1 **Ulysses Williams Special Needs Trust** **Case No. 02CEPR01013**

Attorney **Poochigian, Mark S. (for Westamerica Bank, Trustee)**

Sixth Account and Report of Trustee and Petition for Approval Thereof, and for Allowance of Trustee's Compensation and Attorneys' Fees

Cont. from 110315, 120215		
	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
✓	Notice of Hrg	
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	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	2620(c)	x
	Order	x
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

NEEDS/PROBLEMS/COMMENTS:

OFF CALENDAR

Account statements filed, order signed 12/11/15 per Minute Order 12/2/15.

Minute Order 12/2/15: If the Court is able to approve the matter, the 12/15/15 hearing will come off calendar.

Reviewed by: skc

Reviewed on: 12/10/15

Updates:

Recommendation:

File 1 - Williams

Dept. 303, 9:00 a.m. Tuesday, December 15, 2015

2 **Edward L. Myers (Estate)** **Case No. 03CEPR00979**

Atty **Sullivan, Robert L. (for Monique M. Hutchings – Administrator with Will Annexed**

Probate Status Hearing RE: First or Final Account

DOD: 4/5/03	**EDWARD L. MYERS, JR. and MONIQUE M. HUTCHINGS,** were appointed as Co-Administrator's with Will Annexed with Full IAEA without bond on 8/19/03. **Letters of Administration with Will Annexed** were issued on 08/19/13. I&A Total: $894,281.61 On 3/16/05, the Court granted a **Petition for Preliminary Distribution and Statutory Fees**. Nothing further was filed until 5/21/13, when **MONIQUE M. HUTCHINGS** filed an Ex Parte Petition for Amended Letters following the death of Co-Administrator Edward L. Meyers, Jr. Thereafter, the Court set a status hearing for failure to file a first account or petition for final distribution. After various hearings, the Court issued an Order to Show Cause re failure to file a first account or petition for final distribution for 6/16/15. See Page 2 re status report filed 6/12/15. **Minute Order 6/16/15 states** Counsel reports that they need to keep the estate open until the property sells due to environmental issues. The property is now listed and there is a possible offer pending. He requests 6 months. The Court vacated the OSC and set this status hearing re first or final account.	**NEEDS/PROBLEMS/COMMENTS:** 1. **Need first account or petition for final distribution or written status report pursuant to Local Rule 7.5.**
		Reviewed by: skc
		Reviewed on: 12/9/15
		Updates:
		Recommendation:
		File 2 - Myers

	Aff.Sub.Wit.	
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	Inventory	
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	Notice of Hrg	
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	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

Dept. 303, 9:00 a.m. Tuesday, December 15, 2015

Status Report filed 06/12/15 states: most of the property was distributed to the beneficiaries in a preliminary distribution by order of this Court on 06/02/05. The estate contains a bank account with a balance of approximately $150,000.00 at this time. The Court also allowed the Co-Administrators to form an LLC to hold the remaining assets of the estate, namely, four parcels of environmentally contaminated real property. Pursuant to the Court's order, the Elm & Church, LLC was formed and currently holds a bank account with a balance of $50,000.00 as well as the four parcels of real property. At the time of decedent's death, an environmental contamination problem related to previously installed underground fuel storage tanks had been discovered and was in the process of being analyzed and remediated by the Decedent utilizing Krazan & Associates ("Krazan").

Prior to forming Elm & Church, LLC, the Administrator and her counsel retained environmental specialist Alexandra Bannon who advised that due to the contamination problems of the Property, it was imperative to keep the beneficiaries of the estate out of the chain of title to the Property in order to avoid personal liability under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA).

The environmental contamination on one of the parcels has been cleaned up, but the remainder of the property has undergone no remediation whatsoever, and by reason of its close proximity to the remediated parcel, is suspected of being environmentally contaminated.

The Administrator has made diligent efforts to sell the property during the past two years, and at one time had the property in escrow for sale. However, the buyer failed to perform.

The Administrator continues to try to sell the property and is working with brokers to that end. However, to date, no such sale has materialized. Accordingly, the Administrator requests that, in accordance with the advice of the estates environmental counsel, that the administration of the estate be allowed to continue until a sale of the property can be effected.

3B James M. Kromberg (Estate) Case No. 0441004

Attorney **Poochigian, Mark S. (for Petitioner Ann L. Kromberg, Administrator)**
Attorney **Krause, Stefanie J. (for Ruth P. Lind, *former* Attorney for Administrator Ann Kromberg)**

Probate Status Hearing Re: Filing of Receipts for Fees by Attorney Ruth P. Lind

DOD: 6/10/1991		
Cont. from		
	Aff.Sub.Wit.	
	Verified	
	Inventory	
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	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

RUTH P. LIND, former Attorney for Administrator Ann Kromberg, filed a *Petition for Allowance of Ordinary and Extraordinary Fees* on 6/22/2015.

***Order Allowing Attorneys' Fees* was filed 10/7/2015.**

***Minute Order* dated 9/15/2015** set this status hearing on 12/15/2015 for filing of receipts by Ms. Lind.

NEEDS/PROBLEMS/COMMENTS:

OFF CALENDAR

Receipt by Ruth P. Lind of First Installment of Attorney's Fees filed 10/20/2015.

Receipt by Ruth P. Lind of Second and Final Installment of Attorney's Fees filed 11/16/2015.

Reviewed by: LEG
Reviewed on: 12/9/15
Updates:
Recommendation:
File 3B - Kromberg

4A Joann L. McClay (Estate) Case No. 06CEPR00372

Atty Alexander, Thomas M., Jr. (of Beverly Hills, CA, for Former Administrator Jeffrey McClay)
Atty Kruthers, Heather H. (for Public Administrator)
Atty Stevenson, Tracy A. (of Orange, CA, for Surety, American Contractors Indemnity Company)

Probate Status Hearing

DOD: 7/27/05		
Cont from 042115, 060915, 081815, 091515		
	Aff.Sub.Wit.	
	Verified	
	Inventory	
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	Notice of Hrg	
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	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

PUBLIC ADMINISTRATOR was appointed Successor Administrator on 1/20/15. Letters issued 2/5/15.

History: JEFFREY MCCLAY, Son, was appointed Administrator with Full IAEA with bond of $252,000.00 on 5/23/06. Bond was filed and Letters issued 8/31/06. I&A filed 2/7/07 indicated residential real property valued at $300,000.00.

On 5/10/07, a Request for Special Notice was filed by Probate Referee Steven Diebert. On 10/12/07, a Creditor's Claim of $1,105.65 was filed by Cancer Care Associates of Fresno. There was no further activity in the estate the Court set the matter for status hearing in 2013.

On 9/10/14, Attorney Alexander filed a petition for final distribution on behalf of his absconded client pursuant to Probate Code §10953(c). The petition indicated that the Administrator borrowed a sum of money to satisfy obligations and expenses of the estate, secured by the real property, and intended to make a distribution to his sister, make necessary repairs, and assume the loan after closing. The attorney was unaware whether any distribution of loan proceeds was made, whether any payment to the sister was made, or whether any repairs were made on the residence. The attorney requested surcharge of the Administrator to the extent of any breach of fiduciary duty, etc., and also requested statutory and extraordinary attorney's compensation.

Minute Order 1/20/15 states: The Court removes Jeffrey McClay and appoints the Public Administrator in order for them to pursue surcharging Mr. McClay on the bond. Tracy Stevenson requests time to have subpoenas issued and gather information. The Public Administrator is to submit a written status report for the 4/21/15 hearing.

Status Report Re Estate Assets filed 4/14/15 by Public Administrator states Deputy PA Noe Jimenez spoke with Mr. Alexander, who believed that the only asset, the residence, was lost to foreclosure. He later found out that Mr. McClay may have benefitted from a loan he secured against the residence – a line of credit for $120,000.00 on the house in 2007. It appears he pulled all the credit line money out, and the residence was sold at a trustee sale in 2010 for $155,000.00. Mr. Jimenez believes he has found an accurate address for Mr. McClay in Sacramento, CA. **The PA and counsel agree that Mr. McClay should be surcharged the full amount of the property listed on the I&A, $252,100 of which should be paid by the bond company, less any amounts that the company can recover or show were paid to benefit the estate.**

NEEDS/PROBLEMS/ COMMENTS:

<u>Minute Order 9/15/15</u>: The Court takes this matter under submission as to the issue of whether or not the surety company is liable for full surcharge based on the bankruptcy issue. If the Court rules in favor of the Public Administrator, the matter will be set for further status regarding the apportionment of the surcharge. The underlying Petition for Final Distribution is continued to 12/15/15.

<u>Note</u>: A status report was filed 12/2/15 by Public Administrator. <u>See last page</u>.

f

Reviewed by: skc

Reviewed on: 12/9/15

Updates:

Recommendation:

File 2 - McClay

Declaration of Tracy A. Stevenson Regarding Discharge of Surety's Liability Upon Bankruptcy of Personal Representative filed 6/5/15 states: Jeffrey M. McClay, the decedent's son, was appointed administrator of the decedent's estate on or about 5/23/06. ACIC filed its administrator's bond on behalf of Jeffrey M. McClay in the penal sum of $252,100 on or about 8/31/06. In applying for that bond, McClay executed an indemnity agreement wherein he agreed to indemnify and reimburse the surety for all losses, attorney fee, and costs of any nature resulting from issuance of the bond.

On or about 7/8/08, while still acting as administrator of the estate, Jeffrey M. McClay filed a Voluntary Petition for Bankruptcy in the Eastern District of California, Case Number 2008-14472. That petition disclosed that he was administrator of the estate and as such held titled to the decedent's real property, subject to an encumbrance, and that he was an heir of the estate.

Because he was administrator at the time he filed for bankruptcy protection, the estate is charged with having knowledge of the bankruptcy filing and will failing to take action to seek relief from the bankruptcy court to protect its interests or pursue a claim. As such the estate's claim against McClay has been discharged by the bankruptcy court and the estate is barred from pursuing surcharge against him.

Because a claimant is required by law to obtain a surcharge judgment against a fiduciary before the surety's liability arises, the estate is legally precluded from proceeding against the surety in this matter.

Because McClay is bound by an indemnity agreement to indemnify the surety for all losses and fees and costs in connection with the bond, pursuing the surety would cause post-discharge economic loss to McClay and interfere with the fresh start granted by his bankruptcy discharge. (The surety did not receive notice of the bankruptcy action and the bankruptcy discharge does not preclude the surety from seeking indemnity from McClay, which it would do.) See authority provided.

The declaration concludes that the estate's ability to pursue surcharge against Jeffrey McClay has been discharged by the bankruptcy court, and the estate's ability to pursue the surety on its bond is also discharged for two reasons: 1) a surcharge against McClay is a prerequisite to pursuing the surety, and a surcharge cannot be sought; and 2) pursuit of the surety would violate the fresh start objective of the Bankruptcy Code.

Response of Public Administrator to Declaration of Tracy A. Stevenson was filed 9/10/15.

SEE ADDITIONAL PAGES

Response of Public Administrator filed 9/10/15 states although Ms. Stevenson refers to her document as a declaration, it is in fact an objection to the surcharge of the former Administrator. Her client, American Contractors Indemnity Company, will therefore be referred to as Objector.

According to the Court docket, the former administrator's attorney filed a petition for final distribution on 9/10/14. The petition included surcharge of McClay and for liability on the bond. The hearing on that petition has been continued several times for the attorney to provide notice, surety company to condiuct discovery and file an objection, and the PA to file a response to objections.

The PA states McClay's bankruptcy case is irrelevant to the surety's obligation to make good on its bond. See CCP §§ 996.410 and 996.460, which specifically authorize this surcharge action and make Objector's liability independent of McClay's liability. The purpose of a bond for estate administration is to ensure that the estate can be made whole in the event a fiduciary (McClay) absconds with funds, and is unable to make the estate whole. Under the facts of this case, McClay did not faithfully execute his fiduciary duties, but rather violated that duty by stealing assets from the estate. Under the clear terms of the bond, the obligations to remit payment to the estate remain "in full force and effect."

The estate's claim against McClay is NOT discharged because of his knowledge of his bankruptcy filing because his knowledge is NOT imputed to the estate. The estate's claim is not discharged simply because McClay, the fiduciary, was aware of his own bankruptcy. His duty is to the beneficiaries and creditors of the estate. He did not make his bankruptcy known to anyone who had standing to object to his fraudulent taking of estate assets. There is no evidence before this court that he advised the bankruptcy trustee or judge of h his fraudulent taking of estate assets. The PA used the case number provided to view the Federal Court's online case information system. The Estate of Joann McClay is not listed among the creditors of this case. This is not surprising since the only way it would be listed would be fore McClay to have revealed his theft from the estate to the bankruptcy trustee and judge. Simply put, his knowledge cannot be imputed to the beneficiaries and creditors because of his breach of fiduciary duty and conflict of interest.

The PA states obtaining a surcharge against the personal representative is NOT a prerequisite to pursuing a claim against the surety so the estate CAN pursue the surety. See CCP §§ 996.410 and 996.460, stating that the principal and surety are liable jointly and severally. The PA agrees with Objector that the liability of a surety comes only after entry of judgment; however, Objector provides no basis for her statement that "this is generally taken to mean …surcharge against the principal." The statute stands on its own and merely states entry of judgment. The PA is doing just that, seeking an entry of judgment against the surety, as authorized by state law.

The estate is NOT barred from pursuing the surety bond because it would NOT violate the fresh start objective of the bankruptcy code. First, the fresh start concept is to protect the principal. Second, the concept is not intended to protect the principal from all judgments. See authority. Third, by seeking payment from the surety, the PA is not seeking a judgment against the principal and thus is not violating the principal's right to the fresh start. The surety will do that if it decides to seek indemnification from McClay after paying on its claim to the estate.

Conclusion: There being no argument that McClay embezzled from the estate, the PA requests the Court deny the objections and surcharge the surety company, ACIC, the amount of §252,100, to be paid to the PA as successor administrator of the estate of Joann McClay.

Note: Tracy A. Stevenson, attorney for Surety, American Contractors Indemnity Company, filed a Reply on 9/14/15. The reply cites authority and concludes that to pursue recovery, one must first obtain a surcharge judgment against McClay. However, surcharge cannot be pursued because the estate's claim has been discharged by the bankruptcy court. It is respectfully requested that the Court deny the request to surcharge.

SEE ADDITIONAL PAGES

Status Report Regarding Estate Assets filed 12/2/15 by Public Administrator states at the status hearing on 9/15/15, the Court took this matter under submission as to the issue of whether or not the surety company is liable for full surcharge based on the bankruptcy issue. If the Court rules in favor of the Public Administrator, the matter will be set for further status regarding the apportionment of the surcharge. The underlying petition for final distribution was continued to 12/15/15.

To date, the Court has not issued a ruling regarding the surcharge. The 90th day will run on the date of this status hearing. Therefore, the Public Administrator requests that this matter not be set again before 60 days.

4B **Joann L. McClay (Estate)** **Case No. 06CEPR00372**

Atty **Alexander, Thomas M Jr (of Beverly Hills, for Administrator Jeffrey Martin)**

(1) Petition for Final Distribution and (2) for Final Accounting, and (3) for Allowance of Statutory Attorney's Compensation and (4) for Extraordinary Attorney's Compensation, and (5) to Surcharge Personal Representative, and (6) for Liability on Probate Bond

DOD: 7/27/2005		
Cont. from 102914		
	Aff.Sub.Wit.	
✓	**Verified**	
✓	**Inventory**	
✓	**PTC**	
✓	**Not.Cred.**	
✓	**Notice of Hrg**	
✓	**Aff.Mail**	
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
✓	**Letters**	8/31/16
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
✓	**9202**	X
	Order	X
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	N/A

THOMAS ALEXANDER, JR., attorney for Jeffrey Martin, Administrator, is Petitioner.

JEFFREY MARTIN was appointed Administrator on 5/23/06 with full IAEA authority and bond set at $252,100.00. Bond was filed on 8/31/06 and Letters issued.

I & A, part. 1, filed on 2/5/07 with a value of $300,000.00.

Creditor's Claims filed:

- Cancer Care Associates - $1,105.65

Attorney fees - $9,000.00
Attorney x/o - $1,500.00 (for the filing of this petition)
Costs - $435.00 (filing fee

Petitioning attorney states that it is his belief that the Administrator borrowed a sum of money (probably in excess of $15,000) for the purpose of satisfying obligations and expenses of the estate. It is petitioner's belief that the loan was secured by the estate's real property. The intention of the Administrator that he would (1) distribute a portion of the loan to satisfy an assignment of interest of his sister and co-heir of the estate, Melanie McClay, (2) make necessary repairs to the estate real property, and (3) assume the loan, in his individual capacity, after the close of the probate proceedings. Petitioner states he is unaware (1) whether any distribution of the loan proceeds was made, (2) whether any payment to Melanie McCray or any repairs were made, or (3) whether any payments on the loan were made.

Please see additional page

NEEDS/PROBLEMS/COMMENTS:

Minute Order dated 9/15/15 states in relevant part, the underlying Petition for Final Distribution [petitioner herein] is continued to 12/15/15.

Status Report of the Public Administrator filed on 12/2/15 states the court took the matter under submission as to the issue of whether or not the surelty company is liable for full surcharge based on the bankruptcy issue. To date the court as not issue a ruling regarding the surcharge. Therefore the Public Administrator requests this matter not be set again before 60 days.

1. Need proof of service of the Notice of Hearing along with a copy of the petition on:
   a. Steven Diebert – pursuant to his Request for Special Notice.
   b. American Contractors Indemnity Company (bond) – pursuant to their Request for Special Notice.

Please see additional page.

Reviewed by: KT
Reviewed on: 12/10/15
Updates:
Recommendation:
File 4B – McClay

Petitioning attorney states he is unaware whether any proceeds remain available for distribution. Petitioner is also unaware of the existence of any executed assignment of interest by Melanie McCray.

Petitioner request surcharge of the Personal Representative (1) to the extent of any breach of fiduciary duty or to the extent that estate funds have, through negligence or otherwise, become unavailable to the estate, (2) to the extent of any loss of her estate shares of the estate property by Melanie McCray, (3) of any monies that are due to the Probate Referee or any creditors of the estate, and (4) to the extent of any statutory compensation that are due this petitioning attorney, and for extraordinary services rendered in preparing this petition.

Wherefore Petitioning Attorney prays:

1. That the administration be brought to a close;

2. That this Final Account and Petition for Final Distribution and for Statutory and Extraordinary Attorney Fees and for Surcharge on the Personal Representative's Bond be approved as filed;

3. That the acts and proceedings of Petitioner as Administrator be confirmed and approved;

4. That this Petitioning attorney, be authorized and directed to pay himself $9,000 in statutory and $1,500 as extraordinary fees and $435.00 for reimbursement of costs;

5. That the Administrator be surcharged in an amount calculated to pay the statutory and extraordinary fees and reimbursement of costs in the sum of $10,935, and that Cancer Care Associated in the amount of $1,105.65, and that distribution of on half of the remaining trust estate be paid to Melanie McCray to make her whole as the Administrator's co-heir. That any remaining estate property after proper payments of costs of administration and the ½ interest of his co-heir be paid to Jeffrey McCray, Administrator.

NEEDS/PROBLEMS/COMMENTS (Cont.):

2. Petition is signed and verified by the attorney using a cursive computer font. Need original signature.

3. Petition states that it is the attorney's belief that fees remain due to probate referee Steven Diebert. However the petition does not indicate the balance of the fees due nor does it request payment of said fees.

4. Petition does not contain a statement regarding Probate Code §216 and 9202(b) re: notice to the Director of Victims Compensation and Government Claims Board

5. Petition alleged Jeffrey Martin absconded with the estate. However the petition does not indicate what efforts were made to locate Jeffrey Martin.

NEEDS/PROBLEMS/COMMENTS (Cont.):

6. Attorney Thomas Alexander is requesting extra ordinary fees for the filing of this petition. The request for extraordinary fees does not comply with California Rules of Court, Rule 7.702. In addition,

Probate Code §12205 indicates the court may reduce the compensation of the personal representative or attorney for the personal representative by an amount the court determines appropriate if the court makes all of the following determinations:

1) The time taken for administration of the estate exceeds the time required by this chapter or prescribed by the court.
2) The time taken was within the control of the personal representative or attorney whose compensation is being reduced.
3) The delay was not in the best interest of the estate or interested persons.

Probate Code §12200 states the personal representative shall either petition for an order for final distribution of the estate or make a report of the status of administration not later than the following times:

a) In an estate for which a federal estate tax return is not required, within one year after the date of issuance of letters.

In this matter there was no activity by the attorney or the personal representative from 2/5/07 until the matter was set for a status hearing by court staff on 3/7/14. The attorney and the personal representative did not appear at the status hearing on 3/7/14. An Order to Show Cause was issued and the matter continued to 5/2/14. On 5/2/14 the attorney and the personal representative again did not appear. The court imposed sanctions on the attorney for $500 and continued the matter to 5/23/14. On 5/23/14 the attorney appeared (but did not file a written status report as required by Local Rule 7.5C). The attorney made representations to the court and the court rescinded the previously issued sanctions. The status hearing was continued to 8/7/14. On 8/7/14 the attorney appeared (but again did not file a written status report as required by Local Rule 7.5C) and the status hearing was continued to 9/25/14. On 9/10/14 this Petition was filed. There is no explanation as to why the estate was delayed for over 7 years.

7. Need Order.

5 Vera Silberstein Gift Trust Case No. 11CEPR00301

Attorney: Reggiardo Silvio, III (for Petitioner D. Steven Blake)

Ex Parte Petition for Authority to Pay Attorney's and Trustee's Fees Relating to Sale of Trust Property

Cont. from		
	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
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✓	Notice of Hrg	
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	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	

D. STEVEN BLAKE, Trustee, is petitioner.

Petitioner states the Fifth Account and Report for the period of 1/1/14 – 12/31/14, was settled and approved by Order dated 5/21/15. The payment of attorneys' and trustee's fees for services rendered during 2014 was approved by the court, and those fees have been paid.

Since the Order of this Court dated 5/21/15, and in accordance with the Order Authorizing the Sale of Real Property entered 7/15/14, Petitioner has now completed the sale of the majority of the property in Folsom, California known as the "Broder Ranch" for approximately $8.3 million. Approximately $7.1 million of the sale proceeds were delivered initially to an exchange intermediary in order to facilitate a like-kind exchange of real property pursuant to Internal Revenue Code §1031. A replacement property was purchased from these funds for approximately $4.1 million, and two additional replacement properties were under contract as of 9/17/15.

Petitioner anticipates the sale of the Broder Ranch property will result in significant income tax liability to the estate, given the very low income tax basis on the Broder Ranch. Although the like-kind exchanges is expected to ameliorate those consequences considerably, Petitioner request authority to pay attorneys' and trustee's fees relating to the sale within this calendar year in order to generate deductions that will further reduce the estate's income tax liability for 2015.

Please see additional page

NEEDS/PROBLEMS/COMMENTS:

Note: The petition was originally presented ex parte. Order dated 11/20/15 ordered the petition be set for hearing with notice on all interested parties. A Notice of Hearing was mailed to all interested parties on 11/23/15.

Reviewed by: KT

Reviewed on: 12/9/15

Updates:

Recommendation:

File 5 - Silberstein

5 Vera Silberstein Gift Trust Case No. 11CEPR00301

During the period 1/1/15 through 9/14/15, Downey Brand LLP, attorneys for petitioner, performed numerous and sophisticated legal services in connection with the marketing, division, sale and development of the Gift Trust real property, as well as legal services regarding various tax considerations for further investment proceeds, and the acquisition of the exchange properties, all of which is over and above the services rendered in the general course of trust administration. **Petitioner alleges that the reasonable value for such services is $20,013.50**. (See Declaration of Attorney filed 11/19/15.)

Petitioner states he has spent a considerable amount of time relating to the marketing, division, development and disposition of the Broder Ranch, as well as the subsequent acquisition of like-kind exchange property, all of which are over and above the services rendered in the general course of trust administration. In addition, Petitioner discovered a partnership interest (in the Esperanza Village Associates, LP) and had to spend a considerable amount of time negotiating the sale of that interest for an appropriate price. Petitioner has spent 411.6 hours related to these additional duties as trustee through 9/17/15. (See declaration of Trustee filed 11/19/15.) **Petitioner believes reasonable compensation for Petitioner's additional services as trustee is $61,740.00** which is computed at $150 per hour.

Wherefore, Petitioner requests an Order:

1. Authorizing Petitioner to pay his attorneys. Downey Brand LLP, fees in the amount of $20,013.50 for services rendered in connection with the sale of the Broder Ranch and reinvestment of the sale proceeds;

2. Authorizing Petitioner to pay himself, as trustee of the Gift Trust, fees in the amount of $61,750, for services rendered in connection with the sale of the Broder Ranch and the reinvestment of the sale proceeds and the sale of the Esperanza Associates partnership interest.

Dept. 303, 9:00 a.m. Tuesday, December 15, 2015

6A **Wanda H. Bingham (CONS/PE)** **Case No. 11CEPR00949**

Attorney Roberts, David A. (Petitioner – Attorney for Former Conservator)
Attorney Janisse, Ryan M. (for Randy Grace – Current Conservator – Objector)
Attorney Boyett, Deborah (Court appointed attorney for Conservatee)

Petition for Order Awarding Attorneys Fees

Cont. from 050515, 060215, 061215, 072015, 082415, 092815, 110315		
	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
✓	Notice of Hrg	
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	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
✓	Objections	
	Video Receipt	
	CI Report	
	9202	
✓	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

See petition for details.

NEEDS/PROBLEMS/ COMMENTS:

Note: Deborah Boyett, Court appointed attorney for Conservatee, field Notice of Non-Opposition on 5/29/15.

1. Petitioner requests compensation from the conservatorship estate for services in connection with the conservatee's trust. The Court may require clarification or payment from the trust rather than the conservatorship estate.

Reviewed by: skc
Reviewed on: 12/9/15
Updates:
Recommendation:
File 6A - Bingham

6B **Wanda H. Bingham (CONS/PE)** **Case No. 11CEPR00949**

Attorney **Magness, Marcus D. (for Randy Grace – Successor Conservator – Petitioner)**

Fourth Amended Account and Report of Conservator

			See petition for details.
Cont. from 110315			
	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		
✓	2620(c)		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

NEEDS/PROBLEMS/COMMENTS:

Minute Order 8/24/15 (Third Amended Account), in relevant part: The Court will allow Mr. Magness to complete the accounting so that it shows a balanced account through the date Ms. St. Louis stopped acting as Conservator. The Petition for Order Awarding Attorney's Fees (Page A) will trail the new accounting.

Minute Order 11/3/15: Declaration and bank statements accepted for filing in open court; continued for review.

Update: Examiner's notes cleared.

Note: The order as submitted indicated "Fourth Account." Examiner interlineated the order to reflect "Fourth Amended Account."

Note: On 11/2/15, Attorney David Roberts filed "Response to Objections to Third Amended First and Final Account filed by Conservator Randy Grace."

Reviewed by: skc

Reviewed on: 12/9/15

Updates:

Recommendation:

File 6B – Bingham

6B

6C **Wanda H. Bingham (CONS/PE)** **Case No. 11CEPR00949**

Attorney **Magness, Marcus D. (for Randy Grace – Successor Conservator – Petitioner)**

Petition for Substituted Judgment to Make Gifts

			See petition for details.
	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		

NEEDS/PROBLEMS/ COMMENTS:

<u>Note</u>: This petition was originally set for hearing on 1/25/16; however, pursuant to Order Shortening Time filed 11/20/15, the matter was set for 12/15/15. Notice of this hearing on 12/15/15 was served on 11/25/15.

1. **Need order. Local Rule 7.1.1.F.**

Reviewed by: skc

Reviewed on: 12/9/15

Updates:

Recommendation:

File 6C - Bingham

6C

Dept. 303, 9:00 a.m. Tuesday, December 15, 2015

7 Aiyanna Katigbak (GUARD/PE) Case No. 12CEPR00375

Attorney **Melinda Bell, of San Juan Capistrano (for Guardian Jana Keeley)**

Probate Status Hearing Re: Proof of Funds in a Blocked Account

Cont. from		
	Aff.Sub.Wit.	
	Verified	
	Inventory	
	Blocked Recpt.	X
	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	

JANA KEELEY, mother, was appointed as Guardian of the Estate on 9/15/2015, with deposits of **$151,118.83** of life insurance proceeds and funds in an IRA into a blocked account at Fresno County Federal Credit Union.

***Letters of Guardianship* issued on 10/5/2015.**

***Minute Order* dated 9/15/2015** from the hearing on the petition for appointment of guardian set this status hearing on 12/15/2015 for filing of proof of funds deposited into a blocked account.

NEEDS/PROBLEMS/COMMENTS:

1. Need *Receipt and Acknowledgment of Order for the Deposit of Money Into Blocked Account* (Judicial Council form MC-356.)

Reviewed by: LEG

Reviewed on: 12/9/15

Updates:

Recommendation:

File 7 – Katigbak

8 **Augustin G. Galvan (Estate)** **Case No. 12CEPR00883**

Attorney **Kruthers, Heather H**

Petition for Probate of Will and for Letters of Administration with Will Annexed; Authorization to Administer Under the Independent Administration of Estates Act

Age:			NEEDS/PROBLEMS/COMMENTS:
DOD:			**CONTINUED TO 1/27/16**
			Per attorney request
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: skc
	Status Rpt		Reviewed on: 12/9/15
	UCCJEA		Updates:
	Citation		Recommendation:
	FTB Notice		File 8 - Galvan

9 **Randy A. Jean (Estate)** **Case No. 13CEPR00774**

Atty **Roberts, Gregory J. (for Terri Jean – Administrator)**
Atty **Winter, Gary L. (for Randi Poe – Daughter)**

Probate Status Hearing RE: Agreement and Trial

DOD: 5/22/13		
Cont from 071415, 92215		
	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	

TERRI JEAN, Surviving Spouse and Administrator with Limited IAEA with bond of $64,400, filed a petition for settlement of first account on 2/25/15, which was set for hearing on 4/7/15.

RANDI POE, Daughter, filed Objection to Inventory; Petition to Establish Estate's Ownership of Real Property, and for Order Directing its Transfer to Estate under Probate Code §850 on 3/2/15, which was separately set for hearing on 4/7/15.

Ms. Poe also filed an Objection to the Administrator's Account on 4/3/15.

On 4/7/15, the matter was set for trial on 5/12/15 with a one-day time estimate.

On 5/12/15, the trial was vacated. Minute Order states parties are working on an agreement. The Court set a settlement conference for 5/19/15.

At settlement conference on 5/19/15, the Court set this status hearing and continued all pending matters to 7/14/15.

NEEDS/PROBLEMS/COMMENTS:

<u>Minute Order 9/22/15</u>: Parties are working towards resolution; request 60-90 days.

Reviewed by: skc
Reviewed on: 12/9/15
Updates:
Recommendation:
File 9 - Jean

Dept. 303, 9:00 a.m. Tuesday, December 15, 2015

10 Sandra Varney (Estate) Case No. 14CEPR00484

Executor: Bruce Varney

Probate Status Hearing Filing of the First and Final Accounting

			NEEDS/PROBLEMS/COMMENTS:
			OFF CALENDAR. Order for Final Distribution signed on 2/25/15.
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:** 12/4/15
	UCCJEA		**Updates:**
	Citation		**Recommendation:**
	FTB Notice		**File 10 - Varney**

Dept. 303, 9:00 a.m. Tuesday, December 15, 2015

11 Daunte & Bryson Tucker & Alex Hernandez (GUARD/P)

Case No. 14CEPR00708

Guardian: Ruben Bazan
Guardian: Amelia Bazan

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

				NEEDS/PROBLEMS/COMMENTS:
				OFF CALENDAR. Calendared in error.
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: 12/4/15
	UCCJEA			Updates:
	Citation			Recommendation:
	FTB Notice			File 11 – Tucker/Hernandez

Dept. 303, 9:00 a.m. Tuesday, December 15, 2015

12 Deanna Claudette Molina (Estate) Case No. 15CEPR00442

Attorney: Paulette Janian (for Administrator Debra Molina)

Probate Status Hearing RE: Filing of the Inventory and Appraisal

DOD: 2/25/15	**DEBRA MOLINA** was appointed Administrator with full IAEA authority and without bond on 6/2/15. Letters issued on 6/2/15. Minute order dated 6/2/15 set this status hearing for the filing of the inventory and appraisal.	**NEEDS/PROBLEMS/COMMENTS:** **<u>OFF CALENDAR</u>.** Inventory and appraisal filed on 11/17/15.
Cont. from 110315		
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: 12/9/15**
UCCJEA		**Updates:**
Citation		**Recommendation:**
FTB Notice		**File 12 – Molina**

13 Nicola Nitti, III (GUARD/P) Case No. 15CEPR00568

Petitioner **Laurie Lee Cardoza (Pro Per, maternal cousin)**
Objector **Mary Anne Wilson (Pro Per, mother)**

Probate Status Hearing Re: Visitation

Cont. from 080415, 090115, 102715		
	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	
	Clearances	
	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

LAURIE LEE CARDOZA, maternal cousin, was appointed Guardian of the Person on 10/13/2015. *Letters issued on 11/10/2015.*

MARY ANN WILSON, mother, filed on 8/31/2015 a ***Declaration of MARYANNE WILSON***, containing objections and proposed resolution to the Court.

***Minute Order* dated 10/13/2015** from the hearing on the petition for appointment grants the petition, and states:

- The Court is not considering the late filed declaration *[Statement to the Judge for Review filed on 9/22/2015 by Laurie Cardoza]* or any other late filing;
- Ms. Cardoza is to make an appointment with a Ph.D. for counseling for the child within the next few weeks;
- The Court would also like to have child/mother counseling started and reports given to Court;
- Mother is allowed to use Courtcall at the next hearing *[on 10/27/2015]*.

***Minute Order* dated 10/27/2015** from *Probate Status Hearing Re: Visitation* states Mary Ann Wilson, mother, called the clerk this morning to notify of her inability to attend today's hearing. Matter continued to 12/15/2015.

Clerk's Certificate of Mailing shows a copy of the Minute Order dated 10/27/201 was sent to Mary Ann Wilson on 10/27/2015.

NEEDS/PROBLEMS/COMMENTS:

Continued from 10/27/2015.
[*Minute Order* noted at center.]

Reviewed by: LEG
Reviewed on: 12/9/15
Updates:
Recommendation:
File 13 – Nitti

14 In the Matter of the Patricia J. Schmidt Trust FBO Dwayne Frosch
Case No. 15CEPR00572

Attorney **Schmidt, William L. (attorney for Petitioner and Respondent Proposed Trustee)**

Notice of Petition and Amended Petition for Transfer of Administration form Another Jurisdiction Pursuant to California Probate Code (Probate Code 17451, 17452)

DOD: 9/19/13		
Cont. from 091515		
	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	

DWAYNE R. FROSCH, beneficiary of the **Patricia J. Schmidt Trust FBO Dwayne Frosch (the Schmidt Trust)**, , is Petitioner.

Petitioner states he is currently a resident of the Federal Correctional Institution Florence located in Florence, Fremont County, Colorado. Petitioner anticipates residing in the State of California upon his release. The terms of the trust require continued trust administration for beneficiaries for life. This petition is an attempt to accomplish transfer of administration of the Schmidt Trust to the home state of Dwayne R. Frosch and appoint a replacement trustee familiar with the money management challenges faced by inmates.

Respondent WILLIAM L. SCHMIDT, is a resident of Fresno, CA and has been appointed conditional trustee by the District Court in and for the County of Cerro Gordo, Iowa to accomplish a transfer of jurisdiction to the State of California. Respondent has no familial relationship with the settlor or her kin.

Petitioner states Respondent shall become the sole trustee of the Schmidt Trust once the administration of the trust and assets mentioned below are transferred to this jurisdiction.

The Schmidt Trust is a written voluntary express trust created 8/19/13 by Patricia J. Schmidt in Mason City, IA. Petitioner is the sole existing beneficiary. The Schmidt Trust has been subject to the supervision of the District Court in and for the County of Cerro Gordo, IA. A request for transfer of place of administration was filed there on 2/19/15 and approved 2/23/13. See Exhibit C.

SEE ADDITIONAL PAGES

NEEDS/PROBLEMS/COMMENTS:

Minute Order 9/15/15: Counsel requests 90 days.

As of 12/9/15, nothing further has been filed. The following issues remain noted:

SEE ADDITIONAL PAGES

Reviewed by: skc	
Reviewed on: 12/9/15	
Updates:	
Recommendation:	
File 14 - Schmidt	

Petitioner states the Schmidt Trust is not closed. The Schmidt Trust has retained assets. Respondent William L. Schmidt, the proposed trustee, has agreed to accept the trust in this state. The present petition is a necessary requirement of the Iowa district Court, Chief Judge James M. Drew, to confirm California will allow Respondent William L. Schmidt to serve as trustee and accept jurisdiction. William L. Schmidt is an attorney duly licensed to practice law in all federal and state courts in California. Since admittance his practice has focused on serving the legal needs of incarcerated persons, including handling money as a trustee. Bond is not requested.

Petitioner states the assets do not include real property and are comprised of liquid capital and negotiable securities (e.g. stocks and mutual funds) as follows:

i. First Citizens Trust Acct, Market Value $46,050.47
ii. Attorney Trust Acct, Market Value $5,000.00
iii. Patricia J. Schmidt Estate, Market Value $77,236.07

Asset (i) is presently held by First Citizens National Bank in trust for the Patricia J. Schmdit Trust FBO Dwayne R. Frosch. The resignation as trustee pertaining to First Citizens National Bank is attached as Exhibit D.

Asset (ii) is presently held by the law firm of Heiny, McManigal, Duffy, Stambaugh & Anderson, P.L.C., of Mason City, IA.

Asset (iii) is presently held by Steve Schroeder, Executor of the Patricia J. Schmidt Estate.

Examiner notes that the following documents are attached to the petition:

Exhibit A: Last Will and Testament of Patricia J. Schmidt, which appears to contain the terms of the instant trust, and various related documents related to the Estate of Patricia J. Schmidt in the Iowa District Court for Cerro Gordo County.

Exhibit B: Application Regarding Appointment of New Trustee and Transfer of Jurisdiction to California;

Exhibit C: Order Approving Application Regarding Appointment of New Trustee and Transfer of Jurisdiction to California

Exhibit D: Resignation to Serve as Trustee by First Citizens National Bank.

Petitioner prays as follows:

1. **That the Court issue an order accepting transfer of the place of administration of the Schmidt Trust as well as all Schmidt Trust assets;**
2. **That the Court appoint Respondent William L. Schmidt as trustee to administer the trust in this state; and**
3. **For any other relief that the Court may deem just and proper.**

SEE ADDITIONAL PAGES

14 In the Matter of the Patricia J. Schmidt Trust FBO Dwayne Frosch
Case No. 15CEPR00572

Page 3 – NEEDS/PROBLEMS/COMMENTS:

1. **Examiner notes previously noted that the original petition does not state the names and addresses of each person entitled to notice of this petition pursuant to Probate Code §§ 17201, 17203. This amended petition still does not contain a complete list of each person entitled to notice. Need comprehensive list stating each person entitled to notice and his or her address.**

   ***Note**: Petitioner states he is the "sole existing beneficiary" of the trust; however, the testamentary trust in the will names an alternate trustee, Jesse Henderson, who is not included, as well as residual beneficiaries who appear to be entitled to notice including McKenzie Schumate, Desirae Bayliff, and Andrew Bayliff.*

2. **Need Notice of Hearing (Mandatory Judicial Council Form DE-120 required for all probate proceedings.) See Probate Code §1211, Cal Rule of Court 1.31 re mandatory forms.**

3. **Need proof of service of Notice of Hearing at least 30 days prior to the hearing on all persons entitled thereto pursuant to Probate Code §17203. Note: This amended petition, although re-titled as "Notice of Petition and Amended Petition," is still not consistent with the requirement for use of mandatory Judicial Council notice form which includes mandatory language regarding the hearing date.**

4. **Need points and authorities regarding this petition. The Decedent's will was admitted to Probate in Iowa in 2013. The Iowa probate estate administration appears to be ongoing. The will provides for distribution of the decedent's estate to a testamentary trust, the "Patricia J. Schmidt Trust."** ***(Note that this is not the instant trust.)***

   The Testamentary Trust then provides for its own separate administration and distribution in two shares, one share for Petitioner Dwayne R. Frosch, and one share for Derrick Shawn Bayliff, which shares are to be retained in trust and administered pursuant to the terms set forth therein. It appears that Dwayne and Derrick are income beneficiaries of their respective trusts only, and others (their issue?) are the ultimate beneficiaries of each trust share. ***(Dwayne's subtrust is the instant trust.)***

   Petitioner requests that this Court accept transfer of the place of administration the "Patricia J. Schmidt Trust FBO Dwayne Frosch" and that this Court appoint William L. Schmidt, a resident of Fresno, CA, as trustee to administer the trust in this state.

   However, under the circumstances described, it is unclear:

   a) whether the testamentary trust and subtrust have been created in accordance with applicable law and procedures; and

   b) why acceptance of jurisdiction by this California Probate Court is necessary.

SEE ADDITIONAL PAGES

Page 4 – NEEDS/PROBLEMS/COMMENTSs (Cont'd):
Discussion:

- **Need clarification as to how the probate estate process works in Iowa in order to understand what is being requested here.**

  Article VI, Section B of the will states: "*On distribution of my estate from probate the Patricia J. Schmidt Trust, together with property received from any other source, shall be administered as follows…*."

  The above language infers a similar process to California's, whereby an estate, upon closing administration, distributes to the testamentary trust, and the estate's final distribution order is the order that creates the testamentary trust. The testamentary trust does not exist as an entity until estate administration is completed, nor would a subtrust of the testamentary trust exist yet.

  This petition indicates, by reference to funds held in both the estate and in the estate executor's attorney's trust account, that the estate has not yet closed and distributed to the Patricia J. Schmidt Trust, while at the same time indicating that the subtrust is currently in existence, with reference to the First Citizens account and the trustee's resignation. How is this subtrust in existence? Is there an Iowa Court order that created the testamentary trust and/or its subtrusts that is not included for this Court's reference?

- **The attached Iowa Court Order filed 2/23/15 requires a final accounting by the apparently resigned former trustee, First Citizens National Bank. Has this occurred? Will this affect the value of the assets provided?**

- **Pursuant to Probate Code §15602(a)(3), bond is required for a trustee not named in the trust instrument. If granted, need bond of $94,915.19, which includes cost of recovery, based on the below figures.**

  Need clarification regarding the three assets identified in this petition as assets of this subtrust:

  i. First Citizens Trust Acct, Market Value $46,050.47
  ii. Attorney Trust Acct, Market Value $5,000.00
  iii. Patricia J. Schmidt Estate, Market Value $77,236.07

  Are these three accounts entirely assets that are allocated to Dwayne's subtrust, or do these amounts have yet to be split up? Why would funds still held in the estate be identified as assets of Dwayne's subtrust? How/when was the First Citizen's account created? Was there a preliminary distribution order that established the subtrust ahead of time and allocated only those funds? Was First Citizens trustee of only those funds, or trustee of the funds still contained in the estate as well? What assets will their final account cover? Are these figures current for calculation of bond?

SEE ADDITIONAL PAGES

Page 5 – NEEDS/PROBLEMS/COMMENTS (Cont'd):

- **Petitioner states at Paragraph 6 on Page 3 of the Petition: "The Schmidt Trust has been subject to the *supervision* of the District Court in and for the County of Cerro Gordo, Iowa." Is Petitioner requesting this Court accept *supervision* of this trust, or simply jurisdiction in the event it becomes necessary?**

  A testamentary trust or its subtrusts would not necessarily require Court supervision, regardless of the income beneficiary's incarceration status. Why is this subtrust being supervised currently? (The requirement that First Citizens, as the resigned trustee, is required to account, and of course, the instant petition are both evidence that the subtrust is currently being supervised.)

  A trust will typically either specify a preferred jurisdiction, or applicable law provides that the place of administration would be the proper place to initiate proceedings, if necessary. Acceptance of jurisdiction is not typically required of a trust that is not supervised. Here, the Decedent's will at Article XVI states "…the Trustee or any beneficiary may invoke the jurisdiction of any proper court at any time it is deemed advisable." This language does not imply the necessity of Court supervision aside from in the event of disputes, or instruction requested.

  If appointment of a successor trustee is necessary, why wouldn't the Court that currently has jurisdiction simply review the petition to appoint the successor trustee in accordance with applicable trust law, and in doing so, take into consideration the fact that appointing him may change the place of administration for purposes of jurisdiction?

  Examiner notes also that Petitioner appears to be the sole *income* beneficiary, but is not necessarily the sole beneficiary. *The residual beneficiaries named in the will have not been given notice of this petition*. They may be entitled to information, accountings, etc. Would California jurisdiction affect them?

  Note: If *supervision* is required, and this petition is granted, the Court will set status hearings for applicable events such as accountings, etc.

- **Petitioner is currently incarcerated in Colorado, but plans to reside in California upon his release. California Probate Code §9202(b) provides for certain notice requirements for incarcerated estate beneficiaries in California probate estates. The Court may require clarification as to whether any such similar provisions exist in connection with Iowa Probate Code under which the estate/trust(?) is currently being administered and the result of such notice, if required.**

Note: Upon further clarification, the Court may have additional questions or issues.

15 **Herman L. McCloud (Estate)** **Case No. 15CEPR00724**

Attorney **Adams, Jon P.**

Probate Status Hearing **RE: Proof of Bond**

Age:			NEEDS/PROBLEMS/COMMENTS:
DOD:			**OFF CALENDAR**
Cont. from			Bond filed 10/22/15; Letters issued.
	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: 12/9/15
	UCCJEA		Updates:
	Citation		Recommendation:
	FTB Notice		File 15 - McCloud

16A Cherish Villarrial, Maleenah Villarrial, Adaleen Villarrial (GUARD/P)
Case No. 15CEPR00757

Petitioner **Hickingbottom, Sarah (pro per – paternal aunt/Petitioner)**

Petition for Appointment of Guardian of the Person

Cont. from 100515		
	Aff.Sub.Wit.	
✓	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
✓	**Notice of Hrg**	x
✓	**Aff.Mail**	w/o
	Aff.Pub.	
	Sp.Ntc.	
✓	**Pers.Serv.**	w/
✓	**Conf. Screen**	
✓	**Letters**	
✓	**Duties/Supp**	
	Objections	
	Video Receipt	
✓	**CI Report**	
	9202	
✓	**Order**	
	Aff. Posting	
	Status Rpt	
✓	**UCCJEA**	
	Citation	
	FTB Notice	

TEMPORARY EXPIRES 10/05/15

SARAH HICKINGBOTTOM, paternal aunt, is Petitioner.

Father: **PETER VILLARRIAL** – *personally served on 08/22/15*

Mother**: MELISSA HOUSTON** – *personally served on 08/16/15*

Paternal grandfather: PETER VILLARRIAL, SR. – *served by mail with Notice of Hearing only on 08/21/15*
Paternal grandmother: Vanessa Carson – *personally served on 08/22/15*
Maternal grandfather: RICHARD HOUSTN
Maternal grandmother: Cindy Hernandez – *personally served on 08/16/15*

Petitioner states [see file for details].

Court Investigator Julie Negrete filed a report on 09/29/15.

Declaration of Cindy Hernandez (maternal grandmother) filed 09/30/15 states: [see file for details].

NEEDS/PROBLEMS/COMMENTS:

See page 16B for a competing Petition filed by maternal grandmother, Cynthia Hernandez.

1. Need proof of service by mail of *Notice of Hearing* with a copy of the *Petition for Appointment of Guardian of the Person* or Consent & Waiver of Notice or Declaration of Due Diligence for:
   a. Maternal grandfather (Richard Houston)
   b. Paternal grandfather – *Proof of Service filed 10/02/15 does not indicate that he was served a copy of the Petition along with the Notice of Hearing*

Reviewed by: JF
Reviewed on: 12/09/15
Updates:
Recommendation:
File 16A – Villarrial

Dept. 303, 9:00 a.m. Tuesday, December 15, 2015

16B Cherish Villarrial, Maleenah Villarrial, Adaleen Villarrial (GUARD/P)
Case No. 15CEPR00757

Petitioner **Hernandez, Cynthia (pro per – maternal grandmother)**

Petition for Appointment of Guardian of the Person

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

CYNTHIA HERNANDEZ, maternal grandmother, is Petitioner.

Father: **PETER VILLARRIAL, JR.**

Mother: **MELISSA HOUSTON** – *Consent & Waiver of Notice filed 10/02/15*

Paternal grandfather: PETER VILLARRIAL, SR.
Paternal grandmother: VANESSA CARSON

Maternal grandfather: RICHARD HOUSTON

Siblings: TRAVIS MARTIN, SIERRA MARTIN, DHILLON MARTIN, IVORY MARTIN

Petitioner states [see petition for details].

Court Investigator Julie Negrete filed a report on 11/24/15.

NEEDS/PROBLEMS/COMMENTS:

1. Need *Notice of Hearing.*
2. Need proof of service of *Notice of Hearing* with a copy of the *Petition for Appointment of Guardian of the Person* or Consent & Waiver of Notice or Declaration of Due Diligence for:
   a. Peter Villarrial, Jr. (father) – *personal service needed*
   b. Peter Villarrial, Sr. – service by mail ok
   c. Vanessa Carson – *service by mail ok*
   d. Richard Houston – *service by mail ok*
   e. Any sibling age 12 and over – *service by mail ok*

Reviewed by: JF
Reviewed on: 12/09/15
Updates:
Recommendation:
File 16B – Villarrial

Dept. 303, 9:00 a.m. Tuesday, December 15, 2015

17 Alexander G. Montes (CONS/P) Case No. 15CEPR00912

Petitioner **Gustavo Montes de Leon (Pro Per)**
Petitioner **Rebecca Gonzalez Montes (Pro Per)**

Petition for Appointment of Probate Conservator

Cont. from 102715			
	Aff.Sub.Wit.		
✓	**Verified**		
	Inventory		
	PTC		
	Not.Cred.		
✓	**Notice of Hrg**		
✓	**Aff.Mail**	W/O	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.	N/A	
✓	**Conf. Screen**		
✓	**Letters**		
✓	**Duties/ Supp**	Supp X	
	Objections		
✓	**Video Receipt**		
✓	**CI Report**		
	9202		
✓	**Order**		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation	Excused	
	FTB Notice		

NO TEMPORARY REQUESTED

GUSTAVO MONTES DE LEON and **REBECCA GONZALEZ MONTES**, parents, are Petitioners and request appointment as Conservator of the Person with medical consent powers.

~Please see Petition for details~

Court Investigator's *Report* was filed on 10/1/2015.

NEEDS/PROBLEMS/COMMENTS:

Court Investigator Advised Rights on 9/28/2015.

Continued from 10/27/2015. *Minute Order* states examiner notes provided in open court. The Court excuses service to the proposed Conservatee based on his diminished capacity, thereby curing item two of the notes.

The following issues from the last hearing remain:

1. *Medical Capacity Declaration* of Sreekanth Chava, M.D., filed 9/16/2015 does not support medical consent powers. If Petitioners wish to pursue the grant of medical consent powers, need a *Medical Capacity Declaration* in support of Petitioners' request pursuant to Probate Code § 1890(c).

~Please see additional page~

Reviewed by: LEG
Reviewed on: 12/9/15
Updates:
Recommendation:
File 17 – Montes

Dept. 303, 9:00 a.m. Tuesday, December 15, 2015

NEEDS/PROBLEMS/COMMENTS, continued:

2. Item 11(b) of the *Petition* indicates the maternal and paternal grandparents live at an unknown address in Mexico. Court may require *Notice of Hearing* and proof of service by mail of the notice with a copy of the *Petition for Appointment of Probate Conservator,* or a Declaration of Due Diligence, for the maternal and paternal grandparents named in the *Petition* pursuant to Probate Code § 1822(b)(2).

3. Need *Confidential Supplemental Information* form (GC-312) pursuant to Probate Code § 1821.

Note: Proposed order and proposed letters prepared by examiner are contained in the file.

18 Audrina Aicher and James Aicher (GUARD/P) Case No. 15CEPR00986

Petitioner Shields, Carla Ann (Pro Per – Maternal Grandmother – Petitioner)

Petition for Appointment of Guardian of the Person

			See petition for details.	NEEDS/PROBLEMS/COMMENTS:
				<u>Note</u>: Based on the Court Investigator's report, this matter has not been reviewed. If this matter goes forward, continuance will be necessary for investigation pursuant to Probate Code §1513 and notice pursuant to Probate Code §1511.
	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	x		
	Clearances	x		
✓	Order			
	Aff. Posting			Reviewed by: skc
	Status Rpt			Reviewed on: 12/9/15
✓	UCCJEA			Updates:
	Citation			Recommendation:
	FTB Notice			File 18 - Aicher

Dept. 303, 9:00 a.m. Tuesday, December 15, 2015

19 Sunshine Quintero (GUARD/P) Case No. 15CEPR00987

Petitioner Gomez Hernandez, Christine R (Pro Per – Maternal Grandmother)

Petition for Appointment of Guardian of the Person

			Temporary was denied as there was no appearance
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		

CHRISTINE GOMEZ HERNANDEZ, maternal grandmother, is Petitioner.

Please see petition for details

NEEDS/PROBLEMS/COMMENTS:

Note: There was no appearances by the Petition at the Temporary Hearing on 10/21/2015.

1. Need Notice of Hearing.
2. Need proof of personal 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:
   - Tony Duke Quintero (Father)
   - Alicia Adriana Ceja (Mother)
3. 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:
   - Paternal Grandparents (Not Listed)
   - Maternal Grandparents (Not Listed)

Reviewed by: LV

Reviewed on: 12/09/2015

Updates:

Recommendation:

File 19 - Quintero

20 Mya Licon (GUARD/P) Case No. 15CEPR01014

Petitioner Abarca, Michelle Sally (Pro Per – Maternal Aunt)

Petition for Appointment of Guardian of the Person

			NO TEMPORARY REQUESTED
			MICHELLE SALLY ABARCA, maternal aunt, is petitioner.
			Please see petition for details
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		

NEEDS/PROBLEMS/COMMENTS:

1. Need Notice of Hearing.

2. Need proof of personal 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:
   - Victor Licon (Father) – Unless the Court dispenses with notice

Note: Declaration of Due Diligence filed 10/13/2015 states the father moved to Chicago, Illinois.

3. 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:
   - Paternal Grandfather (Unknown)
   - Maternal Grandfather (Unknown)
   - Oralia Abarca (Maternal Grandmother)

4. UCCJEA is incomplete as it does not provide the period of time the minor child resided at each address provided for the past five years.

Reviewed by: LV

Reviewed on: 12/10/2015

Updates:

Recommendation:

File 20 - Licon

21 Joanne Potts (GUARD/P) Case No. 15CEPR01023

Petitioner Robinson, Nicole Marie (Pro Per – Cousin – Petitioner)
Objector Palms, Shanikwa (Pro Per – Mother – Objector)

Petition for Appointment of Guardian of the Person

			Temporary Dismissed on 11/12/2015
			NICOLE MARIE ROBINSON, Cousin, is Petitioner.
Cont. from			
	Aff.Sub.Wit.		**Please see petition for details**
✓	**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		

NEEDS/PROBLEMS/COMMENTS:

1. Need Notice of Hearing.

2. Need proof of personal 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:
   - Yusuff Potts, Sr. (Father)
   - Shankiwa Palms (Mother)

3. 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:
   - Paternal Grandparents (Unknown)
   - David Palms (Maternal Grandfather)
   - Jackie Dunn (Maternal Grandmother)

Reviewed by: LV
Reviewed on: 12/10/2015
Updates:
Recommendation:
File 21 - Potts

Dept. 303, 9:00 a.m. Tuesday, December 15, 2015

22 **Remy Jo Moynier (GUARD/P)** **Case No. 15CEPR01032**

Petitioner **Butcher, Jeanette Marie (Pro Per – Paternal Step-Aunt – Petitioner)**

Petition for Appointment of Guardian of the Person

			See petition for details.	NEEDS/PROBLEMS/ COMMENTS:
	Aff.Sub.Wit.			
✔	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✔	Notice of Hrg			
✔	Aff.Mail	w		
	Aff.Pub.			
	Sp.Ntc.			
N/A	Pers.Serv.			
✔	Conf. Screen			
✔	Letters			
✔	Duties/Supp			
	Objections			
	Video Receipt			
✔	CI Report			
✔	Clearances			
✔	Order			
	Aff. Posting			Reviewed by: skc
	Status Rpt			Reviewed on: 12/9/15
✔	UCCJEA			Updates:
	Citation			Recommendation:
	FTB Notice			File 22 - Moynier

Dept. 303, 9:00 a.m. Tuesday, December 15, 2015

23 Melvin Salwasser Family Heritage Trust 12/30/1999 Case No. 15CEPR01072

Attorney Jaech, Jeffrey A. (for Dennis Salwasser – Trustee – Petitioner)

Petition for Court Order Modifying Trust Instrument in Changed Circumstances

Margaret Salwasser DOD: 7/11/14			See petition for details.	NEEDS/PROBLEMS/COMMENTS:
Melvin Salwasser DOD: 5/17/15				**CONTINUED TO 2/9/16** Per attorney request
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail	w/o		
	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: 12/9/15
	UCCJEA			Updates: 12/11/15
	Citation			Recommendation:
	FTB Notice			File 23 - Salwasser

24 **Salwasser Living Trust 12/30/1999** **Case No. 15CEPR01073**

Attorney **Jaech, Jeffrey A. (for Dennis Salwasser – Trustee – Petitioner)**

Petition for Court Order Modifying Trust Instrument in Changed Circumstances

Margaret Salwasser DOD: 7/11/14			See petition for details.	NEEDS/PROBLEMS/COMMENTS: **CONTINUED TO 2/9/16** Per attorney request
Melvin Salwasser DOD: 5/17/15				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail	w/o		
	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: 12/9/15
	UCCJEA			Updates: 12/11/15
	Citation			Recommendation:
	FTB Notice			File 24 - Salwasser

Dept. 303, 9:00 a.m. Tuesday, December 15, 2015

25 Bee Pha (Estate) Case No. 15CEPR01097

Attorney: Mark J. Castro (for Petitioner Neng Vang)

Petition for Letters of Administration; Authorization to Administer Under the Independent Administration of Estates Act with Limited IAEA Authority.

DOD: 3/5/15			**NENG VANG** is petitioner and requests **BEE PHA** be appointed Executor with bond set at $10,000.00.
Cont. from			
	Aff.Sub.Wit.		Limited IAEA -
✓	**Verified**		Decedent died testate or intestate? (see #2)
	Inventory		
	PTC		
	Not.Cred.		Residence: Fresno
	Notice of Hrg		Publication: **NEED**
	Aff.Mail	X	
	Aff.Pub.	X	**Estimated value of the Estate:**
	Sp.Ntc.		Real property- $150,000.00
	Pers.Serv.		
	Conf. Screen		
	Letters	X	
	Duties/Supp	X	Probate referee: Rick Smith
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order	X	
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

NEEDS/PROBLEMS/COMMENTS:

<u>NEED AMENDED PETITION</u> based on but not limited to the following:

1. #2b(1) of the Petition requests Bee Pha be appointed as Executor. It is unclear who Bee Pha is. It appears that this may be the decedent and the name was placed there in error.
2. Petition does not indicate whether or not the decedent died testate or intestate. #3d or 3e of the petition.
3. #2b(1) of the petition requests appointment as executor. #3f(2)(a) requests appointment as administrator. Need clarification.
4. Need date of death of spouse. Local Rule 7.1.1D.
5. #5a(3) or 5a(4) of the petition was not answered re: registered domestic partner.
6. #5a(5) or 5a(6) of the petition was not answered re: child/no child.
7. Petitioner Neng Vang and proposed personal representative Bee Pha are not listed at #8 of the petition as required.
8. Need Affidavit of Publication.
9. Need Notice of Petition to Administer the Estate with proof of service on all interested parties.
10. Need Duties and Liabilities and supplement to the Duties and Liabilities.
11. Need orders and letters

Reviewed by: KT

Reviewed on: 12/9/15

Updates:

Recommendation:

File 25 - Pha

Dept. 303, 9:00 a.m. Tuesday, December 15, 2015

26 Stephan R. Freeman (Estate) Case No. 15CEPR01104

Attorney: Gregory J. Roberts (for Petitioner Ronald Freeman)

Petition for Probate of Will and for Letters Testamentary

DOD: 10/4/15		
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**	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
✓	**Order**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

RONALD FREEMAN, father, is petitioner and requests appointment as Executor with bond set at $150,000.00.

Full IAEA – o.k.

Will dated: 6/22/08

Residence: Clovis
Publication: Fresno Business Journal

Estimated value of the estate:

Personal property	-	$ 50,000.00
Real property	-	$100,000.00
Total	-	**$150,000.00**

Probate Referee: Steven Diebert

NEEDS/PROBLEMS/COMMENTS:

1. Petition requests that petitioner be appointed as executor pursuant to Probate Code §8421. Petitioner is not named in the Will as executor and there is no indication in the Will that decedent intended petitioner to act as executor. Therefore, it appears that the petitioner should have requested appointment as Administrator with Will Annexed.

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

- **Wednesday, January 27, 2016** at 9:00 a.m. in Department 303, for the filing of the bond.
- **Wednesday, May 25, 2016** at 9:00 a.m. in Department 303, for the filing of the inventory and appraisal.
- **Wednesday, February 22, 2017** at 9:00 a.m. in Department 303, for the filing of the first account or petition for final distribution.

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: 12/10/15
Updates:
Recommendation:
File 26 - Freeman

27 Michelle Jeanette Willis (Estate) Case No. 15CEPR01106

Attorney O'Neill, Charron of San Luis Obispo (for Morgan E. Willis – Petitioner – Daughter)

Petition for Letters of Administration, Authorization to Administer Under the IAEA

DOD: 06/22/2014		
Cont. from		
	Aff.Sub.Wit.	
✓	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
✓	**Notice of Hrg**	
✓	**Aff.Mail**	w/o
	Aff.Pub.	x
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
✓	**Letters**	
✓	**Duties/Supp**	
	Objections	
	Video Receipt	
	CI Report	
	9202	
✓	**Order**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

MORGAN E. WILLIS, daughter is requesting that she be appointed Administrator without bond.

All heirs waive bond.

Decedent died intestate

Full IAEA - ?

Residence: Caruthers
Publication: Need

Estimated value of the Estate:

Personal Property	-	$150,000.00
Real property	-	$100,000.00
Less encumbrances		- $50,000.00
Total	**-**	**$200,000.00**

Probate Referee: Steven Diebert

NEEDS/PROBLEMS/COMMENTS:

1. Need Affidavit of Publication.

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

- **Tuesday, 05/10/2016 at 9:00a.m. in Dept. 303** for the filing of the inventory and appraisal **and**
- **Tuesday, 02/14/2017 at 9:00a.m. in Dept. 303** for the filing of the first account and 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: LV
Reviewed on: 12/10/2015
Updates:
Recommendation:
File 27 - Willis

28 **Catarino Garcia (Estate)** **Case No. 15CEPR01126**

Attorney **Krbechek, Randolf (for Juanita G. Salinas – Daughter – Petitioner)**

Petition for Probate of Will and for Letters of Administration with Will Annexed; Authorization to Administer under IAEA

DOD: 4/25/13		
	Aff.Sub.Wit.	
✔	Verified	
	Inventory	
	PTC	
	Not.Cred.	
✔	Notice of Hrg	
✔	Aff.Mail	w/o
✔	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	

JUANITA G. SALINAS, Daughter, is Petitioner and requests appointment as Administrator with Will Annexed with Limited IAEA without bond.

Petitioner states the two named executors, Maria Candelaria Carrillo and Alberto Garcia, have both declined to act.

Limited IAEA – ok

Will dated 12/13/11

Residence: Parlier, CA

Publication: Business Journal

Estimated value of estate:
Personal property: Unknown
Real property: $60,000.00
(one-half interest)

Probate Referee: Steven Diebert

NEEDS/PROBLEMS/COMMENTS:

1. **Need declinations to act from the two named Co-Executors:**
   - Maria Candelaria Carrillo
   - Alberto Garcia
2. **Need date of death of the decedent's deceased spouse. Local Rule 7.1.1.D.**
3. **The decedent's will indicates that the decedent had at least two deceased children. Need dates of death. Local Rule 7.1.1.D.**
4. **The petition is blank at #5a(7) and (8). Was the decedent survived by issue of a predeceased child? If so, need revised list at #8 and notice to such issue.**
5. **Petitioner requests appointment without bond, with limited authority under IAEA, but also states the estimated value of personal property is unknown. The Court may require clarification. Petitioner is reminded to review Cal. Rule of Court 7.204 (Duty to apply for order increasing bond).**
6. **Need order. Local Rule 7.1.1.F**

See Page 2 for status hearing dates.

Reviewed by: skc

Reviewed on: 12/9/15

Updates:

Recommendation:

File 28 - Garcia

Note: If granted, status hearings will be set as follows:

- **Tues, May 17, 2016 at 9:00am in Dept. 303** for filing of the Inventory & Appraisal; and
- **Tues, Feb. 7, 2017 at 9:00am in Dept. 303** for filing of the Accounting/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.

29 **Huiju Lee (GUARD/P)** **Case No. 15CEPR01173**

Petitioner **Jung, Haeyoung (pro per – non-relative)**

Petition for Appointment of Temporary Guardian of the Person

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: 02/03/15

HAEYOUNG JUNG, non-relative, is Petitioner.

Father: **DONG KEOL LEE**

Mother: **IM KYOUG HA**

Paternal grandparents: NOT LISTED

Maternal grandparents: NOT LISTED

Petitioner states [see file for details].

NEEDS/PROBLEMS/COMMENTS:

1. Need *Notice of Hearing*.
2. Need proof of personal service at least 5 court days of *Notice of Hearing* with a copy of the *Petition for Appointment of Guardian of the Person* or Consent & Waiver of Notice or Declaration of Due Diligence for:
   a. Huiju Lee (minor)
   b. Dong Keol Lee (father)
   c. Im Kyoug Ha (mother)

Reviewed by: JF

Reviewed on: 12/09/15

Updates:

Recommendation:

File 29 – Lee

Dept. 303, 9:00 a.m. Tuesday, December 15, 2015