the proposed conservatee overdosed on one of her medications.

Please see additional page

NEEDS/PROBLEMS/COMMENTS:

Court Investigator Jennifer Daniel to provide:

- **CI Report**
- **Advisement of Rights**

1. Need Capacity Declaration.
2. Petition is incomplete. Page 3 was not included which addresses the value of the estate.
3. Need Video Receipt pursuant to Local Rule 7.15.8(A).

Reviewed by: LV

Reviewed on: 11/20/2014

Updates:

Recommendation:

File 14 - Rangell

Petitioner states that Herman is diabetic and his condition is not well managed. He often has periods of incoherence and even occasional blackouts. His eyesight has deteriorated severely due to his diabetes and he refuses to wear his hearing aids as well. He insists on continuing to drive and insists that the proposed conservatee accompany him frequently to be his "eyes." Herman also has a habit of leaving the proposed conservatee home alone for hours at a time. Petitioner believes this to be unsafe and inappropriate.

Petitioner states that the proposed conservatee and her long-time partner, Herman, had been residing in a home in Madera that the petitioner had helped her purchase in 2000. In July, Herman and his daughter, Rebecca, moved the proposed conservatee out of the Madera house and into a rental in Clovis. The family discovered the move after the fact, when Jimmy drove to the Madera house for a visit and found the home empty. The proposed conservatee told the petitioner that they had to move because petitioner was planning to sell the Madera house. Petitioner states he had no plans of selling the home and had never told her anything of the sort.

Petitioner states that he and his siblings have tried to visit their mother or to talk to her on her phone but have been discouraged from doing so. It was made clear to them by Herman and his daughter that they were not welcome. Petitioner states the proposed conservatee's phone has been turned off or taken away from her, and there is no land line.

Petitioner received a call from the proposed conservatee's neurologist, who informed him that his mother has missed her last four appointments and that, therefore, they would no longer provide care for her. The doctor's office contacted him because he has a durable power of attorney to make health care decisions for his mother. Petitioner feels his mother's health is in jeopardy.

Petitioner states following Herman and Rebecca's removal of the proposed conservatee from the Madera house, he did some checking on her finances. He obtained a history of her savings account back to May 2013. Her social security checks have not been deposited to that account throughout that time. Additionally, at least $11,000.00 is missing from her savings account. Petitioner has learned that Rebecca filled out a number of checks in her own handwriting and, apparently, had the proposed conservatee sign them. These checks were to vendors such as Lowe's and were written in large amounts during the time Rebecca happened to be remodeling her own home. Petitioner also alleges that the deed to the Madera home has been changed to reflect that 1/3 share be deeded to Rebecca. Petitioner states he has no idea what happened to his mother's 2003 Crown Victoria. Petitioner is also concerned with the proposed conservatee's personal household furniture and furnishings as well as a large amount of jewelry that the proposed conservatee intended to leave to the women in her family.

Petitioner requests that he be permitted to move the proposed conservatee to his home in Florida, commensurate with the family's long term plan for the proposed conservatee's care. Once there he will act promptly to apply to the Courts of the State of Florida to create a Conservatorship of the person and the estate of Conservatee or its equivalent.

Attached to the Petition is a Durable Power of Attorney for Health Care that designates Aristan Cruz, petitioner, as the proposed conservatee's Power of Attorney signed 11/13/2006.

15 Warren G Mara (Estate) Case No. 05CEPR01367

Atty **Rube, Melvin K. (for Administrator Gary W. O'Meara)**

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

DOD: 9/8/2004		
Cont. from 030714, 050914, 061914, 081814, 100614		
	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	

GARY W. O'MEARA was appointed Administrator with full IAEA authority and without bond on 1/4/2006.

Letters issued on 1/4/2006.

Inventory and appraisal filed on 12/19/2006 shows the estate valued at $378,000.00.

Former Status Report filed on 6/17/14 states on Friday, June 13, 2014 Mr. Rube received the bank statements for the estate account for the years 2006 – 2014, which now allows him to complete and file the first and final report and account and petition for final distribution. Mr. Rube request a 30 day continuance.

Former Status Report filed 10/02/2014 (attached to Status Report is an incomplete draft of a report and accounting for the period of 01/04/2006 through 05/16/2014) states the accounting has been difficult to complete because Mr. O'Meara's attention to detail and his observance of the formalities of estate administration have been inadequate and somewhat unorthodox. The following difficulties have been encountered in the preparation of a complete report and accounting of Mr. O'Meara's administration of the estate:

- During the course of administration Mr. O'Meara made approximately 950 disbursements.
- According to Mr. O'Meara, many of the disbursements he made were not only to pay estate administrative expenses such as property taxes, insurance, maintenance of the property and for expenses incurred to in repairing estate property but many disbursements were made to pay Mr. O'Meara's personal expenses.
- The individual disbursements do not distinguish between Mr. O'Meara's personal expenses and estate expenses and need to be sorted out.

Please see additional page

NEEDS/PROBLEMS/COMMENTS:

Minute Order dated 10/6/14 (Judge Cardoza) states if the first account and/or petition for final distribution is not filed before the next hearing, counsel is to file a status report.

1. Need Petition for Final Distribution 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.

Reviewed by: KT
Reviewed on: 11/18/14
Updates:
Recommendation:
File 15 – Mara

- Pertaining to the receipts of the Estate there are 99 individual deposits which are unidentified. Many of these receipts are rental income. The receipts still need to be sorted out.
- According to Mr. O'Meara, he has made major repairs to the residences. Mr. O'Meara estimates the costs of repairs to be $20,000.00. Those cots have yet to be sorted out.
- According to Mr. O'Meara, James Mara has received estate assets from O'Meara in the amount of $4,550 and that James Mara has been residing in one of the homes rent free since March 2013. Moreover, James Mara has a boarder living in one of the residences and is charging the boarder some form of rent. Said rent legally belongs to the estate but has not been turned over to Mr. O'Meara nor has said rent been accounted for by Mr. James Mara.
- Unless an accounting of said rent is provided, Mr. O'Meara may have to file a Probate §850 petition against Mr. James Mara and his wife in order to recver said rents belonging to the estate. A complete accounting cannot be provided without the accounting information regarding the rents.

16 Jesse Felix Castro (CONS/PE) **Case No. 06CEPR01119**

Atty Perez, Holley H (for Barbara Romero – Conservator/Petitioner)

Probate Status Hearing RE: Filing Bond

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

BARBARA ROMERO, daughter, was appointed Conservator of the person and estate on 1/19/07. Bond was set at $15,000.00.

Bond was filed and letters issued on 1/19/07.

Order Approving Third Account was filed 09/15/2014.

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.

Minute Order of 10/27/2014: Bond is set at $156,000.00. Counsel is directed to prepare an Order.

Minute Order of 10/27/2014 set this matter for hearing for the filing of the Bond.

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 on10/29/2014.

NEEDS/PROBLEMS/COMMENTS:

1. Need Proof of Bond in the amount of $156,000.00.

Court will set a Status Hearing for the filing of the Fourth Account:

- **Monday, 04/04/2016 at 9:00a.m. in Dept. 303** for the filing of the fourth account.

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

Reviewed by: LV	
Reviewed on: 11/18/2014	
Updates:	
Recommendation:	
File 16 – Castro	

17 Tarek K. Alameldin (Estate) Case No. 06CEPR01226

Atty **Rindlisbacher, Curtis D. (for Naglaa K. Alameldin – Sister – Administrator)**
Atty **Shahbazian, Steven L. (for Roli Elsotari)**

Probate Status Hearing Re: Filing Account

DOD: 11/06/06		
Cont. from 100412, 113012, 020113, 040513, 060713, 080913, 090613, 110113, 010914, 041014, 081114, 100914		
	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	X
	UCCJEA	
	Citation	
	FTB Notice	

NAGLAA K. ALAMELDIN, sister, was appointed Administrator with full IAEA and bond of $190,000.00 on **01/02/07**.

NAGLAA K. ALAMELDIN filed a **Status Report of Administration of Estate and Petition to Approve First Account** on 09/21/10.

The **Petition to Approve First Account** was continued several times and the Court denied the Petition with leave to Amend on 06/04/12.

Minute Order from hearing on 8/6/12 set this matter for status regarding filing the account.

In June of 2013 the attorney reported that the estate is waiting on funds totaling $69,425.63 from CA State Controller unclaimed property. In addition since there was a minor beneficiary a guardianship of the estate would be needed prior to distribution.

Former Status Report filed 8/11/14 states the estate received a check in the amount of $69,352.97 from the State Controller's office. Administrator states they are in the process of preparing a formal accounting and petition for final distribution in the next 45 days.

NEEDS/PROBLEMS/COMMENTS:

Note: This is the 13th status hearing on the filing of an amended account.

1. **Need Final Account and 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.

Reviewed by: skc
Reviewed on: 11-19-14
Updates:
Recommendation:
File 17 - Alameldin

18 Fernando De La Mora (GUARD/PE) **Case No. 12CEPR00786**

Atty Horton, Lisa (for guardians Oscar Barba and Trisha Barba)

Status Hearing Re: Blocked Account

Age: 14 **DOB: 02/08/2000**	**OSCAR BARBA** and **TRISHA BARBA,** maternal uncle and aunt, were appointed successor co-guardians of the estate on 10/16/14. The order appointing successor guardian required 207,041.70 to be placed into a blocked account. Minute order dated 10/16/14 set this hearing for the filing of the receipt for blocked account.	**NEEDS/PROBLEMS/COMMENTS:** **1.** Need receipt for blocked account 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.
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		**Reviewed by: KT**
Status Rpt		**Reviewed on: 11/19/14**
UCCJEA		**Updates:**
Citation		**Recommendation:**
FTB Notice		**File 18 – De La Mora**

Dept. 303, 9:00 a.m. Monday, December 1, 2014

19 Thelma Henrichs (CONS/PE) **Case No. 13CEPR00314**

Atty Kruthers, Heather H (for the Public Guardian/Conservator)

Status Hearing Re: Filing of the First Account and Report of Conservator

DOD: 7/1/14	**PUBLIC GUARDIAN** was appointed conservator of the person and estate on 5/29/13. Letters issued on 5/30/13. Inventory and appraisal, part 1, was filed on 5/13/13 showing a value of $165,000.00 Inventory and appraisal, final, was filed on 7/30/13 showing a value of $53,220.97 Inventory and Appraisal, supplemental, was filed on 6/3/14 showing a value of $210.00 Minute order dated 5/29/13 set a status hearing for the filing of the first account. Minute order dated 10/9/14 continued the matter to 12/1/14.	**NEEDS/PROBLEMS/COMMENTS:** **<u>OFF CALENDAR.</u> First and Final Account filed and set for hearing on 1/12/2015.**
Cont. from 080114, 100914		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		**Reviewed by: KT**
Status Rpt		**Reviewed on: 11/19/14**
UCCJEA		**Updates:** 11/21/14
Citation		**Recommendation:**
FTB Notice		**File 19 – Henrichs**

20 Kathernie Preisker Durley (Estate) Case No. 14CEPR00438

Atty **Martinez, Vincent T. (of Santa Maria for W. Laird Durley – Executor)**

Status Hearing Re: Filing of the Inventory and Appraisal

DOD: 06/24/2014			W. LAIRD DURLEY, son, was appointed Executor with full IAEA authority without bond on 06/24/2014. Letters issued on 07/08/2014 Minute Order of 06/24/2014 set this matter for the filing of the Inventory and Appraisal.	NEEDS/PROBLEMS/COMMENTS: 1. Need Inventory and Appraisal or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.
Cont. from				
	Aff.Sub.Wit.			
	Verified			
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg			
	Aff.Mail			
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
	Order			
	Aff. Posting			**Reviewed by:** LV
	Status Rpt			**Reviewed on:** 11/19/2014
	UCCJEA			**Updates:**
	Citation			**Recommendation:**
	FTB Notice			**File 20 - Durley**

Dept. 303, 9:00 a.m. Monday, December 1, 2014

21 **Josiah L. Martinez Goodwin (GUARD/P)** **Case No. 13CEPR00749**

Atty **McAuliffe, Shirley (Pro Per – Petitioner – Guardian)**

Petition for Termination of Guardianship

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

SHIRLEY MCAULIFFE, maternal grandmother/guardian, is petitioner.

Father: **LOUIE MARTINEZ,** consents and waives notice

Mother: **AMANDA GOODWIN,** consents and waives notice

Paternal Grandfather: Deceased
Paternal grandmother: Nellie (?)

Maternal grandfather: Deceased

Petitioner states: Child has been in the care of family friends since 03/20/2014. The husband and wife that are caring for him are in the process of beginning adoption. Amanda Goodwin and Louie Martinez, mother and father, consent to the adoption and are voluntarily relinquishing their parental rights. Termination of guardianship is necessary for these proceedings to move forward.

Court Investigator Samantha D. Henson's report filed 11/21/2014.

NEEDS/PROBLEMS/COMMENTS:

1. Need Notice of Hearing.

2. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for:
   - Nellie (?) (Paternal Grandmother)

Reviewed by: LV
Reviewed on: 11/19/2014
Updates: 11/24/2014
Recommendation:
File 21 - Goodwin

Dept. 303, 9:00 a.m. Monday, December 1, 2014

22 **Auvery A. Bolech (GUARD/P)** **Case No. 14CEPR00494**

Atty **Parker, Carolina (Pro Per – Petitioner – Paternal Aunt)**

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

Age: 9 months			TEMPORARY EXPIRES 12/01/2014	NEEDS/PROBLEMS/COMMENTS:
			CAROLINA PARKER, paternal aunt, is petitioner.	
			Father: **JOHNNY W. BOLECH,** consents and waives notice, personally served on 06/06/2014	
Cont. from 081114, 100914			Mother: **TERESA G. FARKAS,** consents and waives notice, personally served on 06/06/2014	
	Aff.Sub.Wit.		Paternal Grandfather: Johnny Bolech, Deceased Paternal Grandmother: Isabel Flores, served by mail on 07/17/2014	
✓	Verified		Maternal Grandfather: Gary Farkas, served by mail on 07/17/2014 Maternal Grandmother: Annette Farkas, served by mail on 07/17/2014	
	Inventory		**Sibling:** Misty Hisks, Dusty Hisks, Johnnie Bolech, Anthony Auburn, Traver Bolech, Jayson Bolech, Salina Bolech, each served by mail on 07/17/2014	
	PTC		**Petitioner states:** the parents are homeless and not able to properly care for the child. Father has a long history of substance abuse and incarceration. Each of the parents' consent to the guardianship however now they have made demands to have the minor returned to their custody. Petitioner fears the parents are using the child to obtain emergency housing and cash aide, as they are homeless and have no jobs or source of income.	
	Not.Cred.		**Court Investigator Julie Negrete's report filed 07/31/2014**.	
✓	Notice of Hrg			
✓	Aff.Mail	w/		
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.	n/a		
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
✓	CI Report			
	9202			
✓	Order			
	Aff. Posting			**Reviewed by:** LV
	Status Rpt			**Reviewed on:** 11/18/2014
✓	UCCJEA			**Updates:**
	Citation			**Recommendation:**
	FTB Notice			**File 22 – Bolech**

Dept. 303, 9:00 a.m. Monday, December 1, 2014

23 Tristan Luke Martinez (GUARD/P) Case No. 14CEPR00863

Atty **Ramirez, Irma T. (pro per – maternal grandmother/Petitioner)**
Atty **Ramirez, Ted R. (pro per – maternal step-grandfather/Petitioner)**

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

Age: 7

Cont. from

	Aff.Sub.Wit.	
✓	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	x
	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	

NO TEMPORARY REQUESTED

IRMA RAMIREZ and **TED RAMIREZ,** maternal grandmother and step-grandfather, are Petitioners.

Father: **UNKNOWN** – *Declaration of Due Diligence filed 09/22/14*

Mother: **MELISSA MARTINEZ –** *Consent & Waiver of Notice 09/22/14*

Paternal grandparents: UNKNOWN

Maternal grandfather: DECEASED

Petitioners state that Tristan's mother suffers from depression and mental health issues and is unable to properly care for him. Petitioners state that they have been actively involved in Tristan's life and he stays with them most of the time.

Court Investigator Samantha Henson filed a report on 11/21/14.

NEEDS/PROBLEMS/COMMENTS:

1. Need *Notice of Hearing.*
2. Declaration of Due Diligence filed 09/22/14 states that the father is unknown, if diligence is not found, need proof of service of *Notice of Hearing* with a copy of the *Petition for Appointment of Guardian of the Person* at least 15 days before the hearing or Consent & Waiver of Notice for:
   a. Father – personal service required
   b. Paternal grandparents – service by mail sufficient

Reviewed by: JF
Reviewed on: 11/19/14
Updates: 11/24/14
Recommendation:
File 23 - Martinez

Dept. 303, 9:00 a.m. Monday, December 1, 2014

24 Antoine Hemingway, Trinity Hemingway and Confidence Kelly (GUARD/P)

Case No. 14CEPR01035

Atty Bryant Cain, Rebecca Ann (pro per – maternal grandmother/Petitioner)

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

Antoine, 6		
Trinity, 5		
Confidence, 2		
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**	
✓	**Duties/Supp**	
	Objections	
	Video Receipt	
	CI Report	
	9202	
✓	**Order**	
	Aff. Posting	
	Status Rpt	
✓	**UCCJEA**	
	Citation	
	FTB Notice	

GENERAL HEARING: 01/20/15

REBECCA ANN BRYANT CAIN, maternal grandmother, is Petitioner.

Father: **UNKNOWN (ANTOINE HEMINGWAY)**

Mother: **MONAY CARTER-HEMINGWAY** – *Declaration of Due Diligence filed 11/17/14*

Paternal grandparents: UNKNOWN

Maternal grandfather: UNKNOWN

Petitioner states that the mother was not caring for the children. They were hungry, tired and bruised when they came in to Petitioners care. Petitioner states that she discovered that the mother's electricity had been shut off for some time. Further she states that the children had no decent shoes and clothing that was too small. Petitioner states that this is not the first time she has had to step in to care for the children and each time she has the mother "goes off" on her.

NEEDS/PROBLEMS/COMMENTS:

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* or Consent & Waiver of Notice or Declaration of Due Diligence for:
   a. Father (unknown) – Guardianship questionnaire states that the father is Antoine Hemingway, but Petition states that the father is unknown
   b. Monay Carter-Hemingway – *Declaration of Due Diligence filed 11/17/14* states that if she doesn't want to be found, she won't be found

3. *Confidential Guardian Screening Form* is blank at item 7 – Have you or any other person living in your home, been charged with, arrested for, or convicted of any form of child abuse and item 13 – I do/do not have an adverse interest that the court may consider to be a risk to, or to have an effect on, my ability to faithfully perform the duties of guardian.

Reviewed by: JF

Reviewed on: 11/19/14

Updates:

Recommendation:

File 24 – Hemmingway & Kelly

25A Henry and Margaret Boyajian (Trust) Case No. 14CEPR00145

Atty Pruett, Barry W. (of Grass Valley, for Phyllis Branche – Petitioner)
Atty Camenson, David M. (for Margaret Courtis – Objector)
Atty Burnside, Leigh W (for Jeffrey L. Boyajian – Trustee)

Petition to Appoint Successor Trustee of Bypass Trust and Grandchildren's Trust and for Instructions, Probate Status Hearing Re: New Petition

Henry Boyajian
DOD: 10-18-01

Margaret Boyajian
DOD: 10-29-13

Cont: 041014, 071614, 081314, 091714, 101414, 111314

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

PHYLLIS BRANCHE, daughter of Henry and Margaret Boyajian (trustors) and beneficiary, is Petitioner.

Petitioner states Henry and Margaret Boyajian established the trust on 4-9-97 and amended and restated the trust on 9-23-99. After Henry's death on 10-18-01, Margaret became the sole trustee and pursuant to the trust created and funded the Survivor's Trust with the surviving trustor's share of the community property and a portion of the deceased trustor's share equal to the minimum necessary to eliminate estate taxes (the marital deduction amount) and the Bypass Trust with the remaining trust property. The Survivor's Trust was then amendable; however, the Bypass trust was irrevocable. After the death of the surviving trustor, the assets of the Survivor's Trust were to be added to the Bypass Trust and distributed as follows:

1) Real property on Nebraska Avenue in Selma to Jeffrey Boyajian;
2) $400,000 in securities or cash to Petitioner in trust for each of the three grandchildren, Andrew Boyajian Branch, Cody Branche Boyajian, and Alan Boyajian Branche, pursuant to a specified formula; and
3) The remainder to Petitioner and Margaret Courtis in equal shares.

SEE ADDITIONAL PAGES

NEEDS/PROBLEMS/COMMENTS:

Minute Order 7-16-14: Counsel reports that the matter was settled last night at mediation. Matter continued to 8-13-14 as a placeholder only.

Status Report filed 8-7-14 by Attorney Burnside states the draft petition for settlement, appointment of a successor trustee, and modification of the trusts is expected to be filed by the end of August.

Minute Order 8-13-14: Attorney Burnside reports that a new petition will be filed.

Note: Petition for Order Approving Stipulation for Settlement; for Appointment of Successor Trustee of Bypass Trust (Trust B); and for Order Modifying Terms of Irrevocable Trusts filed 9-15-14 is Page 6B of this calendar.

If this petition at 6A goes forward, the following issues may need to be addressed:

1. **Petitioner states the principal place of administration is Fresno County; however, the Successor Trustee, Jeffrey Boyajian, appears to reside in San Leandro, CA, which is Alameda County. Therefore, need clarification re Fresno as proper venue with reference to Probate Code §17005.**
2. **Petitioner states the names and addresses of the beneficiaries or trustees; however, Petitioner does not state that these are all of the persons *entitled to notice* pursuant to Probate Code §§ 17201, 17203, 851. The Court may require a verified declaration that this list contains all of the persons *entitled to notice*.**
3. **Need copies of trust and amendments. Petitioner states copies of the relevant documents are attached; however, there is nothing attached to the petition.**

   Note: Respondent Jeffrey Boyajian provided a copy of the Third Amendment only.
4. **Petitioner requests appointment of herself and Margaret Courtis as co-successor trustees of the Bypass Trust. Need consent of Margaret Courtis.**

Reviewed by: skc
Reviewed on: 11-19-14
Updates:
Recommendation:
File 25A – Boyajian

Petitioner states on 12-21-07, the Surviving Trustor amended the Restatement as to the Survivor's Trust (the First Amendment). On 8-18-07, the Surviving Trustor again amended the Survivor's Trust (the Second Amendment), which Second Amendment revoked the First Amendment, and also:

- Confirmed the specific bequest of real property to Jeffrey Boyajian;
- Concedes that the $400,000 specific bequest by the Trustors jointly to the grandchildren is irrevocable; and
- Contrary to the dictates of the trust regarding final distribution and regarding the trustee, and despite conceding the irrevocability of the specific bequests to the grandchildren, Surviving Trustor purports to modfy the specific bequests by
  1) replacing Petitioner as trustee for the grandchildren with a committee comprised of Petitioner, Margaret Courtis, and Jeffrey Boyajian, and
  2) modifying the specified formula for distributions;
- Contrary to the dictates of the trust and despite conceding the irrevocability of the provisions of the restatement, Surviving Trustor purports to revoke the distribution of the remainder of the trust to Petitioner and Margaret Courtis by instead giving them a specific bequest of $1million each, with the remainder to Jeffrey Boyajian;
- Surviving Trustor purports to state that the provisions of the Second Amendment control over any conflicts between the language of the Restatement and the Second Amendment.

Petitioner states on 6-25-10, and contrary to the dictates of the trust regarding successor trustees of the Bypass Trust, Surviving Trustor executed a Third Amendment that purports to revoke the nomination of Petitioner and Margaret Courtis as successor co-trustees of the Bypass Trust and replace them with Jeffrey Boyajian.

The Surviving Trustor passed away on 10-29-13 and since her death, Jeffrey Boyajian has been acting as the successor trustee of the Survivor's Trust and the Bypass Trust.

Based on the many inconsistencies among the language of the Restatement and the Second and Third Amendments, Petitioner requests instructions from this Court as follows:

Petitioner states the Surviving Trustor clearly had no authority to modify the provisions of the Restatement as to the successor trustee of the Bypass Trust. As such, Petitioner requests that Jeffrey Boyajian be removed as successor trustee and that Petitioner and Margaret Courtis be appointed as successor co-trustees of the Bypass Trust.

There exists a conflict between the Restatement and the Second Amendment as to the final disposition of the trust corpus. Petitioner states the Deceased Trustor's intent was clear that Jeffrey Boyajian receive the property, the grandchildren receive $400,000 each, and Petitioner and Margaret Courtis share the remainder. It is Petitioner's position that while the Surviving Trustor had the authority to amend the Survivor's trust, she breached the Restatement and did not have the power to modify the dispositive provisions as to the Deceased Trustor's share of the community property, which became his separate property pursuant to Probate Code §100 by reason of his death. Petitioner states that because the Surviving Trustor concedes that the $400,000 specific bequest is irrevocable, such irrevocability must also apply to the dispositive provision of such specific bequests.

As such, Petitioner requests that this Court order that Jeffrey Boyajian, as successor trustee of the Survivor's Trust, to return to the Bypass Trust an amount equal to the Deceased Trustor's share of the community property as of his date of death to be distributed pursuant to the Bypass Trust.

SEE ADDITIONAL PAGES

Because the $400,000 for each of the grandchildren is to be held in trust, the Second Amendment is contrary to the Restatement in wrongfully modifying the trustee of the grandchildren's trusts. While the Surviving Trustor had the ability to modify the Survivor's Trust, she did not have the power or right to modify the dispositive provisions of the Deceased Trustor's share of the community property, including naming the trustee of the grandchildren's trusts. Petitioner again points to the concession that the $400,000 bequests are irrevocable, and as such, the irrevocability must apply to the appointment of the trustee. Therefore, Petitioner requests that she be appointed as trustee of the grandchildren's trust and to distribute pursuant to the Restatement.

Petitioner prays for an order as follows:

1. **Finding that all facts stated in the petition are true and all notices required by law have been duly given;**
2. **Removing Jeffrey L. Boyajian as successor trustee of the Bypass Trust and appointing Petitioner and Margaret Courtis as successor trustees of the Bypass Trust;**
3. **That Jeffrey L. Boyajian as successor trustee of the Survivor's Trust return to the Bypass Trust an amount equal to the Deceased Trustor's share of the community property as of his date of death to be distributed pursuant to the dictates of the Bypass Trust;**
4. **That Petitioner be appointed as trustee of the Grandchildren's trust; and**
5. **For such other orders as the Court considers proper.**

Maggie Courtis' Objection states the amendments are valid and Jeffrey Boyajian is the proper successor trustee of the Byapss Trust and the grandchildren's trusts. The amendments were made with the assistance of legal counsel (Attorney Jeff Wall). The purpose of the amendment was to create a "zero tolerance" threshold for recipients of the grandchildren's gifts to ensure that the recipients have not engaged in substance abuse for at least three years. The Third Amendment appointing Jeffrey Boyajian as successor trustee of both trusts was also made with the assistance of Jeff Wall as counsel, and Jeffrey Boyajian has been serving as such since 10-29-13.

Objector states the Bypass Trust was funded with the Selma Property and about $656,000 of securities. The specific gift of the property to Jeffrey Boyajian is not at issue. Therefore, the assets of the Bypass Trust are insufficient to gift $400,000 to each of the three other grandchildren. Plain and simple, Petitioner is attempting to obtain more money than the amendments provide. The money would come from the Survivor's Trust, which is agreed to be amendable/revocable. Margaret Boyajian only amended the Survivor's Trust. Her intent is clear and should not be frustrated. Applying Petitioner's reasoning to the interpretation of the amendments would completely dismiss Margaret Boyajian's intent with respect to the distribution, which is that the balance of the $400,000 each is subject to the condition of being drug-free, something that Petitioner (their mother) does not deem an appropriate restriction.

No-contest clause: Objector states that if a beneficiary under the Restated Trust shall contest in court the validity or seek adjudication that the Restated Trust or any of its provisions is void or set aside any provisions, then the right of that person shall be determined as if predeceased without leaving issue. Petitioner is seeking to void or set aside the provisions of the Restated Trust as set forth in its amendments; therefore, her right is to be eliminated.

Objector prays for an order that:

1. **The Restated Trust amendments are valid with respect to Trust A (Survivor's Trust) assets;**
2. **Only Trust B (Bypass Trust) assets are subject to the irrevocability language of the Restated Trust;**
3. **Trust B assets consisted only of the Selma Property and 94,406 shares of the Franklin Fund Securities at the death of Margaret Boyajian;**
4. **Jefffrey Boyajian is the proper successor trustee of all trusts created under the Restated Trust;**
5. **Petitioner has invoked the "No Contest" provisions of the Restated Trust with the filing of this petition and there is no longer a proper beneficiary of the trusts established pursuant to the Restated Trust.**

SEE ADDITIONAL PAGES

Jeffrey Boyajian's Response states Petitioner is seeking instructions regarding who is the proper trustee of the trust shares to be established for her three adult sons. Respondent understood that he had been appointed to serve with Margaret Boyajian as co-trustee and as sole successor trustee pursuant to the Third Amendment (attached). Respondent is uncertain whether the First and Second Amendments validly nominated him as successor trustee of the Bypass Trust; however, is informed and believes that the Bypass Trust was not subject to amendment. As noted; however, pursuant to the Third Amendment, he was nominated and served with Margaret Boyajian as co-trustee.

Respondent states that in the Second Amendment, Margaret Boyajian stated her understanding of the irrevocability of the Bypass Trust, but further stated her intent to modify the dispositive provisions of the Survivor's Trust as to her grandchildren Andrew, Cody, and Alan. It is unclear whether the $400,000 gift to each of them applied only in the event of the combination of the Survivor's Trust with the Bypass Trust, or if the trusts were not combined, to what extent, if any, would that affect the amount of the bequests/distributions to be made to them.

Mrs. Boyajian was concerned about her grandchildren's ability to responsibly manage their inheritance and instructed her attorney to prepare amendment directing a committee to consider distributions. In doing so, she attempted to modify the formula, which changes pertain to the Survivor's Trust. It is unclear if the $400,000 gift to each of the three grandchildren applied only in the event assets were combined, etc.

Mrs. Boyajian had the authority to amend the Survivor's Trust such that both Petitioner and Margaret Courtis could potentially receive no assets from the Survivor's Trust if they received from other sources, including, but not limited to the Bypass Trust, life insurance proceeds, or other assets) the sum of $500,000 each.

Mrs. Boyajian had the authority to amend the Survivor's Trust to name Respondent as beneficiary of said sub-trust.

Mrs. Boyajian intended the provisions of the Second Amendment to apply to the Survivor's Trust and desired to appoint Respondent with her as co-trustee, as she was in need of assistance at that time. Respondent has been administering the assets of the trust as he understood it was his responsibility to marshal and administer the assets for all beneficiaries.

Respondent states instructions would be appropriate as to the administration and disposition of the trust. Petitioner and Margaret Courtis are nominated as successor co-trustees; however, instructions are needed as to whether Mrs. Boyajian had authority to change the nomination with the Amendments.

Respondent states he does not know whether he is required under the Second Amendment to combine the assets of the Survivor's Trust with those of the Bypass Trust prior to final distribution, particularly if the funding of the Survivor's Trust was conducted in accordance with the terms of the Restated Trust and with regard to the amendments. If not combined, to what extend is the amount of the bequests to the grandchildren $400,000 each) affected?

Respondent agrees that instructions are needed regarding the application of the Second and Third amendments and their scope and effect on beneficiaries.

Respondent therefore requests that this matter be set for evidentiary hearing to consider all evidence and make any and all further orders the Court may deem just and proper.

Petitioner filed a Response to Ms. Courtis' Objection of on 4-10-14 and requests that the petition be approved as prayed. See Response for details.

<u>Update</u>: Petitioner filed a new Petition for Order Approving Stipulation for Settlement, etc., which is Page B of this calendar.

Dept. 303, 9:00 a.m. Monday, December 1, 2014

25B Henry and Margaret Boyajian (Trust) Case No. 14CEPR00145

Atty Pruett, Barry W. (of Grass Valley, for Phyllis Branche – Petitioner)
Atty Camenson, David M. (for Margaret Courtis – Objector)
Atty Burnside, Leigh W (for Jeffrey L. Boyajian – Trustee)

Petition for Order Approving Stipulation for Settlement; for Appointment of Successor Trustee of Bypass Trust (Trust B); and for Order Modifying Terms of Irrevocable Trusts

Henry Boyajian
DOD: 10-18-01

Margaret Boyajian
DOD: 10-29-13

Cont. from 101414, 111314

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

PHYLLIS BRANCHE, daughter of Henry and Margaret Boyajian (trustors) and beneficiary, is Petitioner.

Petitioner states the parties participated in mediation with Attorney William H. Coleman. Petitioner was represented by Barry W. Pruett, Respondent was represented by Leigh W. Burnside and Jeffrey L. Wall, Maggie was represented by David M. Camenson, and Andrew, Cody, and Alan were present with their mother, Petitioner, and her counsel. The parties entered into a written settlement agreement at conclusion of the mediation. See Attachment A. The material terms include:

- A professional fiduciary will be appointed successor trustee of the bypass trust and of the individual trusts to be established thereunder for Andrew, Cody, and Alan;
- Funding and administration details of Andrew's, Cody's, and Alan's trusts;
- Petitioner shall keep proceeds on hand in decedent Margaret Boyajian's Bank of America account xx2342;
- Petitioner shall cooperate to turn over to Respondent, in his capacity as sole trustee of the survivor's trust, the balance of Bank of America account xx0920;
- Respondent will not enforce any debts or other obligations owed, or alleged to be owed, by Petitioner, Maggie, Andrew, Cody, or Alan to Margaret Boyajian or to her Survivor's Trust;
- Petitioner, Maggie, Cody, and Alan waive any and all accountings of the Survivor's and Bypass trusts;
- Respondent to receive certain real property in Selma free and clear of trust pursuant to the terms of the Restated Trust Agreement and Second Amendment dated 8-18-08;
- Distribution of tangible personal property; and
- Other stipulations.

SEE PAGE 2

NEEDS/PROBLEMS/COMMENTS:

Note: Page 9 of the Petition is missing from the filed document.

1. **Need order.**

Reviewed by: skc
Reviewed on: 11-19-14
Updates:
Recommendation:
File 25B – Boyajian

Dept. 303, 9:00 a.m. Monday, December 1, 2014

Petitioner also requests modification of irrevocable bypass trust, survivor's trust and grandchildren's trusts pursuant to §15403(a) as set forth in the petition.

Petitioner prays for an order:

1. Approving the written settlement agreement attached as Attachment A;
2. Accepting the declinations of Phyllis K. Branche and Margaret R. Courtis to serve as successor co-trustees of the bypass trust;
3. Accepting the declination of Phyllis K. Branche to serve as the trustee of the grandchildren's trust shares for her sons Andrew Boyajian Branche, Cody Branche Boyajian, and Alan Boyajian Branche;
4. Appointing Marion Austin as the sole successor trustee of the bypass trust created under the Restatement of the Henry and Margaret Boyajian Trust Agreement dated September 23, 1999;
5. Appointing Marion Austin as the sole trustee of the grandchildren's trusts for Andrew Boyajian Branche, Cody Branche Boyajian, and Alan Boyajian Branche;
6. Approving the modification of the irrevocable bypass trust and survivor's trust as set forth herein;
7. Ordering that the real property located in Selma is distributed to beneficiary Jeffrey L. Boyajian as his sole and separate property; and
8. Awarding any and all other relief as the Court deems just and proper.

Margaret Courtis' Response and Objections filed 10-3-14 states objections, but states that in the spirit of settling, she is willing to forego the issue of Petitioner receiving more than her "fair share" of the life insurance policy and forgive other transgressions. Ms. Courtis is generally in favor of an order approving the Stipulation for Settlement entered into by Petitioner, Courtis, Jeffrey Boyajian, Andrew Boyajian Branche, Cody Branche Boyajian, and Alan Boyajian Branche on 7-15-14 as set forth in the petition, but with a few clarifications. See Response specifically regarding:

- Bank of America Account Balance
- Current Income Distribution
- Personal Property Items
- Family Photographs

Ms. Courtis also states she is not opposed to the appointment of Marion Austin as the sole successor trustee to the bypass trust and as sole trustee of the trust shares to be established for Andrew, Cody, and Alan. Ms. Courtis would like to also include in the Court's order a provision that any successor trustee to Marion Martin (sic) must also be approved by Respondent, Courtis, and Petitioner, if living.

Ms. Courtis is not opposed to an order modifying the trusts as set forth in Petition Line 22, Page 10, through Line 24, Page 11.

Please see Response for the complete prayer for relief.

Jeffrey L. Boyajian, Successor Trustee, filed a Response on 10-8-14. Mr. Boyajian states he joins in the Response filed by Ms. Courtis and prays for an order approving the settlement, but with various modifications. See Response for the complete prayer for relief. (Note: Prayer mirrors Ms. Courtis' prayer.)

Petitioner Phyllis Branche filed a Response to Objection on 10-9-14. Ms. Branche indicates various disagreements with the statements in the responses, but also prays for an order approving the settlement agreement. See pleading for complete prayer for relief.

25C Henry and Margaret Boyajian (Trust) **Case No. 14CEPR00145**

Atty Pruett, Barry W. (of Grass Valley, for Phyllis Branche – Petitioner)
Atty Camenson, David M. (for Margaret Courtis – Objector)
Atty Burnside, Leigh W (for Jeffrey L. Boyajian – Trustee)

Status Hearing

			NEEDS/PROBLEMS/COMMENTS:
Cont. from 111314			**At the continued hearing on 10-14-14 on Ms. Branche's Petition to Appoint Successor Trustee of Bypass Trust (Page A of this Calendar), the Court continued the matter to 11-13-14 and also set this separate status hearing. Please see Pages A and B for details.**
	Aff.Sub.Wit.		
	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg		
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order		
	Aff. Posting		**Reviewed by:** skc
	Status Rpt		**Reviewed on:** 11-19-14
	UCCJEA		**Updates:**
	Citation		**Recommendation:**
	FTB Notice		**File 25C – Boyajian**

Dept. 303, 9:00 a.m. Monday, December 1, 2014

26 Lan Nguyen (CONS/P) **Case No. 13CEPR00732**

Atty Dornay, Val J. (for Ngoi Nguyen – Father – Conservator)

Status Hearing Re: Filing of the First Account

	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	

NGOI NGUYEN, Father, was appointed as Conservator of the Person and Estate without bond on 9-19-13. Letters issued 10-16-13.

At the hearing on 9-19-13, the Court set this status hearing for the filing of the first account.

I&A filed 1-17-14 indicates $7,025.00 held in a blocked account.

Amended Status Hearing Report filed by Attorney Dornay provides a copy of a bank statement, indicating a balance of $7,025.00 as of 10-23-14.

NEEDS/PROBLEMS/COMMENTS:

1. **The status report is not verified by the conservator/fiduciary. Probate Code §§1021, 1023.**
2. **Need first account pursuant to Probate Code §2620.**
3. **The Court may require clarification as to why the money in the account does not appear to be earning interest. See Duties and Liabilities of Conservator.**

Reviewed by: skc
Reviewed on: 11-19-14
Updates:
Recommendation:
File 26 - Nguyen

27 Joseph Frank Fernandez (GUARD/P) Case No. 14CEPR00801

Atty Fernandez, Jack Frank (Pro Per – maternal grandfather/Petitioner)

Atty Fernandez, Lydia P. (pro per – maternal grandmother/Petitioner)

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

Age: 3		
Cont. from 110314		
	Aff.Sub.Wit.	
✓	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
✓	**Notice of Hrg**	
✓	**Aff.Mail**	w/
	Aff.Pub.	
	Sp.Ntc.	
✓	**Pers.Serv.**	
✓	**Conf. Screen**	
✓	**Letters**	
✓	**Duties/Supp**	
	Objections	
	Video Receipt	
✓	**CI Report**	
	9202	
✓	**Order**	
	Aff. Posting	
	Status Rpt	
✓	**UCCJEA**	
	Citation	
	FTB Notice	

NO TEMPORARY REQUESTED

JACK FERNANDEZ and **LYDIA FERNANDEZ,** maternal grandparents, are Petitioners.

Father: **AUSTIN MARKS**, *currently incarcerated, served by mail on 09/09/14*

Mother: **EMILY ROSE FERNANDEZ** – *personally served on 10/08/14*

Paternal grandfather: MARIO DILLANES – *Declaration of Due Diligence filed 10/09/14*
Paternal grandmother: MONICA MARKS-REA – *Consent & Waiver of Notice filed 10/09/14*

Petitioners state that they have been Joseph's unofficial guardians since birth. They now need legal guardianship to take care of his medical needs and enroll him in school. His mother is using drugs and alcohol and neglects his health and dental care. The mother has also stated that she will not allow him to go to school, and has stated that she will home school him, which Petitioners believe will not happen. Petitioner further state that Joseph's father has never contributed to his support or well-being.

Court Investigator Samantha Henson filed a report on 10/24/14.

NEEDS/PROBLEMS/COMMENTS:

CONTINUED FROMN 11/03/14
Minute Order from 11/03/14 states: Matter continued to allow time for proper service of the father and paternal grandfather. The Court orders that Emily Fernandez, mother, is not allowed to live in the Petitioner's household between now and the 12/01/14 hearing or be alone with the minor for any reason. Temporary guardianship is granted to Jack and Lydia Fernandez and letters are to issue forthwith.

As of 11/19/14, nothing further has been filed and following notes remain:

1. Proof of service filed 10/09/14 indicates that Austin Marks (father) was served by mail at Wasco State Prison per the instructions of prison officials. The Court may require personal service as required pursuant to Probate Code § 1511.
2. Declaration of Due Diligence filed 10/09/14 states that the paternal grandfather's whereabouts are unknown and he has not been seen or heard from for 22 years. If diligence is not found, need proof of service by mail at least 15 days before the hearing of *Notice of Hearing* with a copy of the *Petition for Appointment of Guardian of Person* or Consent & Waiver of Notice for Mario Dillanes.

Reviewed by: JF

Reviewed on: 11/19/14

Updates:

Recommendation:

File 27 – Fernandez

28 Enrique Valenzuela (GUARD/P) **Case No. 14CEPR01038**

Atty Macias, Anita (pro per Petitioner/maternal grandmother)

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

Age: 11 years			**GENERAL HEARING 1/20/2015**
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**		
✓	**Duties/Supp**		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	**Order**		
	Aff. Posting		
	Status Rpt		
✓	**UCCJEA**		
	Citation		
	FTB Notice		

ANITA MACIAS, maternal grandmother, is petitioner.

Father: **HENRY VALENZUELA** – Mexico – Declaration of Due Diligence filed on 11/13/14

Mother: **PATRICIA VALENZUELA** – Deceased.

Paternal grandparents: Unknown
Maternal grandfather: Deceased.

Petitioner states Enrique needs a guardian as soon as possible because he has special needs that have to be attended to.

NEEDS/PROBLEMS/COMMENTS:

1. Need Notice of Hearing with proof of personal service of the Notice of Hearing along with a copy of the temporary petition or consent and waiver of notice or declaration of due diligence on:
   a. Henry Valenzuela (father) – unless the Court dispenses with notice.

Reviewed by: KT

Reviewed on: 11/19/14

Updates:

Recommendation:

File 28 - Valenzuela

Dept. 303, 9:00 a.m. Monday, December 1, 2014

29 Rhonda LeBar (GUARD/P) **Case No. 14CEPR00734**

Atty Walters, Jennifer L. (for Petitioner Wendy Tiner)

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

Age: 14 years			**TEMPORARY EXPIRES 11/20/14, extended to 12/1/14**	**NEEDS/PROBLEMS/COMMENTS:**
			WENDY TINER, maternal step-grandmother, is petitioner.	**Continued from 11/20/14.**
Cont. from 102014, 112014			Father: **BRANDON LEBAR –** *personally served on 10/29/14.*	1. Need proof of service of the Notice of Hearing or Consent and Waiver of Notice or Declaration of Due Diligence on: a. Marty LeBar (paternal grandfather) b. Lonnie TIner (maternal grandfather) – Unless the Court Dispenses with Notice.
	Aff.Sub.Wit.		Mother: **AMY TINER –** *court dispensed with notice per minute order dated 10/20/14.*	
✓	**Verified**		Paternal grandfather: Marty LeBar - Declaration of Due Diligence filed on 11/21/14 Paternal grandmother: Rhonda LeBar – deceased. Maternal grandfather: Lonnie Tiner – Declaration of Due Diligence filed on 11/21/14 Maternal grandmother: Theresa Green	
	Inventory			
	PTC			
	Not.Cred.			
✓	**Notice of Hrg**			
✓	**Aff.Mail**	W/		
	Aff.Pub.			
	Sp.Ntc.			
✓	**Pers.Serv.**	W/	**Petitioner states** mom has moved around several times and has been plagued with drug use. The minor has been removed Child Protective Services in other counties on a couple of occasions and placed in foster care. After coming to petitioner's home the minor has begged to stay. She does not want to be returned to her mother as she does not attend school regularly, her mother uses drugs and does not have a stable home.	
✓	**Conf. Screen**			
✓	**Letters**			
✓	**Duties/Supp**			
	Objections			
	Video Receipt			
✓	**CI Report**		**Court Investigator Charlotte Bien's Report filed on 10/6/14**.	
	9202			
✓	**Order**			
	Aff. Posting			**Reviewed by: KT**
	Status Rpt			**Reviewed on: 11/21/14**
✓	**UCCJEA**			**Updates:**
	Citation			**Recommendation:**
	FTB Notice			**File 29 – Lebar**

Dept. 303, 9:00 a.m. Monday, December 1, 2014