



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.

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

DOD: 9-21-12	<p>ROSARIO R. FORESTIERE, Spouse, was appointed as Administrator with Limited IAEA without bond on 1-3-13 and Letters issued on 1-7-13.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Minute Order 6/18/15: Counsel is waiting for the ruling on the appeal.</p> <p>1. Need first account or petition for final distribution or verified written status report per local rule 7.5.</p>
<p>Cont. from 032114, 042814, 052814, 062614, 091814, 061815</p>		
Aff.Sub.Wit.	<p>At hearing on 1-3-13, the Court set this status hearing for the filing of the first account or petition for final distribution.</p> <p>Status Report filed 3-11-14 by Mr. Forestiere's former attorney Robert Wright states that a will has now been discovered and a Petition for Probate of Will is in process. The assets of the estate include the decedent's home, personal vehicle, and personal effects. On 12-31-13, the Court approved the sale of the residence and it is currently in escrow. The estate is not in a condition to be closed until the will has been admitted and escrow has closed.</p> <p>Note: On 6-26-14, the will was admitted to probate and Rosario R. Forestiere was appointed as Executor.</p> <p>The Court continued this status hearing re filing the first account or petition for final distribution to 9-18-14.</p>	
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		
		<p>Reviewed by: skc</p> <p>Reviewed on: 12/10/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 10 – Forestiere</p>

Anna Hepner DOD: 4/24/08	JERRY PRUDEK , Beneficiary, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: Minute Order 9/17/15: Mr. Krbechek represents that mediation is going well; requests an additional 60-90 days, stating that he will inform Mr. Teixeira of the date.
Cont. from 060815, 072215, 091715	Petitioner states GLENN J. HEPNER, JIMMY A. HEPNER, GEORGE HEPNER, JR., and DOLLIE SIMPSON have served as successor trustees since the death of their mother. The trust holds various acreage in Fresno County. Other assets are unknown.	Note: See Page B re status of mediation and agreement.
<input type="checkbox"/> Aff.Sub.Wit.	Petitioner alleges that the co-trustees have reviewed a proposal for distribution as set forth on Exhibit B. No action has been taken to effect such distribution due to lack of agreement among the co-trustees.	1. Probate Code §17200(b)(7) provides that proceeding to compel account may be commenced if the trustee has failed to submit a requested account within 60 days after written request of the beneficiary and no account has been made within six months preceding the request.
<input checked="" type="checkbox"/> Verified	The beneficiaries are Glenn J. Hepner, Jimmy A. Hepner, and George Hepner, Jr., each as to a 1/4 interest, and Dolly Simpson and Jerry Prudek each as to a 1/8 interest. Jerry Prudek is successor to Evelyn Prudek.	Petitioner states his proposed distribution was reviewed, no action taken, but does not state whether written request for account was made. If not, this petition may be premature.
<input type="checkbox"/> Inventory	Petitioner requests distribution in accordance with the First Amendments, which provides that "if my children are unable to agree on how the property is to managed or divided, then the property shall be sold and the proceeds divided in the proportions indicated above."	2. Need order.
<input type="checkbox"/> PTC	Petitioner requests a full and complete accounting in accordance with Probate Code §16063 pursuant to Probate Code §16062, 16063, and 17200. Further administration of trust assets is not necessary, and the remaining assets should be liquidated and distributed.	Reviewed by: skc
<input type="checkbox"/> Not.Cred.	Petitioner prays for relief against the co-trustees as follows:	Reviewed on: 12/10/15
<input checked="" type="checkbox"/> Notice of Hrg	<ol style="list-style-type: none"> 1. An order compelling the successor trustees to account for any trust assets collected or received by them; 	Updates:
<input checked="" type="checkbox"/> Aff.Mail w	<ol style="list-style-type: none"> 2. An order settling the accounts and passing upon the acts of each of the co-trustees; 	Recommendation:
<input type="checkbox"/> Aff.Pub.	<ol style="list-style-type: none"> 3. An order determining to whom property shall pass or be delivered upon termination of the trust; 	File 14A - Hepner
<input type="checkbox"/> Sp.Ntc.	<ol style="list-style-type: none"> 4. An order for termination of the trust; 	
<input type="checkbox"/> Pers.Serv.	<ol style="list-style-type: none"> 5. For such other and further relief as the Court may deem just, equitable, and proper. 	
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input type="checkbox"/> Order x		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		

	JERRY PRUDEK , Beneficiary, filed Petition for Accounting and for Order Instructing the Co-Trustees and Compelling Final Distribution from Trust on 4/22/15.	NEEDS/PROBLEMS/COMMENTS: Minute Order 9/17/15: Mr. Krbechek represents that mediation is going well; requests an additional 60-90 days, stating that he will inform Mr. Teixeira of the date. 1. Need written status report re mediation and agreement per Local Rule 7.5.
Cont. from 091715	On 7/22/15, Mr. Krbechek informed the court that the parties are participating in mediation. The Court set this status hearing re mediation and agreement.	
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg	Status Conference Statement and Request for Continuance filed 9/16/15 by Attorney Krbechek states the parties continue to engage in a meaningful exchange of information. One mediation session was conducted with Lee Jacobson. Since the mediation, additional information has been provided, which must be reviewed. They will need to schedule a further mediation session with Mr. Jacobson upon review of all the materials. A continuance of 60-90 days is therefore requested.	
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: 12/10/15
		Updates:
		Recommendation:
		File 14B – Hepner

	See petition for details.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Court Investigator advised rights on 10/23/15</u></p> <p><u>Voting rights affected – need minute order.</u></p> <p><u>Note:</u> If granted, the order will be effective on Jessica’s 18th birthday.</p> <p><u>Minute Order 11/5/15:</u> Examiner notes provided in open court.</p> <p>As of 12/10/15, the following issues remain:</p> <ol style="list-style-type: none"> 1. Need Citation and proof of personal service of Citation with a copy of the petition at least 15 days prior to the hearing on Proposed Conservatee Jessica Estrada per Probate Code §1824. 2. Need proof of service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing per Probate Code §1822 <u>or</u> declaration of due diligence on: <ul style="list-style-type: none"> - John Estrada (Father) 3. CVRC was served by mail on 11/25/15. Probate Code §1820(e) requires 30 days’ notice. Further continuance may be required. 4. The petition is blank at #4b re whether the proposed Conservatee is receiving or entitled to receive benefits from the US Dept. of Veterans Affairs. If so, notice is required per Probate Code §1822(b). 5. Need Letters.
Cont. from 110515		
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
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<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: skc
		Reviewed on: 12/10/15
		Updates:
		Recommendation:
		File 19 – Estrada