



ATTENTION

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

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

Thank you for your patience.

(1) Report of Executor on Waiver of Account and Petition for Final Distribution and
 (2) Waiver of Compensation to Executor and (3) for Allowance of Compensation
 to Attorney for Ordinary Services

DOD: 6/26/2012		KEVIN CONLEY, son and Executor, is Petitioner.	NEEDS/PROBLEMS/ COMMENTS: Continued from 11/19/2013 [Judge Cardoza.]
		Accounting is waived.	
		I & A — \$676,133.06	<p>Note: <i>Petition</i> does not include specific information regarding the increment(s) or date(s) the preliminary distributions of \$86,936.00 were made by the Petitioner to himself. Petitioner's preliminary distributions appear not to have met the Probate Code § 10520(a) type of property (income received during administration), nor the 10520(c) type of property (cash to general pecuniary devisees under Decedent's Will.) In addition, Probate Code § 11623 provides a personal representative with full IAEA authority may petition the court for an order for preliminary distribution on notice. Despite the irregular preliminary distributions by Petitioner without Court authorization, it appears no loss or injury has been suffered by the estate, creditors, or any interested persons per Probate Code § 10520, based upon the assertions in the <i>Petition</i> as to creditors and upon the agreement between beneficiary Kemp Conley and the Petitioner.</p> <p>~Please see additional page~</p>
		POH — [\$470,678.00] (\$20,678.99 is cash)	
Cont. from 111913		Executor waives (Waiver by Executor of Compensation filed 10/15/2013.)	
	Aff.Sub.Wit.	Attorney — \$16,522.66 (statutory)	
✓	Verified	Costs — \$900.00 (accountant fees to Monica Mata, estate accountant)	
✓	Inventory	Petitioner states:	
✓	PTC	<ul style="list-style-type: none"> Petitioner made a preliminary distribution of Decedents household furnishings, furniture, and personal effects, pursuant to an outside agreement between Petitioner and KEMP CONLEY, son and beneficiary, in which they divided the tangible personal property between them [consisting of furniture; vehicles]; Petitioner spent considerable time and personal expenses in refurbishing Decedent's home residence and acreage planted with pomegranates and persimmon trees, with total acreage of 11.65 acres in Sanger (Home Ranch); Petitioner and Kemp Conley, sole estate beneficiaries, agree that the Home Ranch is worth in excess of \$450,000.00 notwithstanding the Probate Referee's appraisal of \$350,000.00; they have been in the process of selling the Home Ranch property but have not consummated a sale prior to filing this Petition; In order to not further delay the closing of this estate, Petitioner and Kemp Conley have agreed to sell the Home Ranch property after final distribution of the estate; 	
✓	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters	090712	
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
✓	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
✓	FTB Notice		
~Please see additional page~			<p>Reviewed by: LEG</p> <p>Reviewed on: 11/21/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 18 – Conley</p>

Petitioner states, continued:

- Petitioner has made certain preliminary distributions without prior authorization of the Court, and requests confirmation of these distributions in accordance with the agreement of the sole beneficiaries of the estate as follows: Petitioner and Kemp Conley are sole beneficiaries of the estate and have agreed that certain cash distributions could be made to Petitioner provided that Kemp Conley be credited with ½ of all such distributions on final distribution of the estate; Petitioner and Kemp Conley have agreed that the total amount of such cash distributions was **\$86,936.00**, and each has agreed that ½ or **\$43,492.00** is the sum to which Kemp Conley shall be entitled on distribution of the estate; **Petitioner requests and each of the beneficiaries agree** that on final distribution of the estate an order be issued confirming the execution by Petitioner Kevin Conley, as an individual, of a Promissory Note payable in the amount of **\$43,492.00** [*@ 6% interest*], and the Note shall be secured by a Deed of Trust on the Home Ranch [*Please refer to Amendment to Report of Executor filed 11/18/2013, containing attached Exhibit A -- copy of **executed but undated** Promissory Note, and Exhibit B -- copy of **unexecuted/incomplete** Deed of Trust*];
- On 5/12/2012, Decedent executed a promissory note to Wells Fargo Bank in the original amount of **\$134,000.00** secured by a Deed of Trust with respect to a real estate loan for the financing of a home residence located on South Avenue in Parlier (Parlier Loan) [*Note: this residence is not an estate asset*]; the loan was obtained for **DAWN KAPRIELIAN**, a friend of the Decedent, for her benefit; the Parlier Loan was obtained in Decedent's name alone as required by the lending company; Decedent then executed a Grant Deed on 5/21/2012 naming himself and Dawn Kaprelian as joint tenants with right of survivorship; upon recording of an *Affidavit of Death of Joint Tenant* following Decedent's death, title to this property is now solely in Dawn Kaprelian's name; however, the Parlier Loan remains in Decedent's name; Petitioner and Kemp Conley have agreed that Petitioner, who also resides at the said Parlier home residence, and Dawn Kaprelian, will assume and indemnify Kemp Conley and the estate for any liability and obligation arising out of the Parlier Loan; by an agreement approved by Kemp Conley, the Petitioner and Dawn Kaprelian have executed an assumption and indemnification agreement with respect to all Parlier Loan obligations. (*Please refer to Amendment to Report of Executor filed 11/18/2013, containing attached Exhibit C -- copy of **executed** Indemnification Agreement*).

Petitioner requests:

1. Administration of the estate be closed without an accounting;
2. All acts and transactions of Petitioner as Executor be ratified, approved and confirmed;
3. The final distribution requested in the *Petition* be granted and the estate distributed as set forth:
Distribution pursuant to Decedent's Will is to:
 - **KEVIN CONLEY – \$1,628.16 cash**, an undivided ½ interest in 6.58 acre parcel of real property, and an undivided ½ interest in 11.55 acre parcel of real property.
 - **KEMP CONLEY – \$1,628.16 cash**, an undivided ½ interest in 6.58 acre parcel of real property, and an undivided ½ interest in 11.55 acre parcel of real property.
4. Petitioner be authorized and directed to pay **\$16,522.66** in fees to K. Phillip Maroot as statutory compensation for services to Petitioner and to the estate;
5. Confirmation of the preliminary distributions to Kevin Conley and the corresponding execution of a promissory note payable to Kemp Conley to equalize such distributions, said promissory note to be secured by a deed of trust against the Home Ranch;
6. Confirmation of the agreement by Kevin Conley and Dawn Kaprelian to assume and indemnify the estate and Kemp Conley of any liability or obligation arising out of the "Parlier Loan;"
7. All other property of Decedent and of the estate not now known or discovered be distributed to Kevin Conley and Kemp Conley without further order of the Court.

DOD: 04/19/2013	DARLA SUE PARTIDA , friend, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
	40 days since DOD	
Cont. from 091913, 102213	Proceedings have commenced in El Paso County, Colorado.	
Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified	I&A - \$65,000.00	
<input checked="" type="checkbox"/> Inventory	Will dated: 04/11/2013	
PTC		
Not.Cred.	Petitioner requests Court determination that decedent's 100% interest in real property located at 37515 Squaw Valley Road, Squaw Valley, Ca. pass to Darla Sue Partida pursuant to decedent's will.	
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail	w/	
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
<input checked="" type="checkbox"/> Order		
Aff. Posting		Reviewed by: LV
Status Rpt		Reviewed on: 11/21/2013
UCCJEA		Updates:
Citation		Recommendation: Submitted
FTB Notice		File 8 - McIver