



## 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 Soledad Cano (Estate)**

**Case No. 06CEPR00849**

**Atty LeVan, Nancy J. (for Petitioner/Administrator Filipe Leal)**

**Amended Report and Final Account of administrator, Petition for Reimbursement to Administrator for costs advanced and Attorneys Compensation and for Final Distribution.**

<b>DOD: 8/26/2005</b>		<b>FELIPE LEAL</b> , Administrator with Will Annexed, is petitioner.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. The initial petition and the Petition for Final Distribution were both filed using a fee waiver. Filing fees are considered costs of administration and must be paid prior to distribution of any assts. <b>Therefore filing fees totaling \$755.00 are now due</b> (\$320.00 for the initial petition and \$435.00 for the Petition for Final Distribution).</p> <p>2. Will devises the entire estate to decedent's son, Ruben Bernal. Ruben Bernal predeceased the Decedent. The Will does not state who would receive the property if Ruben predeceased the decedent therefore the estate passes through intestacy. The Petition states the decedent was survived by 4 children and that there were no issue of a predeceased child because Ruben Bernal was not survived by any issue. However, the former Petition indicated that there was a predeceased child, James Diaz, who was survived by issue. If there is issue of James Diaz then he would be entitled to an intestate share of this estate. Need clarification. Was James Diaz a child of the decedent? If so, what is his date of death? Was James Diaz survived by issue?</p>
		Account period: 9/19/06 – 8/31/13	
<b>Cont. from</b>		Accounting - <b>\$145,000.00</b>	
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>	Beginning POH- <b>\$145,000.00</b>	
<input checked="" type="checkbox"/>	<b>Verified</b>	Ending POH - <b>\$145,000.00</b>	
<input checked="" type="checkbox"/>	<b>Inventory</b>	Administrator - <b>waives</b>	
<input checked="" type="checkbox"/>	<b>PTC</b>	Administrator Costs - <b>\$11,730.38</b>	
<input checked="" type="checkbox"/>	<b>Not.Cred.</b>	(homeowners insurance, recorder, publication, probate referee, bills of the decedent.)	
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>	Attorney - <b>waives</b>	
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>	<b>Distribution, pursuant to intestate succession [sole heir to the will predeceased decedent without issue] is to:</b>	
<input type="checkbox"/>	<b>Aff.Pub.</b>	<b>Helen Littlefield</b> (daughter) - 25% interest in real property.	
<input type="checkbox"/>	<b>Sp.Ntc.</b>	<b>Christina Avila</b> (daughter) - 25% interest in real property.	
<input type="checkbox"/>	<b>Pers.Serv.</b>	<b>Virginia Silva</b> (daughter) - 25% interest in real property.	
<input type="checkbox"/>	<b>Conf. Screen</b>	<b>Rudy Magana</b> (son) - 25% interest in real property.	
<input checked="" type="checkbox"/>	<b>Letters</b>	9/26/06	
<input type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input checked="" type="checkbox"/>	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input checked="" type="checkbox"/>	<b>FTB Notice</b>		
<b>Reviewed by: KT</b>			
<b>Reviewed on: 12/1/14</b>			
<b>Updates:</b>			
<b>Recommendation:</b>			
<b>File 1 - Cano</b>			



**Petitioner states, continued:**

- The division of the Trust into the **EXEMPTION TRUST** and **MARITAL TRUST** was done on a pro-rata basis rather than an item-by-item basis;
- The Surviving Spouse executed 3 separate Declarations of Trust Split: first on 6/25/1991, second on 9/23/1996, the last on 8/19/1998; however, although all 3 Declarations refer to Schedule A and B, there is only one Schedule A and Schedule B in existence among the Settlor's estate planning binders (*copies of the 3 Declarations and the only Schedule A and Schedule B attached as Exhibit C*);
- Schedules A and B indicate that the Settlor's residence on Childs Ave in Merced, which was designated in the Trust documents as the Deceased Spouse's separate property, was allocated **10%** to the **MARITAL TRUST** and **90%** to the **EXEMPTION TRUST**; pursuant to Trust terms, there was no physical segregation or division required except as necessary to make distribution as provided in the Trust;
- Surviving Spouse recorded Affidavits as to the residence and Deed of Trust, but never recorded a designation of either asset as belonging to the **MARITAL TRUST** or to the **EXEMPTION TRUST** (*copies of affidavits attached as Exhibit D*);
- Surviving Spouse sold the residence on Childs Ave. in Merced and purchased a new residence on San Gabriel Ave. in Fresno, and then transferred title to the new residence to herself as successor sole Trustee of the **SMOTHERS FAMILY LIVING TRUST** (*copy of transfer deed attached as Exhibit E*);
- Surviving Spouse may have used some of the proceeds from the sale of the Childs residence to purchase the new San Gabriel residence; however, Petitioner has not been able to determine what funds were used to purchase the new residence;
- Surviving Spouse lived 22 years after the death of Deceased Spouse, and was to receive principal distribution for support, education, care, health and maintenance from both the **MARITAL TRUST** and the **EXEMPTION TRUST**, and she also had the right to withdraw the greater of **\$5,000.00** or **5%** of the principal of the **EXEMPTION TRUST** each calendar year;
- Petitioner believes the Surviving Spouse over the period of 22 years withdrew more than **\$110,000.00** from the principal of the **EXEMPTION TRUST** such that at the time of her death, there were no longer any assets in the **EXEMPTION TRUST**;
- Upon the death of the Surviving Spouse, the last named Trustee of the **EXEMPTION TRUST** was **DIANNE S. COLLINS**, step-daughter of Velma (Surviving Spouse);
- On 1/30/2014, **DIANNE COLLINS** executed an Affidavit of Change of Trustee declaring she was the successor Trustee of the **SMOTHERS FAMILY LIVING TRUST**, and on the same day she executed a Grant Deed transferring title to the entire new residence on San Gabriel to the **EXEMPTION TRUST** (*copies attached as Exhibit F*);
- Petitioner believes that he (**FLOYD WYATT, JR.**) is the Successor Trustee of **SMOTHERS FAMILY LIVING TRUST** and that the new residence on San Gabriel was not and is not an asset of the **EXEMPTION TRUST**, and believes that the transfer of the new residence on San Gabriel was inappropriate in that, pursuant to the Division Schedules, the **MARITAL TRUST** owned at least **10%** of the residence and that the new residence on San Gabriel was purchased in part with the proceeds of the sale of the old residence on Childs and with her own funds in Trust A to complete the purchase of the new residence on San Gabriel;
- Petitioner believes that the majority if not all of the new residence on San Gabriel and the Deed of Trust are subject to his control as Trustee of the **MARITAL TRUST**;
- **DIANNE COLLINS** claims that the new residence on San Gabriel is **100%** owned by the **EXEMPTION TRUST** and that she is the Trustee of the **EXEMPTION TRUST**;

~Please see additional page~

## Second Additional Page 4A, Smothers Family Living Trust Case No. 14CEPR00498

### Petitioner states, continued:

- Petitioner has attempted to resolve the differences between the **MARITAL TRUST** and the **EXEMPTION TRUST** and offered to split the proceeds for the sale of the new residence on San Gabriel **50%** to the **MARITAL TRUST** and **50%** to the **EXEMPTION TRUST**, but this offer was rejected by **DIANNE COLLINS**;
- As Petitioner and **DIANNE COLLINS** cannot agree on the division of ownership of the new residence on San Gabriel, Petitioner is asking the Court to determine whether the new residence on San Gabriel is an asset of the **MARITAL TRUST** or the **EXEMPTION TRUST** or both;

### **Petitioner prays for an Order of the Court that:**

1. The **MARITAL TRUST** of the **SMOTHERS FAMILY LIVING TRUST** is valid, and that the **EXEMPTION TRUST** of **SMOTHERS FAMILY LIVING TRUST** had no assets at the date of death of Surviving Spouse Velma L. Smothers on 11/27/2013;
2. **FLOYD WYATT, JR.** is confirmed as the Successor Trustee of the **MARITAL TRUST** of the **SMOTHERS FAMILY LIVING TRUST**; and
3. All of the real property on San Gabriel, and the Deed of Trust, are assets subject to the management and control of **FLOYD WYATT, JR.** as successor Trustee of the **MARITAL TRUST** of the **SMOTHERS FAMILY LIVING TRUST**.

### **Objection to Petition for Order Confirming Successor Trustees and Trust Assets Belonging to the Marital Trust filed by DIANNE S. COLLINS, step-daughter of Velma Smothers, on 7/11/2014 states:**

- **GARNOLD GARTH SMOTHERS** and **VELMA L. SMOTHERS** married late in life, both having children from previous relationships;
- Although Garnold and Velma created their **SMOTHERS FAMILY LIVING TRUST** jointly, the Trust provides that upon the death of either of them, the Decedent's assets shall be allocated to the **EXEMPTION TRUST**, which is distributable to the Decedent's issue upon the death of the surviving spouse;
- This type of trust is common in second marriages where a couple wants the surviving spouse to be able to benefit from the trust assets during their remaining lifetime, but ensure that their assets ultimately pass to their children and issue;
- Garnold died ~4 months after creating the Trust, and the Trust was funded almost entirely with Garnold's separate property and all of those separate property assets, as well as all of his interest in he and Velma's community property, should have been allocated to an **EXEMPTION TRUST** – an irrevocable sub-trust which benefitted Velma for her lifetime, but which passed to Garnold's issue at Velma's death;
- Unfortunately, Velma failed to properly fund the **EXEMPTION TRUST** with Garnold's share of the Trust assets; Velma died on 11/27/2013, and Velma withdrew and spent all of the Trust assets except for a residence she purchased with **EXEMPTION TRUST** funds in 1998;
- Petitioner is now relying on Velmas' failure to fund the **EXEMPTION TRUST** to asset that Garnold's assets are assets of the **MARITAL TRUST**, and thus distributable to Petitioner and Velma's other children;
- This Court should deny Petitioner's requests and confirm that the [new residence on San Gabriel] is an asset of the **EXEMPTION TRUST**;

*~Please see additional page~*

**Objection to Petition for Order Confirming Successor Trustees and Trust Assets filed by DIANNE S. COLLINS on 7/11/2014, continued:**

- The Trust provides that upon Garnold's death, his separate property and all of his interest in Velma and his community property should have been allocated to the **EXEMPTION TRUST** (see *Exhibit B1 to the Petition*);
- As the Surviving Spouse, Velma's separate property and her interest in her community property should have been allocated to the **MARITAL TRUST**;
- The **EXEMPTION TRUST** became irrevocable on Garnold's death, and the **EXEMPTION TRUST** was to be held for the benefit of Velma during her lifetime, but at Velma's death the assets in the **EXEMPTION TRUST** are distributable to Garnold's issue (see *Exhibit B1 to the Petition*);
- On the other hand, the **MARITAL TRUST** continued to be revocable during Velma's lifetime; the Trust provided initially that any assets remaining in the **MARITAL TRUST** at the death of the surviving spouse shall be distributed to Garnold's issue;
- Velma and Garnold expressly disinherited Velma's children (see *Trust at Paragraph 8.14, page 17 of Exhibit B1 to the Petition*); [Note: Velma's children are **FLOYD WYATT, JR., LEONARD EUGENE WYATT, and DARRELL RAY WYATT**];
- However, Velma executed a series of amendments to the **MARITAL TRUST** which later included her children as beneficiaries;
- Respondent believes that following Garnold's death, Velma never provided a Notification of Trustee to Garnold's heirs, which was required pursuant to Probate Code § 16061.7;
- Upon Velma's death, Respondent became Trustee of the **EXEMPTION TRUST** (both other named successor trustees **ROBERT G. SMOTHERS** and **RONALD G. SMOTHERS**, Garnold's sons, are deceased);
- **The Bulk, if not all, of the Trust Assets were Garnold's Separate Property:** The primary Trust assets at the time of Garnold's death were (1) the real property on Childs Ave. in Merced, and (2) a Promissory Note dated 1/2/1985 owed to Garnold by his son and daughter-in-law; the property on Childs Ave. in Merced was Garnold's separate property and he transferred it to his Trust on 2/11/1991 by Quitclaim Deed; Petitioner failed to provide the Court with a copy of the Quitclaim Deed which clearly indicates that the real property on Childs Ave. in Merced was Garnold's separate property when he transferred it to the Trust (copy of Quitclaim Deed attached as *Exhibit A*); the Promissory Note was also Garnold's separate property (copy of Promissory Note and Substitution of Trustee and Full Reconveyance stating the lender was "Garnold Smothers, a married man, as his separate property" attached as *Exhibits B and C*);
- **Velma Failed to Properly Allocate the Trust Assets to the Sub-Trusts upon Garnold's Death:** In accordance with the terms of the Trust, as Garnold's separate property, 100% of the Merced Property and 100% of the Promissory Note should have been allocated to the Exemption Trust; the allocations schedules of sub-trusts submitted by Petitioner are inaccurate.
- **The Funds used to Purchase the Fresno [San Gabriel] Property came from Assets Owned by the EXEMPTION TRUST:** Velma sold the Merced Property for **\$129,500.00**, and failed to attach a copy of the 1998 Grant Deed for the Merced Property to the *Petition*; Velma used the proceeds from the sale to purchase real property on San Gabriel Ave in Fresno for **\$85,000.00**; it is unclear what Velma did with the remaining **\$45,000.00** proceeds from the sale; Velma initially acquired title in her name and subsequently transferred title to the Trust.

~Please see additional page~

## Fourth Additional Page 4A, Smothers Family Living Trust Case No. 14CEPR00498

- **Velma did not Exercise her Right of Withdrawal from the EXEMPTION TRUST:** Velma had a right to withdraw principal (limited to **\$5,000/5%** annually) from the Exemption Trust; Petitioner alleges Velma exercised her withdrawal right, but offers no factual basis or support for that allegation; Respondent alleges that Velma did not exercise the withdrawal power, and because it was not cumulative, it lapsed annually according to the terms of the Trust.

### Respondent/Objector requests that the Court:

1. Deny Petitioner's request for an order that the property on San Gabriel in Fresno is an asset of the **MARITAL TRUST** under the **SMOTHERS FAMILY LIVING TRUST**;
2. Confirm that the real property on San Gabriel in Fresno is an asset of the **EXEMPTION TRUST** under the **SMOTHERS FAMILY LIVING TRUST** subject to the management and control of **DIANNE S. COLLINS**, Successor Trustee; and
3. Confirm that an property or funds traceable to the Promissory Note be confirmed as an asset of the **EXEMPTION TRUST** under the **SMOTHERS FAMILY LIVING TRUST**, subject to the management and control of **DIANNE S. COLLINS**, Successor Trustee.

**Atty Roberts, Gregory J., of Barrus and Roberts (for Petitioner Floyd Wyatt, Jr., Successor Trustee)**  
**Atty Brawley, Mason L.; of Murphy & Brawley, Merced (for Objector Dianne S. Collins, Successor Trustee)**

**Status Hearing Re: Settlement Agreement**

<b>Garnold DOD:</b> 6/3/1991	<p><b>FLOYD WYATT, JR.</b>, son and Trustee of the <b>MARITAL TRUST, [sub-trust of] the SMOTHERS FAMILY LIVING TRUST</b>, filed a <i>Petition for Order Confirming Successor Trustees and Trust Assets Belonging to the Marital Trust</i> on 6/4/2014.</p> <p><b>DIANNE S. COLLINS</b>, step-daughter of Velma Smothers, filed an <i>Objection to Petition for Order Confirming Successor Trustees and Trust Assets Belonging to the Marital Trust</i> on 7/11/2014.</p> <p><b>Minute Order dated 7/23/2014</b> from the hearing on the petition and objection states the Court sets the matter for Settlement Conference on 8/25/2014. Counsel is directed to submit their settlement conference statements along with a courtesy copy for the Court one week before the hearing.</p> <p><b>Minute Order dated 8/25/2014</b> from the Settlement Conference states the parties come to agreement. Mason Brawley will submit order. Matter set on 10/21/2014 for status hearing re: settlement agreement.</p> <p><b>Minute Order dated 10/21/2014</b> shows appearances by Attorneys Gregory Roberts and Mason Brawley, and that the matter is continued to 12/9/2014.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. Need settlement agreement.</p>
<b>Velma DOD:</b> 11/27/2013		
<b>Cont. from 102114</b>		
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
		<b>Reviewed by:</b> LEG
		<b>Reviewed on:</b> 11/26/14
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 4B – Smothers</b>

	<b>TEMP EXPIRES 12-9-14</b>	<b>NEEDS/PROBLEMS/ COMMENTS:</b>
	<b>The FRESNO COUNTY PUBLIC GUARDIAN</b> is Petitioner and requests appointment as Conservator of the Person with medical consent powers under Probate Code §2355.	<b>Note:</b> Darlene Kelley, niece, of Little Rock, AR, filed a competing petition (Page B).
<b>Cont from 110514</b>	Petitioner also requests authorization under Probate Code §2540 to retain a licensed real estate broker to sell the proposed Conservatee's real property and any personal property no longer needed by the Conservatee.	<b>Court Investigator advised rights 10-17-14</b>
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	<b>Voting rights affected</b>	<b>Voting rights affected – need minute order.</b>
<input checked="" type="checkbox"/> <b>Verified</b>	<b>Estimated Value of Estate:</b> Personal property: \$239,126.75 Annual income: \$23,987.52 Real property: \$102,000.00	<b>1. Petitioner did not request dementia medication or placement powers; however, the Capacity Declaration does address capacity to consent to dementia medication. The Court may require additional information or amendment and notice if dementia powers are to be requested based on the Capacity Declaration.</b>
<input type="checkbox"/> <b>Inventory</b>	<b>A Capacity Declaration was filed 10-8-14.</b>	<b>Note: If granted, the Court will set status hearings as follows:</b>
<input type="checkbox"/> <b>PTC</b>	<b>Petitioner states</b> the proposed Conservatee is a 79-year-old woman who appears to be suffering from dementia. She reportedly lives with different relatives at different times during the year. She has been in Fresno since June 2014. Based on a review of bank records and a discussion with bank staff, there is ample evidence to support that Ms. Brown has been and continues to be a victim of financial elder abuse by her nieces and nephews. Approximately \$17,000 was withdrawn from Ms. Brown's account in July 2014. A nephew reported that he knows nothing about these disbursements, but he has a handwritten will that would give him Ms. Brown's full estate.	<ul style="list-style-type: none"> <li>• <b>Wednesday, May 6, 2015 for filing the Inventory and Appraisal</b></li> <li>• <b>Wednesday, April 4, 2016 for filing the First Account</b></li> </ul>
<input type="checkbox"/> <b>Not.Cred.</b>	<b>Petitioner's Declaration filed 11-3-14 states</b> Deputy Public Guardian Jennifer Segura discussed Petitioner's request to sell the Conservatee's former residence with the Conservatee on 10-1-14. The declaration states Ms. Brown did not disagree or object.	<b>If the appropriate items are on file prior to the status hearing dates pursuant to Local Rules, the status hearings may be taken off calendar.</b>
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>	<b>Court Investigator Julie Negrete filed a report on 10-28-14.</b>	<b>Reviewed by:</b> skc
<input checked="" type="checkbox"/> <b>Aff.Mail</b> W		<b>Reviewed on:</b> 12-1-14
<input type="checkbox"/> <b>Aff.Pub.</b>		<b>Updates:</b>
<input type="checkbox"/> <b>Sp.Ntc.</b>		<b>Recommendation:</b>
<input checked="" type="checkbox"/> <b>Pers.Serv.</b> W		<b>File 5A – Brown</b>
<input type="checkbox"/> <b>Conf. Screen</b>		
<input checked="" type="checkbox"/> <b>Letters</b>		
<input checked="" type="checkbox"/> <b>Duties/Supp</b>		
<input type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>		
<input checked="" type="checkbox"/> <b>CI Report</b>		
<input type="checkbox"/> <b>9202</b>		
<input checked="" type="checkbox"/> <b>Order</b>		
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>		
<input type="checkbox"/> <b>UCCJEA</b>		
<input checked="" type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		

**5B Vera Brown (CONS/PE)**

**Case No. 14CEPR00878**

**Atty Kruthers, Heather H. (for Fresno County Public Guardian – Petitioner)**

**Atty Fanucchi, Edward L. (Court appointed for Proposed Conservatee)**

**Atty Kelley, Darlene (Pro Per – Niece – Competing Petitioner)(Little Rock, AR)**

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

		<b>TEMP (PUBLIC GUARDIAN) EXPIRES 12-9-14</b>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><u>Note:</u> Pursuant to Minute Order 11-5-14, the Public Guardian is to transport Ms. Brown to the hearing on 12-9-14.</p> <ol style="list-style-type: none"> <li><b>Petitioner resides in Little Rock, Arkansas. The Court may require clarification as to whether Petitioner plans to relocate Ms. Brown to Arkansas. If so, please see Probate Code §2352(c) and (d) regarding petition to fix residence outside California and establishing a conservatorship or its equivalent in the new state.</b></li> <li><b>Need Citation.</b></li> <li><b>Need proof of personal service of Citation with a copy of the Petition at least 15 days prior to the hearing on Proposed Conservatee Vera Brown pursuant to Probate Code §1824.</b></li> <li><b>Need Notice of Hearing.</b></li> <li><b>Need proof of service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing pursuant to Probate Code §1822 on all relatives.</b></li> <li><b>Need bond of at least \$289,425.70 pursuant to Probate Code §2320(c)(4) and Cal. Rule of Court 7.207.</b></li> </ol> <p><u>Note:</u> If granted, the Court will set status hearings as follows:</p> <ul style="list-style-type: none"> <li>Tuesday 2-2-15 for filing of bond</li> <li>Tuesday 5-12-15 for filing the Inventory and Appraisal</li> <li>Tuesday 5-17-16 for filing the first account</li> </ul> <p>If the appropriate items are on file prior to the hearing date, the status hearings may be taken off calendar. Petitioner is encouraged to seek legal advice from a California attorney going forward.</p> <p>Reviewed by: skc</p> <p>Reviewed on: 12-1-14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 5B - Brown</p>
		<b>DARLENE KELLEY, Niece, is Petitioner and requests appointment as Conservator of the Person and Estate. (Bond is not addressed).</b>	
	<b>Aff.Sub.Wit.</b>		
✓	<b>Verified</b>		
	<b>Inventory</b>		
	<b>PTC</b>		
	<b>Not.Cred.</b>		
	<b>Notice of Hrg</b>	X	
	<b>Aff.Mail</b>	X	
	<b>Aff.Pub.</b>		
	<b>Sp.Ntc.</b>		
	<b>Pers.Serv.</b>	X	
	<b>Conf. Screen</b>		
	<b>Letters</b>	X	
✓	<b>Duties/Supp</b>		
	<b>Objections</b>		
	<b>Video Receipt</b>		
	<b>CI Report</b>	X	
	<b>9202</b>		
	<b>Order</b>	X	
	<b>Aff. Posting</b>		
	<b>Status Rpt</b>		
	<b>UCCJEA</b>		
	<b>Citation</b>	X	
	<b>FTB Notice</b>		

**6 Virginia W. Smith Revocable Living Trust 3/14/05 Case No. 14CEPR00885**

**Atty Frisella, Lisa J.; Allard, Mara C.; of Law Office of Lisa J. Frisella, San Diego (for Petitioners Steven Smith and Gillian Brock)**

**Petition to Determine Validity of Trust; for Order Confirming Trust Assets; to Determine to Whom Trust Property Shall Pass; and for Appointment of Successor Trustee; for Undue Influence; for Duress and Menace; for Reimbursement of Costs and Expenses of Administration; for Payment of Attorneys' Fees and Punitive Damages**

<b>DOD: 7/29/2014</b>		<p><b>STEVEN SMITH</b>, son, and <b>GILLIAN BROCK</b>, daughter, are Petitioners.</p> <p><b>Petitioners state:</b></p> <ul style="list-style-type: none"> <li>• Petitioners are the Co-Trustees of the <b>VIRGINIA W. SMITH REVOCABLE LIVING TRUST dated 3/14/2005</b> (copy attached as Exhibit 2); Petitioners do not live in the Fresno area; (Petitioner Steven Smith resides in Nevada, and Petitioner Gillian Brock resides in Georgia.)</li> <li>• Petitioners bring this petition to determine the validity of the Trust, to confirm Trust assets, and determine to whom the property should pass;</li> <li>• Petitioners request this Court confirm that the Trust is a valid Trust and the that property described in <i>Schedule A</i> of the Trust are assets subject to the Trust;</li> <li>• Virginia Smith [<i>Decedent</i>] died after she was admitted to Clovis Community Regional Center on 7/5/2014 with bruising, malnutrition and an E Coli infection; the cause of death listed on her Certificate of Death is Alzheimer's Disease (copy attached as Exhibit 1);</li> <li>• Hospital records indicate that Decedent was admitted on 7/5/2014 by her caregiver, <b>JERRY PHARRIS</b>, who reported he found her on the kitchen floor two days in a row;</li> </ul> <p><b>~Please see additional page~</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>• Paragraph 25 of the <i>Petition</i> states the Decedent's house on Farris Avenue in Fresno is not an asset of the <b>VIRGINIA W. SMITH REVOCABLE LIVING TRUST</b>, and <i>Schedule A</i> of the Trust lists the Trust assets as personal property that is contained in the Decedent's house, not the house itself.</li> <li>• Part 6 Paragraph D of the Trust names both Petitioners as Successor Trustees of the Trust following the death of Decedent, and Paragraph G waives bond for named trustees. Part 10 of the Trust distributes the Trust property to Petitioners in equal shares.</li> <li>• <i>Declaration of Co-Trustee Steve Smith in Support of Request to Withdraw Items 5, 6, 7, and 9 in the Prayer for Relief of Pending Petition</i> filed on 11/26/2014, and the <i>Declaration of Co-Trustee Gillian Brock in Support of Request to Withdraw Items 5, 6, 7, and 9 in the Prayer for Relief of Pending Petition</i> filed on 11/26/2014 appear to omit from their request "Item 8" seeking a <i>Status Quo</i> order, preventing disposal or distribution of <b>VIRGINIA W. SMITH REVOCABLE LIVING TRUST</b> assets until the issues raised in this <i>Petition</i> have been addressed. However, since the request to withdraw items does not request that <i>Item 8</i> be withdrawn, the Court should consider the <i>Status Quo</i> order as still encompassed within the Petitioners' request.</li> </ul> <p><b>~Please see additional page~</b></p>
<b>Cont. from 110314</b>			
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/>	<b>Verified</b>		
<input type="checkbox"/>	<b>Inventory</b>		
<input type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>		
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>		
<input checked="" type="checkbox"/>	<b>Aff.Mail</b> <span style="float:right">W/O</span>		
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input type="checkbox"/>	<b>Letters</b>		
<input type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input type="checkbox"/>	<b>Order</b> <span style="float:right">X</span>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		
<b>Reviewed by: LEG</b>		<p><b>Recommended:</b></p> <p><b>File 6 – Smith</b></p>	
<b>Reviewed on: 11/26/14</b>			
<b>Updates:</b>			
<b>Recommendation:</b>			

**Petitioners state, continued:**

- Jerry Pharris reported that Virginia had not been eating for 5 years but only drank "Ensure" and she had not been taking her medication for 2 months; he reported he administered anti-diarrhea pills to her so "He didn't have to clean her often;"
- On 7/10/2014, Decedent was discharged from the hospital tolerating food and feeling better to Willow Creek Care Facility, where she reported to staff that she was sexually abused by Jerry Pharris; Willow Creek staff contacted Petitioner Steven Smith to inform him of the abuse allegations;
- Petitioner Steven Smith came to Fresno and contacted police; an abuse investigation was opened by Fresno Police on 7/19/2015;
- On 7/19/2014, the Fresno Police contacted Jerry Pharris at Decedent's home, and Pharris presented a document entitled *Last Will and Testament of Virginia W. Smith* dated 1/10/2012, stating therein that her entire estate is devised to Jerry Pharris (*copy of Will attached as Exhibit 3*);
- Operating with the representation that he had exclusive authority as executor of the estate, Pharris denied entrance to the home to Petitioner Steven Smith;
- Bank records show that on 8/5/2014, Pharris made 3 separate withdrawals of **\$500.00** from Decedent's bank account;
- Bank records show that Pharris withdrew funds from social security and annuity deposits to Decedent's checking account made after her death;
- Petitioners believe Jerry Pharris made acquaintance with Decedent in 2004 through a senior center; he began mowing her lawn and doing repairs around her house; Jerry Pharris moved into the detached in-law unit behind Decedent's house in 2009, after the former tenant vacated due to her belief that Jerry Pharris broke into the unit, and after Jerry Pharris' harassment of her; Pharris then lived rent-free in the unit, which previously rented for **\$550.00** per month;
- Pharris arranged to have all phone calls screened on speaker so he could participate in calls Decedent had with her children; Pharris took over financial control of Decedent's bank accounts and discouraged her from having contact with her family and intimidated her friends and neighbors;
- Personal property assets listed on *Schedule A* of the Trust are believed to be in Decedent's residence or a storage facility, and include valuable dolls and jewelry with an estimated value of **\$30,000.00** to **\$40,000.00**;
- Petitioners allege the Will dated 1/10/2012 attached as *Exhibit B* is not and never was Decedent's Will and was made at the time of its alleged execution as a result of undue influence; the Will is the product of fraud, menace and/or duress, and Petitioners believe Pharris deprived Decedent of nourishment and care, isolated and intimidated her and those around her for the purpose of gaining control of her assets and her residence;
- Petitioners allege pursuant to Probate Code § 21380(a)(3) that any donative transfer to Jerry Pharris is presumed to be the product of fraud or undue influence as the instrument was executed during the period Jerry Pharris provided care custodian services to Decedent;
- Petitioners allege the Will dated 1/10/2012 is the product of fraud, menace and/or duress and believe that Pharris deprived Decedent of nourishment and care, isolated and intimidated her and those around her for the purpose of gaining control of her assets and her residence;
- Pharris lived with Decedent for nearly 7 years prior to Decedent's death and occupied a position of trust and confidence; during that time, Pharris took over her financial affairs and actively discouraged her from communicating with family and friends;

**~Please see additional page~**

**Petitioners state, continued:**

- During the time of his relationship with Decedent, Pharris was able to exert control and influence over the mind and actions of Decedent to such a point that Decedent was no longer capable of exercising her own conviction or desire with regard to her actions or thoughts, but rather, because of the pressure brought on her by Pharris;
- Due to the progression of her Alzheimer's Disease, Decedent was not of sound mind and lacked capacity to make the Will on 1/10/2012, and at the time the Will was executed Decedent was aged and infirm and suffering from memory problems;
- As a result of Decedent's physical and mental infirmities, Decedent was easily influenced and controlled by Pharris;
- Petitioners and Decedent enjoyed a close relationship until Jerry Pharris entered their mother's life;
- Before Jerry Pharris came in to Decedent's life, Petitioner Steve Smith assisted his mother with her financial affairs and in fact tried to convince her to move close to his home in Nevada when she turned 90;
- Due to Pharris' influence, Decedent declined her son's urgings to move;
- Pharris insisted that Decedent not use the computer, and controlled all of her access to the telephone;
- Attempts made by Petitioner Steven Smith to contact Decedent by telephone became futile and he was left to resort to police welfare checks to check in on his mother in 2013 and 2014;
- Petitioners request distribution of Trust assets and an order allowing Petitioners entrance to their mother's home and storage facility for purposes of marshalling the Trust assets until the issues raised in this petition have been addressed.

**Petitioners request an Order as follows:**

1. The **VIRGINIA W. SMITH REVOCABLE LIVING TRUST** dated 3/14/2005 is valid;
2. Personal property described in Schedule A of the Trust are assets of the Trust subject to management and control of the Successor Co-Trustees;
3. Steven Smith and Gillian Brock are appointed Successor Co-Trustees of the **VIRGINIA W. SMITH REVOCABLE LIVING TRUST** and will serve without bond;
4. The beneficiaries entitled to distribution of the **VIRGINIA W. SMITH REVOCABLE LIVING TRUST** are Steven Smith and Gillian Brock;
5. For a *Status Quo* order, preventing disposal or distribution of **VIRGINIA W. SMITH REVOCABLE LIVING TRUST** assets until the issues raised in this Petition have been addressed; and
6. For all other orders the Court deems proper.

**NEEDS/PROBLEMS/COMMENTS, continued:**

1. Need proposed order pursuant to Local Rule 7.1 which provides a proposed order shall be submitted with all pleadings that request relief.

**7 Arabella Chavira, Kailani Chavira, and Christopher Chavira (Minors)**

Case No. 14CEPR00907

Atty Wilson, Glenn R. (for Alma Figueroa – Paternal Grandmother – Petitioner)

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

		<b>TEMP DENIED 10-15-14</b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		<b>ALMA FIGUEROA</b> , paternal grandmother, is Petitioner.	<b>If this petition goes forward, the following issues exist:</b>
		Father: <b>CHRISTOPHER CHAVIRA</b> - Personally served 10-9-14	<ol style="list-style-type: none"> <li><b>1. Need Investigation Report pursuant to Probate Code §1513. (The Court investigation was not completed because petitioner stated she did not wish to pursue guardianship.)</b></li> <li><b>2. Need notice pursuant to Probate Code §1511 to paternal grandfather and maternal grandfather or consent or declaration of due diligence.</b></li> <li><b>3. Need order.</b></li> </ol>
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg	Paternal grandfather: Michael Chavira	
<input type="checkbox"/>	Aff.Mail	<input checked="" type="checkbox"/>	
<input type="checkbox"/>	Aff.Pub.	Maternal grandfather: Unknown Maternal grandmother: Angelica Villerreal - Personally served 10-9-14	
<input type="checkbox"/>	Sp.Ntc.		
<input checked="" type="checkbox"/>	Pers.Serv.	<b>Petitioner states</b> the children were residing with their mother until 9-22-14 when they were dropped off at Petitioner's residence by the father. Petitioner states the mother is being evicted and the father is currently homeless and both parents suffer from severe drug addictions.	
<input checked="" type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report	<b>Court Investigator Jennifer Young filed a report on 11-26-14.</b>	
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order	<input checked="" type="checkbox"/>	
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input checked="" type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			<b>Reviewed by:</b> skc
			<b>Reviewed on:</b> 12-1-14
			<b>Updates:</b>
			<b>Recommendation:</b>
			<b>File 7 - Chavira</b>

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

<p><b>DOD: 9/7/2012</b></p>	<p><b>MICHELE R. CURLEY</b>, Daughter, was appointed Administrator with Full IAEA with bond of <b>\$30,000.00</b> on 11/7/2012. Letters issued 1/22/2013.</p> <p><b>Proof of Bond filed 1/14/2014</b> shows bond of <b>\$14,000.00</b> was posted. Based on 1/22/2013 bond posted of <b>\$30,000.00</b>, the total bond is currently <b>\$44,000.00</b>.</p> <p><b>Final Inventory and Appraisal filed 10/15/2013</b> shows an estate value of <b>\$110,367.38</b> consisting of personal property and real property valued at <b>\$60,000.00</b>.</p> <p><b>Status Conference Statement filed 10/30/2014 [for the previous status hearing on 11/4/2014] states:</b></p> <ul style="list-style-type: none"> <li>The real property shown on the Inventory and Appraisal filed on 10/15/2013 was taken over by vandals; real estate professionals indicated that sale proceeds will not be sufficient to cover selling costs and encumbrances; the property was foreclosed upon and is no longer in the estate;</li> <li>Bond was increased to <b>\$44,000.00</b> to reflect the cash assets in the estate;</li> <li>At the status conference on 9/2/2014, the Court on its own motion removed Michele R. Curley as personal representative, directed legal counsel to advise the surety company of the Court's action, and appointed the Public Administrator as personal representative of the estate;</li> <li>Richard Hemb has by written letter sent by U.S. mail advised the surety company of the Court's decision and advised Michele Curley of same;</li> <li>Michele Curley has recently cooperated with her legal counsel and has supplied him with her costs advanced to the estate and provided copies of bank statements effective October 2014 showing that <b>\$42,984.67</b> is held and titled in the name of the estate;</li> <li>Additionally, she is holding <b>\$6,500.00</b> from the sale of a vehicle pending the Court's direction on how to handle these assets;</li> <li>In response to receipt of this information, a report and account has been prepared and is currently under review by Ms. Curley;</li> <li>It is hopeful that this document will be filed prior to the Court hearing on 11/4/2014.</li> </ul>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Continued from 11/4/2014.</b> Minute Order states Ms. Litton [specially appearing for Mr. Hemb] represents to the Court that Mr. Hemb is in the process of completing the accounting. The Court confirms that the Public Administrator remains until further order of the Court.</p> <p><b>The following issue remains:</b></p> <ol style="list-style-type: none"> <li>Need first account and/or petition for final distribution.</li> </ol> <p><b>Note:</b> Notice of Proposed Action filed by the Public Administrator on 11/13/2014 shows the Public Administrator is in the process of selling the estate real property.</p>
<p>Cont. from 011014, 011714, 032114, 052314, 072214, 090214, 110414</p>		
<p>Aff.Sub.Wit.</p>		
<p>Verified</p>		
<p>Inventory</p>		
<p>Bond</p>		
<p>Not.Cred.</p>		
<p>Notice of Hrg</p>		
<p>Aff.Mail</p>		
<p>Aff.Pub.</p>		
<p>Sp.Ntc.</p>		
<p>Pers.Serv.</p>		
<p>Conf. Screen</p>		
<p>Letters</p>		
<p>Duties/Supp</p>		
<p>Objections</p>		
<p>Video Receipt</p>		
<p>CI Report</p>		
<p>9202</p>		
<p>Order</p>		
<p>Aff. Posting</p>		
<p>Status Rpt</p>	<p>X</p>	
<p>UCCJEA</p>		
<p>Citation</p>		
<p>FTB Notice</p>		<p><b>Reviewed by:</b> LEG</p> <p><b>Reviewed on:</b> 12/1/14</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 14 – Martinez</b></p>

**Status Hearing Re: Determination and Proof of Bond**

	<p><b>KEIGHTH D'AMBROSIO</b>, Cousin, was appointed Conservator of the <b>Person and Estate</b> with a <b>bond amount to be determined</b> on 7-30-14.</p> <p><b>Letters issued on 8-1-14.</b></p> <p>At the hearing on 7-30-14, the Court set this status hearing re determination and proof of bond.</p> <p><b>Status Report filed 10-27-14 by Attorney Teixeira (not verified) states</b> on 10-24-14, he received a copy of an Order Appointing Successor Trustee from Attorney Steven P. Flowers of Tulsa, OK (attached). Pursuant to the order, Keith D'Ambrosio has been appointed as Trustee of the Chester Farris Revocable Trust. Mr. Flowers also informed that all assets to which the Conservatee may be entitled from the probate of Tom Steel will be distributed to the trustee of the Chester Farris Revocable Trust.</p> <p>Since all assets for the benefit of the Conservatee will be in trust, it appears that a conservatorship of the estate is not needed at this time. Thus, Petitioner Keith D'Ambrosio will withdraw his request for appointment as Conservator of the Estate and no bond will be posted.</p> <p><b>Declaration of J. Stanley Teixeira filed 11-18-14 provides additional information. Please see NEEDS/PROBLEMS/COMMENTS and following pages.</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>The Court may require clarification and notice. See issues detailed on Page 2.</b></p> <p><b>Note re History:</b> The Conservatee, a developmentally disabled adult, had recently moved to California from Oklahoma, where she had been residing with Tom Steel. The original petition stated that Mr. Steel had been acting as her "guardian," but without court appointment. When he died, Donna was left alone in Oklahoma without family. The petition stated Donna may be entitled to assets in Tom Steel's estate and may have claims that property in the estate was misappropriated. Conservatorship is necessary in order to pursue any interest Donna may have in that estate for her. The attorney was in communication with an attorney handling that matter.</p>
Cont. from 093014, 111014		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: skc
		Reviewed on: 12-1-14
		Updates:
		Recommendation:
		File 16A - Farris

**Page 2 – NEEDS/PROBLEMS/COMMENTS: The following issues remain noted for reference. Please also see Declaration of J. Stanley Teixeira filed 11-18-14, summarized on following page.**

1. The status report states that because Mr. D'Ambrosio has been appointed as successor trustee of the Conservatee's father's trust (the Chester Farris Revocable Trust), of which the Conservatee is the sole beneficiary, conservatorship of the estate is now not needed because distribution of the Conservatee's share of Mr. Steel's estate will simply be distributed to him as trustee of the Chester Farris Revocable Trust.

However, rather than negate the need for conservatorship of the estate, the order attached, at #7, appears to specifically rely on the fact that Mr. D'Ambrosio has been appointed as conservator of Donna K. Farris' "person and property" in appointing him as successor trustee of the Chester Farris Revocable Trust.

Need clarification: Why will the Conservatee's share of Mr. Steel's estate be distributed to the trustee of the Chester Farris Revocable Trust? Do Mr. Steel's estate planning documents specify the Chester Farris Revocable Trust on her behalf? If not, then how can distribution be made to the Chester Farris Revocable Trust on her behalf?

Also, although the Conservatee is the sole beneficiary of the Chester Farris Revocable Trust, that trust itself is not a trust created for her benefit. How does the Chester Farris Revocable Trust provide for distribution to Donna Farris as the sole beneficiary? Is there a separate subtrust created for her benefit that the Chester Farris Revocable Trust will distribute to?

Basically, it appears this Conservatee will be the beneficiary of two separate anticipated distributions –one from Mr. Steel's estate, and one from her father's trust. It is unclear why her father's trust would receive a distribution from Mr. Steel's estate on her behalf, and it is also unclear how her father's trust will ultimately distribute to her. However, it appears substituted judgment may be necessary if her distributions are not going to be distributed to her conservatorship estate.

2. Also, the petition previously indicated that property in Mr. Steel's estate may have been misappropriated, and appointment as conservator of her estate was necessary to pursue her interest therein. The status report does not provide any update on that situation. The Court may require additional information or clarification why conservatorship of the estate is not now necessary to pursue assets misappropriated from Mr. Steel's estate on her behalf.
3. Conservatorship of the estate was already granted on 9-30-14; therefore, the petition cannot be withdrawn at this point. The Court may require a noticed petition to terminate, or service of this declaration on interested parties, including:
  - Conservatee Donna Farris
  - Richard Farris (her brother)

**SEE ADDITIONAL PAGES**

**Declaration of J. Stanley Teixeira filed 11-18-14 states:**

- Chester Farris executed a trust on 2-28-92, which was for the benefit of Chester Farris during his life and upon his death, was to continue for the benefit of Donna Kay Farris.
- Soon after execution of the trust, Chester Farris, who was the sole trustee, required a caregiver.
- The caregiver was GeorgeAnn Steel, who, at the time, was married to Tom Steel.
- GeorgeAnn Steel convinced Chester Farris to amend his trust so that she would serve as co-trustee with him and upon his death, as sole successor trustee.
- Chester Farris died 11-20-92, leaving GeorgeAnn Steel as sole trustee.
- Sometime thereafter, GeorgeAnn Steel and Tom Steel divorced. While going through the dissolution action, GeorgeAnn Steel resigned as trustee of the trust and Tom Steel became the "acting trustee."
- Attorney Flowers reports that the Steel divorce documents do not reference the Farris trust, and he is unable to locate any court sanctioned approval for Tom Steel to serve as successor trustee.
- Nevertheless, Tom Steel then moved into the Farris residence, an asset of the trust, and cared for Donna Kay Farris.
- Thereafter, Tom Steel became ill and eventually went into a nursing home earlier this year.
- It was at that point that family in California learned of the plight of Donna Kay Farris and Keith D'Ambrosio initiated proceedings.
- Neither Donna Kay Farris nor the Chester Farris trust is a beneficiary of Tom Steel.
- Mr. Flowers believes there might be some available actions against GeorgeAnn Steel; however, she has been uncooperative in this matter and her attorney has been disbarred.
- A copy of the trust and amendments is attached to the declaration.

The trust provides that upon Chester Farris' death, the trustee shall continue to manage the trust estate for the benefit of Donna Kay Farris, and on her death, distribute to her issue, or if none, to the Church of Saint Mary in Tulsa, OK.

The first amendment adds GeorgeAnn Steel as a co-trustee, and the second amendment nominates GeorgeAnn Steel as sole successor trustee.

**Examiner's Note: It appears, with this updated information, that Examiner's Note #1 above should be revised as follows:**

1. **Need authority to distribute funds due to the Conservatee directly to a previously established trust without substituted judgment under Probate Code §2580.**

**Notes #2 and #3 remain per above.**

**Status Hearing Re: Filing of the Inventory and Appraisal**

<b>Age: 59</b>	<p><b>KEIGHTH D'AMBROSIO</b>, Cousin, was appointed Conservator of the Person and Estate with a bond amount to be determined on 7-30-14. Letters issued on 8-1-14.</p> <p>At the hearing on 7-30-14, the Court set this status hearing for the filing of the Inventory and Appraisal.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>1. Need Inventory and Appraisal pursuant to Probate Code §2610 or verified status report pursuant to local rule.</b></p>
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
		<b>Reviewed by:</b> skc
		<b>Reviewed on:</b> 12-1-147
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 16B - Farris</b>