

FRESNO COUNTY SUPERIOR COURT

APPENDIX E: PROBATE

APPENDIX E1

1 Attorney/Bar Number:

2 Address:

3 City:

4 Phone: _____ Fax:

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SUPERIOR COURT OF CALIFORNIA

COUNTY OF FRESNO

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In the matter of

) No.

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AGREEMENT TO SUBMIT DISPUTE TO

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A TEMPORARY JUDGE AND ORDER

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)

THEREON

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)

“Party 1” and “Party 2” agree as follows:

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1. There is a dispute between “Party 1” and “Party 2” relating to the

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(the “Petition”) filed by “Party ____” and now set for hearing on (date) _____

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in Department _____ of this Court at _____ a.m.

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2. The dispute involves the following issues (“Issues”): (Describe issues: e.g.)

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a.

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The correctness of the First Account Current

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including receipts and disbursements reflected therein:

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b.

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The correctness of values in the inventories filed in these proceedings

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c.

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Surcharge against Personal Representative and/or counsel for Personal Representative for losses

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to the Estate by reason of alleged failure of the Personal Representative and/or his counsel

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to exercise ordinary care and diligence in managing and controlling the estate.

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d.

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Proper computation of statutory fees and commissions

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(If additional space needed, please attach Exhibit A.)

3. "Party 1" and "Party 2" have agreed to resolve the Issues by referring the dispute to a temporary judge, for summary determination pursuant to Probate Code section 9620(a) [or section 2405(a)];

4. The parties acknowledge that they have received a copy of the Fresno County Probate Policy relating to the Probate Code section 9620(a) [or section 2405(a)] procedure and its exhibits and have read it and agree to be bound by all terms of the Policy and its exhibits;

5. The parties hereto agree that the temporary judge shall proceed promptly to hear and determine the Issues in controversy by summary procedure, without further pleadings or discovery. The decision of the temporary judge shall be subject to section 632 of the Code of Civil Procedure. Judgment shall be entered on the decision of the temporary judge, and shall be as valid and effective as if rendered by a judge of this Court in an action between the parties.

DATED: _____
"Party 1"

DATED: _____
"Party 2"

ORDER REFERRING DISPUTE FOR
SUMMARY DETERMINATION PER AGREEMENT

IT IS HEREBY ORDERED that, pursuant to the agreement of "Party 1" and "Party 2," the issues set forth in said agreement are hereby referred to _____, as temporary judge for summary determination pursuant to Probate Code section 9620(a) [or section 2405(a)], and the Fresno County Probate Policy for Short Cause Contested Probate Matters.

DATED: _____
Judge of the Superior Court

Appendix E1 (Rev 7-1-99)

FRESNO COUNTY SUPERIOR COURT

APPENDIX E2

**ATTORNEY APPLICATION FOR APPOINTMENT
TO PROBATE REFERENCE PANEL**

~~_____~~ I, ~~_____~~, apply for appointment to the Probate Reference Panel.

~~_____~~ 1. ~~I was admitted to practice law in the State of California in (year)~~
~~_____.~~

~~_____~~ 2. ~~I agree to comply with the terms of the eligibility requirements, including but not limited to the following.~~

~~_____~~ a. ~~I have read the eligibility requirements for panel members, and I meet these requirements.~~

~~_____~~ b. ~~I acknowledge ethical conflict of interests rules apply. I will review my position with respect to each particular appointment. I agree to advise the parties immediately if a conflict exists or arises.~~

~~_____~~ c. ~~I have read and agree to comply with all applicable sections of Fresno Superior Court Local Rules, Probate Policy Memorandum.~~

3. ~~I speak the following foreign languages: _____~~

4. ~~I have been subject to a State Bar disciplinary proceeding:~~

Yes: _____ No: _____

~~If you answered "Yes," please explain: _____~~
~~_____~~

~~_____~~ 5. ~~If at any time while I am a member of this panel my status as a member of the State Bar changes, I agree to notify the Court, in writing within 10 days of that change.~~

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6. I do not wish to serve as temporary judge in these types of matters:

- ~~_____ conservatorships and guardianships~~
- ~~_____ probate administration~~
- ~~_____ trust administration~~
- ~~_____ selection of fiduciaries~~
- ~~_____ surcharge actions~~
- ~~_____ accounting disputes~~

~~_____ I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.~~

~~_____ Dated: _____ Signed: _____~~

~~_____ Name: _____~~

~~_____ Address: _____~~

~~_____ Telephone: _____~~

~~_____ Facsimile: _____~~

FRESNO COUNTY SUPERIOR COURT

APPENDIX E3

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SUPERIOR COURT OF CALIFORNIA
COUNTY OF FRESNO

In the Matter of) Case No.
)
) "PARTY 1's" BRIEF OF REFERENCE
) HEARING BEFORE
)
) _____,
) TEMPORARY JUDGE

"Party 1" submits the following pursuant to reference under Probate Code Section 9620(a) [or Section 2405(a)] with respect to the hearing now set for (date) _____ before (name) _____ as temporary judge.

1. Statement of Issues: [Number and identify each issue to be decided. These should coincide with the issues described in the reference Agreement.]

2. Documents: [Make reference to the "Joint Document Binder" previously agreed to by the parties and filed with the reference judge concurrently with this Brief. If there are any "disputes" regarding documents, please identify the document and your position regarding its relevance and admissibility. (These rules, if any, will be resolved at the outset of the hearing.)]

3. Witnesses: [Please list the witnesses whose testimony you will present and briefly describe what each witness will say.]

4. Positions: [Please present a brief and concise statement of your position on each issue, with numbering corresponding to the list of issues in Item 1 above.]

DATED: _____

(Signature)

FRESNO COUNTY SUPERIOR COURT

~~APPENDIX E4~~ APPENDIX E: PROBATE

ADDITIONAL USEFUL INFORMATION

1. Service on Foreign Consulates: When service upon a foreign consulate is required, contact information for all registered consulates may be obtained at the following web site: www.state.gov/s/cpr/rls/fco. Click on the release you want, then the foreign consul.

2. Guardianship Assistance: Guardianship self-help packets in Spanish and English are available in the Probate Filing Clerk's Office for a nominal fee. The court also offers a Guardianship Clinic to provide assistance and information to self-represented litigants.

~~3. Spanish Self-help Center: The Spanish Self-help Center, sponsored by the court, offers assistance to Spanish-speaking people seeking guardianship.~~

3 4. Location of Probate Court: The Probate Clerk's Office and Probate Court are located at the B.F. Sisk Courthouse, 1130 O Street, Third Floor, Fresno, CA. (Effective January 1, 2017 ~~July 1, 2014~~)