

Amended First Account and Report of Administrator and Petition for its Settlement Thereof

DOD: 11-27-05		<p>ANITA CHOPERENA, Administrator with Limited IAEA with bond of \$106,000.00, is Petitioner. (Administrator was appointed on 2-21-06; Letters issued 2-24-06.)</p> <p>Account period: 11-27-05 through 10-14-14 Accounting: \$ 2,474,486.39 Beginning POH: \$ 872,833.56 Ending POH: \$ 894,486.39</p> <p>Administrator requests payment of \$150,000.00 on her Creditor's Claim filed 6-20-06, plus accrued interest. (See Page C of this calendar.)</p> <p>Petitioner states the following actions were taken without Court supervision and without Notice of Proposed Action:</p> <ol style="list-style-type: none"> Administrator has managed the almond orchard in the Decedent's Estate in the form of paying bills and receiving income into the Estate checking account. Administrator received the proceeds from a foreclosure sale that occurred 9-7-05 (prior to the date of death) of certain real property and proceeds were paid to the estate on 3-13-06. On 1-27-07, Administrator withdrew \$50,000.00 from a checking account and deposited it into a CD account. On 8-27-07, Administrator transferred \$41,551.02 from the CD account to the checking account. On 5-1-08, Administrator transferred \$10,358.07 from a separate CD Account to the checking account. <p style="text-align: center;"><u>SEE ADDITIONAL PAGES</u></p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Page A: Amended First Account and Report of Administrator</p> <p>Page B: Petition for Order to Continue to Operate Decedent's Business and to Borrow Funds under Probate Code §§ 9760 and 9800</p> <p>Page C: Allowance or Rejection of Creditor's Claim</p> <p>Minute Order 1-12-15: The Court appoints the Public Administrator to review the amended First Account and the financial issues that have been raised, and the Creditor's Claim that is pending.</p> <p style="text-align: center;"><u>SEE ADDITIONAL PAGES</u></p> <p>Reviewed by: skc</p> <p>Reviewed on: 5-7-15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 1A - Choperena</p>	
Cont 011215				
	Aff.Sub.Wit.			
✓	Verified			
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	Conf. Screen			
✓	Letters			2-24-06
	Duties/Supp			
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	CI Report			
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	Order			x
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
N/A	FTB Notice			

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Petitioner states costs of \$20.00 have been advanced by Linneman Law, LLP and have not been paid: \$10.00 on 3-30-06 CHP Police report and \$10.00 on 2-27-06 to Fresno Superior Court for a copy of a creditor's claim.

Receipt for Costs filed 3-4-14 indicates that Anita Choperena has paid herself \$34,363.62 for costs advanced detailed in Attachment A to the Receipt including farm land loan interest payments, former attorney retainer fee, irrigation expenses, etc.

Petitioner states several loans were made to the estate by the Administrator totaling \$373,505.00, of which \$345,500.00.00 has been paid, and \$28,005.00 remains owing.

No compensation is requested by Administrator or her attorney.

Petitioner requests this Court order:

1. That the First Account and Report of Administrator be settled, allowed, and approved as filed;
2. All reported acts and proceedings of Petitioner as Administrator be confirmed and approved;
3. Petitioner be authorized and directed to Pay herself the total sum of \$150,000.00 plus accrued interest on the Creditor's Claim filed 6-20-06; and
4. For such further orders as the Court considers proper.

Attorney Keene and Administrator Anita Choperena also filed declarations on 11-26-14 pursuant to the Court's Minute Order of 11-5-14 regarding the farm income. Please see Page B (Petition to Operate Decedent's Business and to Borrow Funds) for details.

SEE ADDITIONAL PAGES

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NEEDS/PROBLEMS/COMMENTS:

The following issues remain noted for reference:

1. **Petitioner was appointed as Administrator with Limited authority under IAEA over nine (9) years ago on 2-24-06.** There was no mention in the original petition for probate of the real property in Merced County or the decedent's apparent farming business. The only assets originally alleged were income of \$38,000 annually (source not indicated) and proceeds from the foreclosure of certain residential real property in Fresno. Bond appears to have been based on this estimate.

At no time did the Administrator petition the Court for authorization to continue operation of the Decedent's business under Probate Code §9760 or to borrow, loan, etc., under Probate Code §9800.

Need clarification as to how these acts and transactions of the Administrator were to the advantage of the estate and in the best interest of the minor heirs.

Note: There is no schedule showing net income/loss pursuant to Probate Code §1062(c); however, the estate/business appears to be operating at a loss, as the overall Disbursements exceeded Receipts, including loans, by approx. \$77,185.90, although according to the Reappraisal, the value of the real property itself has increased some. However, Examiner also notes that there is a negative balance of cash noted in the Ending POH of -\$4,852.34.

Update: Petitioner has now filed a Petition for Order to Continue to Operate Decedent's Business and to Borrow Funds under Probate Code Sections 9760 and 9800. See Page B.

2. **The Administrator had a duty to apply for increased bond upon knowledge of the bond's insufficiency pursuant to Cal. Rules of Court 7.204.**

Note: Order to Increase Bond to \$150,000.00 was signed ex parte on 4-9-14. Additional bond was filed 5-6-14.

SEE ADDITIONAL PAGES

NEEDS/PROBLEMS/COMMENTS (CONTINUED):

3. **Petitioner requests approval of payment of her Creditor's Claim filed 6-26-06 for \$150,000.00 plus accrued interest based on "Deed of Trust, Recorded on October 4, 1999."** However, there is no explanation regarding this transaction, including whether any payment schedule existed or payments were made prior to the decedent's death in 2005. Also, it appears interest has now been accruing for many years. Is there a reason the Administrator did not request allowance via proper channel previously (i.e., Allowance or Rejection form)? What is the current balance owing, and how was letting the interest accrue in the best interest of the estate and minor heirs?

Update: Petitioner has now submitted the Allowance or Rejection of Creditor's Claim Form DE-174 to the Court for consideration. See Page C.

Additional Update: According to Attorney Keene's Letter dated 11-10-14 to Ms. Catalan (mother of the decedent's minor children), which is attached to the Mr. Keene's Declaration filed 11-26-14, the estimated payoff of this loan is "about \$415,000.00."

4. Petitioner indicates that the Administrator has advanced costs to the estate totaling \$34,363.62. It appears that most of the "costs" listed appear to be business expenses, such as payment of wages and for machines, etc. Need clarification as to how these items are categorized as "costs" whereas it is known that the Administrator was also making "loans" to the estate for business purposes.

Update: See below re Declaration filed 4-9-14.

5. Petitioner's "costs" also includes payment of her former attorney Brian T. Austin's retainer in the amount of \$1,500.00. Please note that compensation has not been authorized to the attorney, nor is such authorization requested at this time.

Update: Declaration states the attorney was paid \$1,500.00 for costs incurred, rather than as a "retainer" or as an attorney's fee. Petitioner is informed and believes that there is a balance owing the estate for the unused portion of these funds of \$652.00.

6. This petition is filed as a "First Account;" however, it is far overdue and also does not indicate when the estate will be in a condition to close or request estimated additional time for administration. Need verified declaration as to the condition of the estate, the reasons why the estate cannot be distributed and closed, and an estimate of the time needed to close the estate pursuant to Probate Code §12201.

Update: See below re Declaration filed 4-9-14 and Declaration filed 10-28-14.

Based on the above issues, the Court may strike any language confirming and approving the acts and transactions during the account period.

SEE ADDITIONAL PAGES

Page 5**Declaration filed 4-9-14 states:**

The principal asset of the estate is agricultural real property which is planted in almond trees. Since becoming Administrator, Petitioner has continued the decedent's business of growing and selling almonds. Initially, the debts of the estate exceeded the value of the assets, including the \$150,000.00 debt owed to Petitioner since before her son's death, and including the paper loss (mentioned above) in the amount of \$4,852.35. However, the last payment for the 2013 crop has come in that more than makes up for that amount.

Petitioner states there is also a lien against the amount payable for attorney's fees of \$2,073.28, but it is Petitioner's understanding that this does not reduce the value of the estate but is an issue to be worked out between Petitioner's current attorney and former attorney.

Regarding the \$150,000.00 promissory note owed to Petitioner: It bears an interest rate at 7% per annum. Petitioner has not been paying herself on this loan nor has she been paid any principal. The other loans she made to the estate for the farming operation have been interest-free even though this particular loan does bear interest. A copy of the note and deed of trust is attached to the Allowance or Rejection of Creditor's Claim filed herewith. (See Page C.)

Petitioner states the estate cannot be closed at this time because there is not enough cash in the estate to pay costs necessary to keep the almond trees productive and pay costs of administering the estate, including attorney's fees. Petitioner has listed the property for sale based upon the value determined in the Reappraisal for Sale; however, the value has been discounted by 20% based on this year's water shortage. Because of this discount, Petitioner is reluctant to let the property go for too small of an amount simply because prices are currently depressed. Petitioner would like to hold the asking price a little while longer to obtain the best price the market has to offer.

It is Petitioner's belief that it is in the best interest of the estate and in the best interest of her grandchildren, who are the heirs, that the court allow Petitioner to continue to operate the almond business with the assets of the estate until the property is sold.

Petitioner states she has, during the course of the administration, loaned money to the estate for the farming operation in order to fund cash flow. As Administrator, Petitioner would like the authority to loan and borrow funds if necessary, to continue to operate the business. It is anticipated that she would be the lender and the term of the loan would be until either the property is sold or the crop is harvested and sold, whichever comes first, as has been the case with all the loans made to the estate. The loan(s) would not have interest.

Declaration filed 10-28-14 states: The principal asset of this estate is real property planted with almond trees. Petitioner listed the property for sale on 4-7-14 at \$1,500,000.00. When there had been no active interest by anyone, she cancelled the listing. Since the original listing wouldn't expire until 10-31-14, she was afraid that if she actively marketed the property or listed it with anyone else, the first listing agent would still get a portion of the sale price. On or about 10-16-14, she called her attorney, who, after listening to her predicament, advised her to list the property with another realtor right away. On 10-16-14, she listed the property for \$2,400,000.00. However, the attorney told her that the price should have been the reappraisal price of \$1,095,000.00. At present, almost all costs for the 2014 crop have been paid using the first one half of the payment made when the almonds were purchased. The remaining outstanding bills are listed in Exhibit E. The second half of the proceeds from the sale of the 2014 crop is due mid-January in the amount of \$103,334.01. This will leave a balance which should be adequate to pay the cost of closing the estate; however, it may not be enough to also pay off the \$150,000.00 that Petitioner made to her son before his death.

Petitioner states if the real property is distributed in kind, the period immediately after mid-January would be the best time of the year for the almond production. However, Petitioner believes it is in the best interest of the estate to sell the property rather than distribute in kind to her grandchildren.

Therefore, Petitioner would like the Court to give her more time to sell the property.

Public Administrator's Status Report filed 4-14-15 states the PA agrees that the property should be sold because holding onto it would not benefit the estate as it is operating at a loss. Second, the PA agrees that Ms. Choperena needed to make loans to the estate, and that the reimbursements she made to herself were accurate. Regarding her claim for money she loaned her son before his death, the PA agrees the amount still owed is accurate. The only thing the PA found questionable were a couple of disbursements: \$302.50 to Aladdin Bail Bonds and \$261.65 to SBC. Other than that, the PA had no concerns about Ms. Choperena's administration of the estate.

DOD: 11-27-05		<p>ANITA CHOPERENA, Administrator with Limited IAEA with bond of \$106,000.00, is Petitioner.</p> <p>Petitioner requests an order authorizing her to continue to operate the decedent's business of growing almonds and selling them. The Administrator has been operating the business with some success over seven years. The estate is not in a condition to close because it does not have enough cash to pay the costs of administration. Therefore, the real property must be sold. If left unattended until it is sold, the almond trees may die from lack of water or become stressed and unproductive.</p> <p>It is therefore in the best interest of the estate and the heirs that the Administrator be allowed to continue to operate the business while she goes through the process of selling the real property.</p> <p>In order to fund the cash flow of the almond growing business, the Administrator has been making interest-free loans to the estate. It is anticipated that this practice will need to continue in order to continue with the business. §9800(a)(3) provides that if the court determines that it would be advantageous to the estate it may make an order allowing the personal representative to borrow against the estate for purposes of preserving the property of the estate. The Administrator believes that such borrowing is necessary in order to keep the almond trees on the property alive and productive.</p> <p>Wherefore, the Administrator asks for an order allowing her to continue to operate the decedent's almond growing business and allowing her to borrow money in order to carry on the business.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Minute Order 11-5-14: The Court orders that Petitioner is not allowed to sell the property without Court approval. Mr. Keene is to file a verified declaration regarding the farm income by November 26.</p> <p>Note: On 11-26-14, the Amended First Account was filed. See Page A. Also filed on 11-26-14:</p> <ul style="list-style-type: none"> • Declaration of Thomas J. Keene Under Penalty of Perjury • Declaration of Anita Choperena Under Penalty of Perjury <p>See additional pages.</p>
Cont. from 050514, 110514, 120314, 011215			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail w		
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	Pers.Serv.		
	Conf. Screen		
	Letters 2-24-06		
	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: 5-7-15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 1B – Choperena</p>	

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Declaration of Thomas J. Keene states on or about 11-11-14, he wrote a letter to Rosario Catalan, the mother of Peter Choperena and Antonio Choperena, the heirs of the estate. See Exhibit A. No response to the letter or phone calls has been received. Attached is a copy of Performance of Almond Acreage 11-17-05 until 11-20-14, which the attorney prepared from crop reports provided from Hughson Nut Inc., including a number of calls to verify that he was interpreting the crop reports correctly. Mr. Keene states this report accurately shows the volume of almonds in pounds, price per pound, and resulting payments which the estate received in each of the years in which Ms. Choperena has been Administrator of the Estate. In spite of the title of the document, the entry for crop years 2014, shows the total price for the almonds of \$206,668.02. The attorney is informed that the estate has received only one half of that sum at this time. The balance is to be paid 1-15-15.

Exhibit C is a chart showing the income to the estate from all sources, including proceeds from the sale of water and crop subsidy payments. There were also three years in which payments made for water were refunded to the estate when water could not be provided. The up to date accounting filed concurrently accurately reflects the information supplied by his client.

Declaration of Anita Choperena states the principal asset of the estate is 129 acres of agricultural real property, 54 of which is planted in almond trees. The water allocated to all of the land is usually needed to keep the almonds productive. The principal source of income to the estate is the proceeds from the sale of almonds. Since she was appointed Administrator, all almond sales have been made to Hughson Nut Inc. She has given her attorney authority to communicate directly with the buyer and he has obtained crop reports. The balance due, as stated above, is to be paid 1-15-15. At present, almost all of the costs for the 2014 crop have been paid using the first half of the payment made when the almonds were purchased. The remaining bills are listed in Exhibit B. A payment for the 2nd half of the proceeds is due mid-January in the amount of \$103,334.01; however, property taxes must be paid by December 10. Ms. Choperena will advance the money to pay the taxes so that no penalties are incurred. This will be on the condition that she is reimbursed once the second half comes in. This loan would be made at no interest, as have all of the loans that she has made to the estate. The property should also be sprayed with herbicide to get rid of weeds at this time, and she is willing to advance the cost without interest, so long as she is paid in January.

The only sources of income to the estate other than from the sale of almonds are, in some years, crop subsidies and one year, from the sale of water. That information is provided in Exhibit C.

There is an outstanding \$150,000.00 loan that Ms. Choperena made to her son before his death, and a claim has been filed for repayment, with interest. That loan was for the purpose of purchasing the agricultural land. She has not paid herself any principal or interest and has used the estate money solely for operating the almond growing business. She has never used any of it to pay personal expenses nor has she paid herself for her time, energy, and effort that she has put into the almond business on behalf of the estate. She does expect to be repaid the \$150,000.00 with the interest called for in the note and deed of trust.

Ms. Choperena states she has not heard from nor personally communicated with either her grandsons (who are the heirs to this estate) or with their mother, Rosario Catalan, since the last court appearance.

Allowance or Rejection of Creditor's Claim

DOD: 11-27-05		ANITA CHOPERENA was appointed as Administrator on 2-21-06 with Limited IAEA and bond of \$106,000.00.	NEEDS/PROBLEMS/COMMENTS:
			<p>Minute Order 11-5-14: The Court orders that Petitioner is not allowed to sell the property without Court approval. Mr. Keene is to file a verified declaration regarding the farm income by November 26.</p> <p>Note: On 11-26-14, the Amended First Account was filed. See Page A. Also filed were declarations by attorney Keene and Administrator Anita Choperena.</p> <p>Note: See Page 2 re Public Administrator's Status Report.</p>
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	Pers.Serv.		
	Conf. Screen		
	Letters	2-24-06	
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
		<p>On 6-26-06, Ms. Choperena filed a Creditor's Claim against the estate in the amount of \$150,000.00 with reference to a deed of trust recorded 10-4-99 (not attached).</p> <p>On 12-20-13, the Court reviewed the estate and, noting that there had been no activity since 2007, set the matter for status hearing. In response, the Administrator filed her First Account (Page 2A) in which she requested payment of her claim.</p> <p>The Administrator has now submitted for the Court's consideration the Allowance or Rejection of Creditor's Claim form DE-174 with copies of the Deed of Trust with Assignment of Rents as Additional Security recorded 10-4-99 and the Promissory Note dated 9-3-99.</p> <p>The Deed of Trust and Promissory Note indicate that in 1999, prior to the decedent's death, Ms. Choperena loaned the decedent \$150,000.00 at 7% per annum, payable in annual installments of "\$10,000.00 or more, plus interest." The loan was secured by the decedent's agricultural real property in Merced County.</p> <p>Ms. Choperena states in her Declaration filed 4-9-14 that she has not been paying herself any interest on this loan nor has she been paid any of the principal.</p> <p>Therefore, the Administrator requests that the Court allow her creditor's claim.</p>	
			<p>Reviewed by: skc</p> <p>Reviewed on: 5-7-15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 1C – Choperena</p>

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Public Administrator's Status Report filed 4-14-15 states the PA agrees that the property should be sold because holding onto it would not benefit the estate as it is operating at a loss. Second, the PA agrees that Ms. Choperena needed to make loans to the estate, and that the reimbursements she made to herself were accurate. Regarding her claim for money she loaned her son before his death, the PA agrees the amount still owed is accurate. The only thing the PA found questionable were a couple of disbursements: \$302.50 to Aladdin Bail Bonds and \$261.65 to SBC. Other than that, the PA had no concerns about Ms. Choperena's administration of the estate.

(1) First and Final Account and Report of Status of Administration and Petition for its Settlement; (2) for Allowance of Statutory Executor's Compensation and (3) Statutory and Extraordinary Attorney's Compensation and (4) for Final Distribution of Estate

DOD: 5/8/01	PATRICIA C. TAYLOR , Executor, is petitioner.		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 4/6/15. Minute order states the Court admonishes that it is considering disallowing part or all of the requested fees given the history of this matter. As of 5/5/15 the following issues remain:</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of service of the Notice of Hearing on: <ol style="list-style-type: none"> a. Devante Ayers (beneficiary) b. Angelette Howell (trustee) c. Estate of Maggie Currie (beneficiary) 3. 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. 4. Need Declaration re: extraordinary fee request. 5. Need Order. Local Rule 7.1 states a proposed Order shall be submitted with all pleadings that request relief. If the proposed order is not received in the Probate Filing Clerk's Office ten (10) days before the scheduled hearing, a continuance may be required.
	Account period: 5/8/01 – 1/14/15		
Cont. from 040615	Accounting - \$82,647.15		
<input type="checkbox"/> Aff.Sub.Wit.	Beginning POH - \$42,147.10		
<input checked="" type="checkbox"/> Verified	Ending POH - \$82,647.15		
<input checked="" type="checkbox"/> Inventory	Executor (statutory) - \$3,305.88		
<input checked="" type="checkbox"/> PTC	Attorney (statutory) - \$3,305.88		
<input checked="" type="checkbox"/> Not.Cred.	Attorney x/o - \$3,240.00		
<input type="checkbox"/> Notice of Hrg	X		
<input type="checkbox"/> Aff.Mail	X	Costs - \$1,140.00	
<input type="checkbox"/> Aff.Pub.		(filing fees, publication)	
<input type="checkbox"/> Sp.Ntc.			
<input type="checkbox"/> Pers.Serv.		Closing - \$1,000.00	
<input type="checkbox"/> Conf. Screen		Distribution, pursuant to Decedent's Will, is to:	
<input checked="" type="checkbox"/> Letters	7/18/06	Devante Ayers - real property	
<input type="checkbox"/> Duties/Supp		Estate of Maggie Currie - \$24,155.33, furniture and furnishings and clothing.	
<input type="checkbox"/> Objections			
<input type="checkbox"/> Video Receipt			
<input type="checkbox"/> CI Report			
<input checked="" 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	N/A		
			Reviewed by: KT
			Reviewed on: 5/6/15
			Updates:
			Recommendation:
			File 2 - Hollier

DOD: 08/19/06		<p>JACKIE MCDONALD, former Executor, is Petitioner.</p> <p>Petitioner was removed as Executor and the Public Administrator was appointed successor Administrator on 01/22/15.</p> <p>Account period: 08/19/06 – 01/22/15</p> <p>Accounting: \$268,957.45 Beginning POH: \$333,566.08 Ending POH: \$250,507.25 (\$507.25 is cash)</p> <p>Executor: waived</p> <p>Attorney: not addressed (Petitioner was initially represented by Roger Krouskup; Substitution of Attorney filed 04/20/10)</p> <p>Preliminary Distribution was made to the beneficiaries as follows: Tina Mitchell: household furniture, furnishings and appliances valued at \$2,500.00 Steve Wright: household furniture, furnishings and appliances valued at \$2,500.00</p> <p>The following Creditor's Claims have been filed against the estate and fully allowed, but not yet paid: DFS Services: \$2,037.40 PG&E: \$ 383.66 FIA Card Services: \$11,225.33</p> <p>Petitioner prays for an Order:</p> <ol style="list-style-type: none"> 1. Allowing, settling and approving the First Account; and 2. Confirming Petitioner has no other duties to perform for the estate. 	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: It does not appear that letters have issued to the Public Administrator.</p> <ol style="list-style-type: none"> 1. Petitioner states that the remaining cash on hand at the end of the account period (\$507.25) was paid to David M. Camenson (attorney) as partial payment for preparation of this account; however, Attorneys fee's in estates is set by statute and subject to approval by the Court prior to payment. 2. Need <i>Notice of Hearing</i>. Note: A copy of a Notice of Hearing for a hearing date of 04/09/15 is attached to a document titled "Proof of Service" filed 03/26/15; however, the Notice of Hearing itself was not filed. Notice of Hearing – Probate (Form DE-120), which contains mandatory language regarding the hearing date and place pursuant to Probate Code § 1211 is a required form and includes a proof of service that should be used in probate matters. The Court may require further service. 3. The petition does not address what the status of the real property asset of the estate has been since the decedent's death in 2006. There are no receipts for rent reflected in the account, but Examiner notes that beneficiary Steve Wright's mailing address is that of the estate's real property. Has Mr. Wright been living in the property rent free since 2006? The court may require more information regarding the status of the real property. <p>Note: On 01/22/15, Petitioner reported that the real property was currently listed for sale.</p>
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<input type="checkbox"/>	Aff.Pub.		
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<input type="checkbox"/>	Letters 10/23/06		
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<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
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<input type="checkbox"/>	Order x		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
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Reviewed by: JF			
Reviewed on: 05/06/15			
Updates:			
Recommendation:			
File 3 - Wright			

Probate Status Hearing Re: Filing Account

DOD: 11/06/06		<p>NAGLAA K. ALAMELDIN, sister, was appointed Administrator with full IAEA and bond of \$190,000.00 on 01/02/07.</p> <p>NAGLAA K. ALAMELDIN filed a Status Report of Administration of Estate and Petition to Approve First Account on 09/21/10.</p> <p>The Petition to Approve First Account was continued several times and the Court denied the Petition with leave to Amend on 06/04/12.</p> <p>Minute Order from hearing on 8/6/12 set this matter for status regarding filing the account.</p> <p>In June of 2013 the attorney reported that the estate is waiting on funds totaling \$69,425.63 from CA State Controller unclaimed property. In addition since there was a minor beneficiary a guardianship of the estate would be needed prior to distribution.</p> <p>Former Status Report filed 8/11/14 states the estate received a check in the amount of \$69,352.97 from the State Controller's office. Administrator states they are in the process of preparing a formal accounting and petition for final distribution in the next 45 days.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need Final Account and Petition for Final Distribution or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.</p>
Cont. from 100412, 113012, 020113, 040513, 060713, 080913, 090613, 110113, 010914, 041014, 081114, 100914, 120114, 011215, 030215, 040615, 042715			
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	X		
UCCJEA			
Citation			
FTB Notice			
		<p>Reviewed by: skc</p> <p>Reviewed on: 5/7/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 4 - Alameldin</p>	

		NEEDS/PROBLEMS/COMMENTS:
Cont. from 020215		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by:
		Reviewed on: 5/6/15
		Updates:
		Recommendation:
		File 5A - Pellegrini

Second Amended First and Final Account and Report of Administrator and Petition for Its Settlement and Approval

DOD: 12/7/11	KIRK HAGOPIAN , former Administrator, is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 1/12/15. Minute order states Gloria Hagopian is temporarily removed as the Successor Administrator without prejudice, and the Public Administrator is appointed as temporary successor Administrator. – Please see page 6B.</p> <ol style="list-style-type: none"> 1. Need Order 2. Petition states 9,500.00 was paid to attorney Jeff Hammerschmidt as a retainer for his services to file an action against Gaylene Bolanos and her confederates. Court may require more information as to the litigation and the status of the retainer paid to attorney Hammerschmidt. Note: If Mr. Hammerschmidt did not do any work as alleged, then the retainer should be returned. Mr. Hagopian should have received a billing statement from Mr. Hammerschmidt regarding the retainer. The Court will require a copy of the billing statement showing what portion of the retainer was used and what it was used for. <p>Please see additional page.</p>
Cont. from 061614, 072914, 120314, 051115	Kirk Hagopian resigned as Administrator and Gloria Hagopian was appointed Successor Administrator on 5/27/14. All funds except \$5,000.00 were ordered into a blocked account (receipt filed on 7/11/14)	
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input checked="" type="checkbox"/> Inventory	Account period: 8/12/12 – 5/5/14	
<input checked="" type="checkbox"/> PTC	Accounting - \$229,763.00	
<input checked="" type="checkbox"/> Not.Cred.	Beginning POH- \$213,413.08	
<input checked="" type="checkbox"/> Notice of Hrg W/	Ending POH - \$166,207.96	
<input type="checkbox"/> Aff.Mail	Petitioner states that certain cash assets at the time of decedent's death were wrongfully taken by Gaylene Bolanos and her confederates. Petitioner is represented by Fresno attorney Leigh Burnside in a pending action against Gaylene Bolanos and others to recover the wrongfully taken property. Inventory and appraisal, partial no. 1 shows a bank account totaling \$10,268.71 at the time of decedent's death. Petitioner believes that Gaylene Bolanos misappropriated all of the money in the account, because the account was empty when Petitioner presented Letters to the bank after the opening of the estate. Petitioner believes there were other accounts taken by Gaylene Bolanos, but Petitioner did not inventory them because he lacks records that would show the balances.	
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<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		
	Please see additional page	
	Reviewed by: KT	
	Reviewed on: 5/6/15	
	Updates:	
	Recommendation:	
	File 6A - Smart	

Petitioner states prior to mid-January 2013 the estate had no cash for payment of decedent's funeral expenses, the expenses to maintain decedent's real property prior to sale, and the retainer requested by the attorney Petitioner hired to take action against Gaylene Bolanos and her confederates. Petitioner borrowed \$10,900.00 from a friend named Rich Curll, to pay those expenses.

Petitioner prays for an Order:

1. The first and final account and report of Petitioner as Administrator be settled, allowed and approved as filed;
2. All acts and proceedings of Petitioner during his tenure as Administrator of the Decedent's estate be confirmed and approved;
3. Such further order as the Court considers proper.

Note: Objections filed by Brandenburger & Davis, an heir search company and assignee a portion of the individual interest of several of the intestate heirs of the Decedent, were filed on 6/12/14 (in relation to the previously filed accounting. Many of the issues raised are relevant to this amended accounting). Objector states they represent the interests of intestate heirs on the decedent's paternal side. Decedent's father had four sibling, all of whom are deceased. The persons listed in the objections are issue of those siblings and they are 1st cousins or, in some cases 1 cousins once removed of the decedent. Brandenburger and Davis will file a Petition to Determine Heirship in this matter, if necessary. The persons listed in Petitioner's petition are from the decedent's maternal side. Objector believes that all of the siblings of the decedent's mother, Dolores Milano, died without issue and so the closest maternal heirs of the decedent are second cousins or more remote heirs.

Objector objects to the Petition on the following grounds:

- a. The accounting shows \$9,500 to attorney Hammerschmidt, but there is no details of why Mr. Hammerschmidt was retained or what services he rendered.
- b. In a separate filing in this matter on 10/9/13 to compel delivery of the estate under Probate Code §850, the Petitioner asserts that he inquired about the decedent's assets between January and April 2012 and by April became suspicious of the respondents named in the §850 petition. He alleges that no less than \$150,000 of the estates assets were wrongfully taken. Petition further states that \$10,268.71 which was shown on the opening inventory, partial no. 1 was not in the bank account when the Petitioner presented his Letters of Administration to the bank after the estate was opened. No explanation is offered as to how the respondents in the §850 petition were able to access an account in the name of the decedent or what action was taken, if any, he took to learn from the bank how the funds were released to anyone other than the Petitioner.
- c. The fact that Petitioner may have been duped by people he liked does not relieve him of his fiduciary duties to the estate and its beneficiaries. The Petitioner should provide greater detail of his activities as Administrator.
- d. No bond was required of the Petitioner because he filed waivers of bond by the seven individuals whom he represented where the issue of the decedent's grandparents and the only persons entitled to inherit the estate. Objector believes that the persons who waived the bond are the issue of the great-grandparents of the decedent and, therefore, not the 1st cousins as represented by the Petitioner. Petitioner has not shown that he made any attempt to determine if there were closer heirs before obtaining waivers of bond.

Please see additional page

Dept. 303, 9:00 a.m. Monday, May 11, 2015

Additional page 2 of 2

Wherefore Objector prays that:

1. The Petition be denied.
2. That the Petitioner's actions as Administrator not be confirmed or approved;
3. That the Petitioner be ordered to provide a more complete and correct accounting of his actions as Administrator;
4. That the Court reserve jurisdiction to determine if the Petitioner should be surcharged for his actions as Administrator.

6B Cheryl A. Smart (Estate)
Atty Wall, Jeffrey L (for Former Administrator Kirk Hagopian)
Atty Morris, Michael J (for Objectors Brandenburger & Davis)
Atty Kruthers, Heather (For the Public Administrator)

Case No. 12CEPR00468

Probate Status Hearing Re: Status Report from the Public Administrator

DOD: 12/7/11	<p>KIRK HAGOPIAN, is the former Administrator.</p> <p>Kirk Hagopian resigned as Administrator and Gloria Hagopian was appointed Successor Administrator on 5/27/14. All funds except \$5,000.00 were ordered into a blocked account (receipt filed on 7/11/14)</p> <p>On 1/12/15 the Court removed Gloria Hagopian as Successor Administrator and appointed the Public Administrator as temporary successor Administrator.</p> <p>Minute Order from 1/12/15 states the Public Administrator is to review the matter and make a recommendation regarding possible surcharges, and collect the information needed from Jeff Hammerschmidt. If they are unable to obtain the information needed from Mr. Hammerschmidt, the he is to be subpoenaed to appear.</p> <p>Status Report Regarding Monies Paid to Attorney filed on 5/6/15 states monies were paid to a private attorney, jeff Hammerschmidt, during the administration of the estate by Kirk. The PA's original understanding was the legal fee was paid to recover money that was stolen from the estate. However, Mr. Hammerschmidt confirmed to Ms. Kruthers that "his practice is limited to criminal defense." He further confirmed that neither the \$2,000 nor \$7,500 "were for civil actions against Ms. Bolanos."</p> <p style="text-align: center;">Please see additional page</p>	NEEDS/PROBLEMS/COMMENTS:
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		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: KT
		Reviewed on: 5/6/15
		Updates:
		Recommendation:
		File 6B - Smart

6B

Status Report Regarding Monies Paid to Attorney filed on 5/6/15 (cont.): Mr. Hammerschmidt explained that Kirk paid \$2,000 for him to start work on a federal criminal case in Nevada for Kirk. The fee agreement contemplated a much larger total fee, which was a flat fee. After paying the \$2,000, Kirk told Mr. Hammerschmidt that he would be unable to pay the remainder of the fee. Instead of returning part or all of the \$2,000, they agreed that Mr. Hammerschmidt would review documents, including the plea agreement, in the criminal case and provide him with a second opinion. The \$7,500 was a flat pre-filing fee for a different matter for which Kirk was potentially the subject of a criminal investigation. Mr. Hammerschmidt advised Ms. Kruthers that the second amount did relate to issues involving the estate, including Ms. Bolanos and another individual. However, it was a criminal case, and due to attorney-client privilege, Mr. Hammerschmidt could not provide any more information.

Prior to the PA's appointment, the law firm of Dowling, Aaron Inc. was handling litigation regarding misappropriated funds. Attorney Leigh Burnside advised earlier this year that she was working on an application for entry of a court judgment against people who stole money from the estate. The principal amount of damages is approximately \$154,680. Ms. Burnside explained that the default was obtained quickly, but it took longer to get bank statements and trace the money.

The PA asserts that a surcharge of \$9,500 is warranted against Kirk Hagopian for the misappropriation of estate assets. It appears that he is not the only beneficiary. (**Examiner note:** Mr. Hagopian is not a beneficiary of this estate. His mother, Gloria Hagopian, is one of the beneficiaries.)

7 Ismael Rivera (GUARD/P)
 Atty Hernandez, Ila (pro per Petitioner/mother)
 Atty Hernandez, Maria E (pro per Guardian)

Case No. 12CEPR00689

Petition for Termination of Guardianship

Age: 7 years	ILA HERNANDEZ, mother, is petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. Need Notice of Hearing. 2. Need proof of service of the Notice of Hearing on: a. Maria Hernandez (guardian) b. Pedro Rivera (father) c. Pedro Rivera (paternal grandfather) d. Virginia Rivera (paternal grandmother) e. Domingo Hernandez (maternal grandfather) f. Rose Mejia (maternal grandmother)
	MARIA HERNANDEZ , maternal aunt, was appointed guardian on 11/6/12.	
Cont. from 022315, 040615	Father: PEDRO RIVERA	
<input type="checkbox"/> Aff.Sub.Wit.	Paternal grandfather: Pedro Rivera	
<input checked="" type="checkbox"/> Verified	Paternal grandmother: Virginia Rivera	
<input type="checkbox"/> Inventory	Maternal grandfather: Not listed (Domingo Hernandez)	
<input type="checkbox"/> PTC	Maternal grandmother: Not listed (Rose Mejia)	
<input type="checkbox"/> Not.Cred.		
<input type="checkbox"/> Notice of Hrg	<input checked="" type="checkbox"/>	
<input type="checkbox"/> Aff.Mail	<input checked="" type="checkbox"/>	
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen	Petitioner states she wants to terminate the guardianship because she feels she is back in the right state of mind, no longer on drugs and is willing to do a drug test.	
<input type="checkbox"/> Letters	Court Investigator's Report filed on 2/11/2015.	
<input type="checkbox"/> Duties/Supp	Objections of Maria Hernandez, filed on 3/16/15.	
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: KT
		Reviewed on: 5/6/15
		Updates:
		Recommendation:
		File 7 - Rivera

Attorney: Natalie R. Nuttall, of Vista, for Petitioner Heather L. Aguirre

(1) Second and Final Account and Report of Conservator; (2) Petition for Its Settlement; and for (3) Attorney Fees

DOD: 9/23/2014	HEATHER L. AGUIRRE , daughter and Conservator of the Estate, is Petitioner.		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note Re Future Date: Status Hearing Re: Filing of the Inventory and Appraisal in the related Estate of Richard Lee MacMurray (Case No. 14CEPR01003) is set for hearing on 7/23/2015.</p> <p>1. Need proof of service by mail of Notice of Hearing at least 15 days prior to the hearing pursuant to §§ 2621, 1460(b)(6), and 1821(b) for the following persons:</p> <ul style="list-style-type: none"> • Scott MacMurray, son; • Marie Weller, daughter; • Marilyn Pereira, sister; • Brittany Aguirre, granddaughter; • Nickolas Aguirre, grandson. 	
	Account period: 10/1/2014 - 12/31/2014			
Cont. from	Accounting	- \$348,004.92		
<input type="checkbox"/> Aff.Sub.Wit.	Beginning POH	- \$307,249.81		
<input checked="" type="checkbox"/> Verified	Ending POH	- \$270,233.53 (all cash)		
<input type="checkbox"/> Inventory	Conservator	- Not addressed		
<input type="checkbox"/> PTC	Attorney	- \$2,655.00 (per Declaration attached as Exhibit 1; for 11.80 hours @ \$225.00/hr; 10/14 to 5/5/15;)		
<input type="checkbox"/> Not.Cred.	Bond	- \$352,000.00		
<input type="checkbox"/> Notice of Hrg	Petitioner prays for an order:			
<input checked="" type="checkbox"/> Aff.Mail	1. Approving, allowing, and settling the Second and Final Account;			
<input type="checkbox"/> Aff.Pub.	2. Confirming and approving all acts of the Conservator as Conservator of the estate;			
<input type="checkbox"/> Sp.Ntc.	3. Authorizing the Attorney fees;			
<input type="checkbox"/> Pers.Serv.	4. Unblocking the bank account of the conservatorship and directing that the entirety of the funds of the Conservatee be delivered to Petitioner as Administrator of the Estate of Richard L. MacMurray; and			
<input type="checkbox"/> Conf. Screen	5. Discharging the Petitioner as Conservator and discharging the surety on her bond.			
<input type="checkbox"/> Letters				
<input type="checkbox"/> Duties/Supp				
<input type="checkbox"/> Objections				
<input type="checkbox"/> Video Receipt				
<input type="checkbox"/> CI Report				
<input checked="" type="checkbox"/> 2620				
<input checked="" type="checkbox"/> Order				
<input type="checkbox"/> Aff. Posting				
<input type="checkbox"/> Status Rpt				
<input type="checkbox"/> UCCJEA				
<input type="checkbox"/> Citation				
<input type="checkbox"/> FTB Notice				
				Reviewed by: LEG
				Reviewed on: 5/7/15
			Updates:	
			Recommendation:	
			File 8 - MacMurray	

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

DOD: 12/14/2009	ERIC P. DIENER was appointed Executor with full IAEA authority and without bond on 8/22/13.	NEEDS/PROBLEMS/COMMENTS: Continued from 1/12/15. Minute order states Ms. Guerrero represents that they have been unable to locate or make contact with the Executor, Eric P. Diener. The Court removes Mr. Diener as Executor and appoints the Public Administrator forthwith. Any and all paperwork pertaining to the estate is to be turned over to the Public Administrator. 1. Need current status report.
	Letters issued 8/22/14.	
Cont. from 102414, 011215	I & A - \$604,499.22	
Aff.Sub.Wit.		
Verified	The Court removed Eric P. Diener as Executor by Minute Order dated 1/12/15 and appointed the Public Administrator.	
Inventory		
PTC		
Not.Cred.		
Notice of Hrg	Letters issued to the Public Administrator on 1/20/15.	
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 on: 5/6/15
		Updates:
		Recommendation:
		File 9 – Diener

Attorney Burnside, Leigh W. (for Petitioner Abraham Isaak Tubbs, Jr., Administrator, son)
 Objector Tubbs, Jesse R. (Pro Per Objector, son)

(1) Petition for Settlement of First and Final Account; (2) for Allowance of Compensation for Ordinary Services as Administrator, (3) for Reimbursement of Advanced Costs, and (4) for Allowance of Ordinary and Extraordinary Attorneys' Fees, and (5) for Final Distribution Subject to a Real Property Lien for Costs of Administration and Debts Owed by the Estate

DOD: 12/30/2011	ABRAHAM ISAAK TUBBS, JR., son and Administrator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
Cont. from 042715	Account period: 12/30/2011 – 12/31/2014	Continued from 4/27/2015. Minute Order states Jesse Tubbs is to file his documents by 5/4/2015.
✓ Aff.Sub.Wit.	Accounting - \$45,204.74	<p>Note: As of 5/6/2015, Court records do not show filing of documents by Jesse Tubbs subsequent to the Minute Order dated 4/27/2015 directing him to file his documents. Please refer to <i>Fifth Additional Page</i> for notes summarizing Declaration of Leigh W. Burnside filed 5/4/2015.</p> <p>1. Pursuant to Local Rule 7.12.4, the Court will not order distribution of real property in undivided interests without the written consent of all distributees. Need signed consent to distribution of the real property in undivided interests from distributee JESSE ROGER TUBBS.</p>
✓ Verified	Beginning POH - \$45,204.74	
✓ Inventory	Ending POH - \$45,204.74 (real property and \$204.74 cash)	
✓ PTC	Administrator - \$1,808.19 (statutory)	
✓ Not.Cred.	Attorney - \$1,808.19 (statutory)	
✓ Notice of Hrg	Attorney XO - \$1,693.50 (per Declaration filed 3/11/2015; for preparation of affidavit-death of joint tenant to clear title (1.10 paralegal hours totaling \$148.50); collection of unclaimed property held by Controller's office @ .10 attorney hours and 7.40 paralegal hours totaling \$1,050.00; attempts to sell property to satisfy claim of DOH @ .70 attorney hours and 1.80 paralegal hours totaling \$495.00;)	
✓ Aff.Mail w/	Court Costs - \$870.00 (filing fees; due upon distribution;)	
Aff.Pub.	Attorney Costs - \$667.61 (recording fees, probate referee, publication, certified copies;)	
✓ Sp.Ntc. w/		
Pers.Serv.		
Conf. Screen		
Letters 013014		
Duties/S		
✓ Objections W/ PO S		
Video Receipt		
CI Report		
✓ 9202		
✓ Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
✓ FTB Notice		

~Please see additional page~

Reviewed by: LEG
Reviewed on: 5/6/15
Updates:
Recommendation
File 10 - Tubbs

Petitioner states:

- Creditor's Claims were filed by the Department of Health (DOH; **\$47,781.76** for benefits to **ABRAHAM TUBBS**, predeceased spouse of Decedent; and **\$132,174.44** for Decedent), both of which claims were denied by DOH for the hardship waivers filed by the Petitioner;
- Based on information and belief, DOH approved the hardship waiver for **JESSE ROGER TUBBS**, son, as to the Creditor's Claim filed regarding the Decedent, but denied the hardship waiver as to the claim for Abraham Tubbs;
- The estate does not have cash available to pay the creditors' claims and they remain unpaid;
- The DOH has requested that Petitioner include the following language in both the *Petition* and order for final distribution:
 - "Distribution is subject to a LIEN [*in the amount of \$33,750.00*] in favor of the STATE OF CALIFORNIA, DEPARTMENT OF HEALTH CARE SERVICES, on the real property located in the County of Fresno, State of California, described as [*real property legal description omitted; terms of repayment omitted*];
- Initially, it was believed that 3 unclaimed properties may belong to the estate; **\$204.74** from ADT Security is an estate asset [*included on a Supplemental I & A filed 10/27/2014*]; upon further research, it was discovered that in fact **\$4,616.73** was monies deposited by Petitioner's parents while Petitioner was incarcerated and belongs to Petitioner as his sole and separate property; a safe deposit box was established by Decedent's parents at Guarantee Savings (acquired by Citibank) and Petitioner's father included Petitioner's name as a signer for accessing the contents; Petitioner found the following in the safe deposit box:
 - One man's gold wedding band, belonging to Petitioner's father (Decedent's husband); Petitioner still has this gold band in his possession;
 - One woman's gold wedding ring with seven small diamonds, belonging to Decedent; Petitioner still has this gold ring in his possession;
 - One small baby ring with two small diamonds on gold band; Petitioner alleges this ring belonged to him and he has sold the ring;
 - Two small children's gold bracelets; Petitioner alleges these bracelets belonged to him and he has sold the bracelets;
- Petitioner has been unable to proceed with the sale of the real property and house to pay the costs of administration and debts of the estate due to the fact that the remaining heir, **JESSE ROGER TUBBS**, son, resides in the house and refuses to vacate the premises or pay rent;
- Based on information and belief, all real property taxes due and payable by the estate have been paid by **JESSE ROGER TUBBS**;
- Unpaid costs of administration are [*listed on Page 7 paragraph 25 (A) through (G); omitted*];
- **Proposed Distribution pursuant to intestate succession is to:**
 - **ABRAHAM ISAAK TUBBS, JR.** – One man's gold wedding band; and ½ interest in real property, subject to the following liens payable in the following order of priority pursuant to Probate Code § 11420, due upon the death of the distributee, or the sale or transfer of the real property, or escrow funding, or default in payments:
 - Court filing fees of **\$870.00** less **\$204.74** cash in estate for a total of **\$665.26**;
 - Statutory attorney fees of **\$1,808.19** and extraordinary fees of **\$1,693.50** and costs advanced of **\$667.61** for a total of **\$4,169.30**;
 - Statutory administrator commissions to Petitioner of **\$1,808.19**;
 - Lien in favor of the State of California, Department of Health Care Services, on the real property (including the terms as stated in the proposed order).

~Please see additional page~

Proposed Distribution pursuant to intestate succession, continued:

- o **JESSE ROGER TUBBS** – One woman's gold wedding ring with 7 small diamonds; and ½ interest in real property, subject to the following liens payable in the following order of priority pursuant to Probate Code § 11420, due upon the death of the distributees, or the sale or transfer of the real property, or escrow funding, or default in payments:
 - Court filing fees of **\$870.00** less **\$204.74** cash in estate for a total of **\$665.26**;
 - Statutory attorney fees of **\$1,808.19** and extraordinary fees of **\$1,693.50** and costs advanced of **\$667.61** for a total of **\$4,169.30**;
 - Statutory administrator commissions to Petitioner of **\$1,808.19**;
 - Lien in favor of the State of California, Department of Health Care Services, on the real property (including the terms as stated in the proposed order).

Response of JESSE R. TUBBS to [the Petition, etc.]; Objection to Proposed Settlement based on Lack of Equity by Abraham Isaak Tubbs, Jr. in Residence; and Proposed Settlement based on Payment of Court Filing Fee, Administrator Compensation, Attorney Fee, and Advanced Costs filed on 4/17/2015 states:

- The real property involved in this proceedings is located on San Joaquin Street Fresno;
- He resided in the residence from the purchase in 1973 at age 10 until leaving for college;
- He returned to the residence in June 1997 after a disability discharge from the U.S. Army as the result of an injury; he has resided in the property since 1997 continuously to the present time;
- He has paid all of the property taxes, insurance, and maintenance on the residence since the death of Decedent in December 2011;
- Before and after the death of Abraham I. Tubbs, Sr., on 5/6/2001, he (Jesse) has paid a portion of and sometimes all of taxes, insurance, and maintenance;
- No residence would still exist if he had not paid the taxes, insurance, and maintenance and other expenses;
- Abraham Isaak Tubbs, Jr., has not paid any of the taxes, insurance, and maintenance and other expenses of the residence;
- He did not agree to the demand by the administrator's attorneys to vacate the premises for the practical reason that living in the property and paying expenses preserved the property; no legal basis existed for a demand to pay rent;
- He did not agree to the demand by the administrator's attorneys to vacate the premises for a sale because the sale would have resulted in the loss of the home through the sale, would have generated additional attorney fees and expenses, and would have missed the possible opportunity to use the hardship waiver granted by the Department of Health Care Services to help preserve the home;
- The only personal benefit to Abraham Isaak Tubbs, Jr., of the attorneys' plan to sell the residence would have been payment of the administrator commission since the law allows court expenses;
- Out of ignorance of the laws, he missed the opportunity to file a creditor's claim for reimbursement of expenses paid;
- **Objections to Proposal by Abraham Isaak Tubbs, Jr.:** He objects to the proposed distribution of ½ interest to Abraham Isaak Tubbs, Jr., because Abraham has no equitable interest in the property;
- He objects to the proposed lien for Court filing fees, attorney advanced costs, administrator commission, and attorney fees for ordinary and extraordinary services and proposed an alternative to pay the costs and fees without a lien;

~Please see additional page~

Response of JESSE R. TUBBS to [the Petition, etc.]; Objection to Proposed Settlement, continued:

- Based on the hardship waivers by the DOH, and a 3/16/2015 telephone conversation [with collection representative's name at DOH], the lien for **\$22,500.00** is against the interest of **ABRAHAM ISAAK TUBBS, JR.**, but not against the interest of **JESSE R. TUBBS**;
- The ½ interest of **ABRAHAM ISAAK TUBBS, JR.** would be **\$22,500.00**, equal to the amount of the Medi-Cal lien;
- Not counting the administrator commission to **ABRAHAM ISAAK TUBBS, JR.**, the total of the unpaid court filing fee, advanced costs, attorney fee, plus the request for extraordinary fees is **\$4,834.56** [calculation stated in paragraph 13 of objection];
- Any interest of **ABRAHAM ISAAK TUBBS, JR.** would be subject to ½ of the **\$4,834.56**, or **\$2,417.28**; if the administrator commission of **\$1,808.19** were included, the total liability for costs and fees would be **\$6,642.75**;
- Not including the administrator commission, the interest of **ABRAHAM ISAAK TUBBS, JR.** in the real property can be characterized as follows:
 - ½ of Inventory value of **\$45,000.00** = **\$22,500.00**
 - Less the Medi-Cal lien = **(\$22,500.00)**
 - ½ of costs and fees = **(\$2,417.28)**
 - Net negative interest = **(\$2,417.28)**
- Except for the personal property, the only recovery that **ABRAHAM ISAAK TUBBS, JR.** will have from the estate is the administrator fee of **\$1,808.19**, because the law allows the administrator fee over the Medi-Cal claims;
- **Solution Proposed by Jesse R. Tubbs:** In an effort to save the residence as the home, **JESSE R. TUBBS** has appealed successfully to friends and relatives for personal loans to raise the **\$6,642.75** for costs and fees; it is better to struggle with repaying personal loans than having Court and attorney liens on the residence;
- In exchange for **ABRAHAM ISAAK TUBBS, JR.** agreeing to acknowledge the lack of value in the residence on San Joaquin Street, and transfer to **JESSE R. TUBBS** all his claim to an interest in the residence, **JESSE R. TUBBS** will offer to deposit **\$6,642.75** with the Clerk of the Court so that when the Court orders the real property distributed to **JESSE R. TUBBS** alone, the Court can order disbursement of the money totaling **\$6,642.75** to pay:
 - Unpaid Court filing fee = **\$665.26**;
 - Advanced attorney costs = **\$667.61**;
 - Attorney fee, ordinary services = **\$1,808.19**;
 - Administrator fee = **\$1,808.19**;
 - Extraordinary attorney fee approved, up to **\$1,693.50**.
- Under the proposal for distribution of the residence to **JESSE R. TUBBS** alone and not jointly with **ABRAHAM ISAAK TUBBS, JR.**, it is agreed by **JESSE R. TUBBS** to satisfy the Department of Health Services claim in the amount of **\$22,500.00** with the signing of a voluntary lien with **7%** interest per year and monthly payments [consistent with the terms the DOH required to be included in the order for distribution];
- Under the proposal for distribution of the residence to **JESSE R. TUBBS** alone and not jointly with **ABRAHAM ISAAK TUBBS, JR.**, it is agreed by **JESSE R. TUBBS** would not claim that **ABRAHAM ISAAK TUBBS, JR.**, is responsible for satisfying any portion of the Department of Health Services claim in the amount of **\$22,500.00**;
- No lien would be placed on the residence on San Joaquin Street for the Court filing fee, the attorney advanced costs, attorney fees, or administrator commission;

~Please see additional page~

Response of JESSE R. TUBBS to [the Petition, etc.]; Objection to Proposed Settlement, continued:

- **Proposed Personal Property Distribution:** JESSE R. TUBBS agrees to the proposed distribution of the man's gold wedding band to **ABRAHAM ISAAK TUBBS, JR.** and the woman's gold wedding ring with seven small diamonds to **JESSE R. TUBBS.**
- **Clarification of Omnibus Paragraph:** Paragraph 7, page 13 of the *Petition* should be clarified to read: "any other property of the estate not now known or hereafter discovered that may belong to the estate or in which the decedent or the estate may have any interest (a) and related to the residence should be distributed to **JESSE R. TUBBS,** and (b) other property should be divided in equal shares ½ to **ABRAHAM ISAAK TUBBS, JR.** and ½ to **JESSE R. TUBBS.**

Respondent/Objector JESSE R. TUBBS prays for an Order as follows:

1. The Court deny the portions of the *Petition for Settlement* for distribution of the residence on San Joaquin Street in undivided ½ interests to **ABRAHAM ISAAK TUBBS, JR.** and **JESSE R. TUBBS;**
2. For distribution of the residence subject to liens for (A) Court filing fee of \$665.26; (B) Attorney fees to Dowling Aaron Inc. in any amount; and (C) Department of Health Care Services lien on the terms as stated; **JESSE R. TUBBS** agrees that a DOH lien of **\$22,500.00** will be required;
3. The Court adopt the alternative distribution solution provided by **JESSE R. TUBBS** that allows payment of the Court filing fees, attorney advanced costs, administrator commission, attorney fee for ordinary and extraordinary services, with distribution of the entire estate interest in the real property dwelling and all contents to **JESSE R. TUBBS,** a widower, subject to the requirement that **JESSE R. TUBBS** agrees to satisfy the DOH claim in the amount of **\$22,500.00** with the signing of a voluntary lien with **7%** interest per year and monthly payments;
4. The Court order that upon adopting the alternative distribution solution proposed by **JESSE R. TUBBS** that **ABRAHAM ISAAK TUBBS, JR.** is not responsible for payment of the DOH lien in the amount of **\$22,500.00** with **7%** interest per year;
5. Directing the Administrator to amend the *Petition for Settlement* to provide for the alternative distribution proposed by **JESSE R. TUBBS,** including clarification of the omnibus provision;
6. Issuing a minute order allowing the Clerk to accept the **\$6,642.74** to be deposited by **JESSE R. TUBBS** with the Fresno County Superior Court Clerk to be disbursed as specified for Court filing fee, attorney advanced costs, attorney fee and administrator commission, approved extraordinary attorney fee, in exchange for distribution of the real property, dwelling, and all contents solely to **JESSE R. TUBBS,** a widower, subject to the DOH claim in the amount of **\$22,500.00;**
7. Allowing the Administrator in the order approving the alternative distribution to distribute the wedding band and wedding ring as proposed in the *Petition for Settlement.*

~Please see additional page~

Declaration of Leigh Burnside in Response to JESSE R. TUBBS' (1) Response to [the Petition], etc.; (2) Objection to Proposed Settlement based on Lack of Equity by Abraham Isaak Tubbs, Jr. in Residence; and (3) Proposed Settlement based on Payment of Court Filing Fee, Administrator Compensation, Attorney Fee, and Advanced Costs filed on 4/23/2015 states:

- Her firm Dowling Aaron Inc., was contacted on 3/20/2014 by **JOY K. DOCKTER**, an attorney with Central California Legal Services, who informed them that she was representing Jesse Tubbs in requesting a hardship waiver from the Department of Health Care Services (DOH) in regard to the 2 creditor's claims filed in this estate by the DOH against the Decedent Julia Tubbs (in the sum of **\$132,174.44**) and her predeceased husband, Abraham Tubbs (in the sum of **\$47,781.76**);
- On 4/14/2014, their office received a letter from Attorney Dockter confirming her representation of Jesse Tubbs in this application for the waiver of the Medi-Cal estate recovery liens, but not in the probate matter (*copy of letter attached as Exhibit A*);
- On 10/2/2014, her firm received a call from Attorney Dockter advising that she received the response from the DOH as to the hardship waiver submitted by Jesse Tubbs, stating the DOH approved the hardship waiver as to Julia's estate, but denied the hardship waiver as to Abraham's estate [*emphasis in original*];
- She understands that the response from the DOH was received by Jesse Tubbs in writing; Jesse Tubbs has failed to provide the Court with the written response evidencing his allegation that the DOH approved his hardship waiver against both estates, i.e., the estates of both his mother and his father;
- The notice of petition to administer estate was served, by mail, on Jesse Tubbs on 12/19/2013, notifying him of the deadline to file creditor's claims against the estate;
- Jesse Tubbs sought out legal counsel regarding the hardship waiver on or before 3/20/2014;
- The creditor's claim period did not expire until 5/30/2014; no claim was submitted by him;
- She does not object to receiving payment of the ordinary and extraordinary attorney's fees and costs from Jesse Tubbs as an alternative to the lien for her fees against the real property;
- However, she does object to the assertion that Abraham Isaak Tubbs, Jr., is responsible for the entire DOH lien against the estate and that it should be charged solely against his distributive interest.

Declaration of Leigh W. Burnside Regarding DHCS Lien filed 5/4/2015 states:

- She received a message on 4/30/2015 from **JOY K. DOCKTER**, former attorney for Jesse Tubbs, regarding the lien against the estate by DOH, stating there was an error in the amount of the lien;
- She spoke with **BRYNN MAROTTE** with the DOH, who explained to her that Mr. Tubbs had requested a hearing regarding the denial of one of his hardship waiver applications, the hearing took place, and that Jesse Tubbs' request for waiver was denied following the hearing;
- Ms. Marotte told her the lien amount of **\$22,500.00** should actually be **\$33,750.00**; correspondence will be sent to her by Ms. Morotte regarding the error and correct amount, which she (Ms. Burnside) will provide to the Court upon receipt;
- Ms. Marotte stated that the DOH lien is not attributable to either heir of the Decedent's estate; the lien is against the real property and is a debt of the Decedent, which arose from benefits paid out by the Department to or for the Decedent's predeceased spouse, Abraham I. Tubbs, Sr.

Age: 6	<u>TEMPORARY EXPIRES 05/15/15</u>	NEEDS/PROBLEMS/COMMENTS:
	ANTOINETTE FULLER , paternal aunt, was appointed temporary guardian on 04/23/14. The temporary has been extended numerous times and currently expires on 05/15/15.	1. Need status report regarding visitation.
Cont. from	ORRIN FULLER , father, objected to the Petition for Guardianship. Minute Order from 08/12/14 states: The parties agree to a 6 month guardianship. The child shall be enrolled in counseling. The therapist shall submit a report to this Court. The father shall enroll in a parenting class, anger management and a 52 week batterers treatment program. The father shall have supervised visits, supervised by Nancy Fuller. Attorney Miller will prepare an Order after Hearing with visitation and phone schedule.	
<input type="checkbox"/> Aff.Sub.Wit.	<p>Temporary Guardian filed a request to modify visitation that was heard on 01/26/15. Minute Order from 01/26/15 states: Parties stipulate to extending the previous visitation orders to 05/15/15 with the following modifications: The visits shall occur in Fresno instead of Ventura, visits can be supervised by a party mutually agreed upon, and communication between the adults will be limited to e-mail. This Status hearing regarding status of Visitation was set for 05/11/15.</p>	
<input type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input type="checkbox"/> Notice of Hrg		
<input type="checkbox"/> Aff.Mail		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<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		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: JF
		Reviewed on: 05/06/15
		Updates:
		Recommendation:
		File 12 - Fuller

DOD: 06/24/2014	W. LAIRD DURLEY , son, was appointed Executor with full IAEA authority without bond on 06/24/2014.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Minute Order of 04/13/2015: The Court advises counsel that he has 30 days to get the Inventory and Appraisal filed or the Court may consider imposing sanctions. If the Inventory and Appraisal is filed at least two court days prior, then no appearance is necessary on 5/11/15. If the Inventory and Appraisal is not filed at least two court days prior, then counsel and his client are both ordered to be personally present in court or appear via Court Call on 5/11/15.</p> <p>1. Need Inventory and Appraisal or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.</p>
	Letters issued on 07/08/2014	
	Minute Order of 06/24/2014 set this matter for the filing of the Inventory and Appraisal.	
Cont. from 120115, 030215, 041315		
Aff.Sub.Wit.		
Verified	Former Declaration of Vincent T. Martinez Regarding Status of Filing Inventory and Appraisal filed 02/25/2015 states on 11/21/2015, a Declaration was filed informing the Court that Fargen Surveyors were retained to survey the property in Santa Barbara to secure the proper acreage and legal description. Attorney Martinez provided a comprehensive documentary history of the property to Fargen Surveyors. Attorney Martinez has met and conferred with Ker Fargen of Fargen Surveyors to secure a time line of the project. The project is anticipated to be completed by March 13, 2015. All legal descriptions of Mineral interests have been secured and will be listed in the Inventory and Appraisal along with a corresponding ownership percentage in the same mineral interests.	
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt	In light of the above, Mr. Martinez is in the position of submitting the Final Inventory and Appraisal to the Probate Referees of Fresno County and Santa Barbara County upon receipt of the legal descriptions from Fargen Surveys and submittal of the same to the Recorder's Office of Santa Barbara County. This date is anticipated to be March 23, 2015.	
CI Report		
9202 Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: LV
		Reviewed on: 05/11/2015
		Updates:
		Recommendation:
		File 13 - Durley

DOD: 09/13/14	JAMES M. BAKER , Administrator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
	Accounting is waived.	
Cont. from	I & A - \$188,000.00	
Aff.Sub.Wit.	POH - \$134,591.84 (all cash)	
<input checked="" type="checkbox"/> Verified	Administrator - \$6,640.00 (statutory)	
<input checked="" type="checkbox"/> Inventory	Attorney - \$6,640.00 (statutory)	
<input checked="" type="checkbox"/> PTC	Closing - \$1,000.00	
<input checked="" type="checkbox"/> Not.Cred.	Distribution, pursuant to intestate succession, is to:	
<input checked="" type="checkbox"/> Notice of Hrg	James M. Baker - \$60,155.92	
<input checked="" type="checkbox"/> Aff.Mail w/	James M. Baker, II - \$60,155.92	
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters 11/18/14		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
<input checked="" type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
<input checked="" type="checkbox"/> FTB Notice		
	Reviewed by: JF	
	Reviewed on: 05/06/15	
	Updates:	
	Recommendation: SUBMITTED	
	File 14 – Baker	

15 Setrak Vareldjian (Det Succ)

Case No. 14CEPR01184

Petitioner Vareldjian, Aida (Pro Per – daughter/Petitioner)

Petitioner Vareldjian, Amalia (Pro Per – daughter/Petitioner)

Amended Petition to Determine Succession to Real Property (Prob. C. 13151)

DOD: 09/20/08	AIDA VARELDJIAN and AMALIA VARELDJIAN , daughters, are Petitioners.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> Attachment 11 lists the legal description of the real property seeking to be passed with this Petition but does not state the street address or decedent's interest in the property (e.g. 100%, 50%, etc.). The Inventory & Appraisal does not list a legal description, only the street address, therefore it is not clear that the property on the Inventory & Appraisal is the same as that listed on Attachment 11. Need Revised Inventory & Appraisal and Attachment 11. The Petition indicates that the decedent was divorced or never married, however the death certificate lists Nunik Aslanyan as decedent's wife. It is noted that Petitioners previously provided a copy of a status dissolution judgment from 1999. It is unclear whether the decedent was re-married due to his death certificate listing Ms. Aslanyan as his wife. The court may require more information. Need <i>Notice of Hearing</i>. Need proof of service by mail at least 15 days before the hearing of <i>Notice of Hearing</i> to all interested parties (all persons listed on attachment 9).
Cont. from	40 days since DOD	
<input type="checkbox"/> Aff.Sub.Wit.	No other proceedings	
<input checked="" type="checkbox"/> Verified	I&A: \$145,000.00 (real property located at 3012 W. San Jose in Fresno)	
<input checked="" type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input type="checkbox"/> Notice of Hrg	x Decedent died intestate	
<input type="checkbox"/> Aff.Mail	x Petitioners request Court determination that the decedent's real property passes to them in one-half undivided interests each.	
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<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 checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: JF
		Reviewed on: 05/06/15
		Updates:
		Recommendation:
		File 15 – Vareldjian

Petitioner Robinson, Eric (Pro Per – Brother – Petitioner)

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

Ronnie, age 17	TEMPORARY EXPIRES 05/11/2015		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. 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:</p> <ul style="list-style-type: none"> • Ronnie Wade, Sr. (Father of Ronnie) • Bryan Lloyd Cockfield (Father of Bryan)
Bryan, age 13	ERIC ROBINSON, Brother, is Petitioner.		
	<u>Please see petition for details</u>		
Cont. from			
<input type="checkbox"/> Aff.Sub.Wit.			
<input checked="" type="checkbox"/> Verified			
<input type="checkbox"/> Inventory			
<input type="checkbox"/> PTC			
<input type="checkbox"/> Not.Cred.			
<input checked="" type="checkbox"/> Notice of Hrg			
<input type="checkbox"/> Aff.Mail			
<input type="checkbox"/> Aff.Pub.			
<input type="checkbox"/> Sp.Ntc.			
<input checked="" type="checkbox"/> Pers.Serv.	w/		
<input checked="" type="checkbox"/> Conf. Screen			
<input checked="" type="checkbox"/> Letters			
<input checked="" type="checkbox"/> Duties/Supp			
<input type="checkbox"/> Objections			
<input type="checkbox"/> Video Receipt			
<input checked="" type="checkbox"/> CI Report			
<input type="checkbox"/> 9202			
<input checked="" type="checkbox"/> Order			
<input type="checkbox"/> Aff. Posting			
<input type="checkbox"/> Status Rpt			
<input checked="" type="checkbox"/> UCCJEA			
<input type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice			
			Reviewed by: LV
			Reviewed on: 05/07/2015
			Updates:
			Recommendation:
			File 16 – Wade & Cockfield

17 Katherine Dickinson (Estate) Case No. 15CEPR00265
Atty Dowling, Michael P (for Ruth A. Shepherd & Margaret L. Skinner – Petitioners – Daughters)
 Amended Petition for Probate of Will and for Letters Testamentary; Authorization to
 Administer Under IAEA (Prob. C. 8002, 10450)

DOD: 01/29/2015		RUTH A. SHEPHERD, and MARGARET L. SKINNER , daughters/named co-executors without bond are petitioners.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Proposed personal representatives are residents of Texas and Georgia. Probate Code § 8571 states notwithstanding a waiver of bond, the court in its discretion may require a nonresident personal representative to give a bond in an amount determined by the court.</p> <p>Note: If the petition is granted status hearings will be set as follows:</p> <ul style="list-style-type: none"> • Monday, 06/15/2015 at 9:00a.m. in Dept. 303 for the filing of the bond and • Monday, 09/14/2015 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal and • Monday, 07/11/2016 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution. <p>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.</p>
Cont. from		Ruth A. Shepherd is a resident of Houston, Texas. Margaret L. Skinner is a resident of Dallas, Georgia.	
<input type="checkbox"/>	Aff.Sub.Wit.	s/p	
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail	w/	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		Full IAEA – o.k.	
		Will dated: 06/28/1984	
		Residence: Fresno Publication: The Business Journal	
		Estimated value of the Estate: Personal property - \$728,000.00	
		Probate Referee: Rick Smith	
		Reviewed by: LV	
		Reviewed on: 05/06/2015	
		Updates:	
		Recommendation:	
		File 17 - Dickenson	

Attorney: Leigh W. Burnside (for Petitioner Roger D. Arnold)

Petition for Order Approving Modification of Trust Terms

		ROGER D. ARNOLD is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> The proposed modifications to the trust do not provides any assurance that the disposition of the deceased spouse's share cannot be changed by the surviving spouse other than the statement in the petition that Mr. Arnold does not intend to change the disposition scheme. Need Order. Local Rule 7.1 states a proposed Order shall be submitted with all pleadings that request relief. If the proposed order is not received in the Probate Filing Clerk's Office ten (10) days before the scheduled hearing, a continuance may be required.
		Petition seeks an order approving the modification of the ROGER D. AND BETTY L. ARNOLD FAMILY TRUST . Petitioner believes that the modification will accomplish the settlors' intent as to the distribution of the trust assets to the beneficiaries and eliminate the need to fund subtrusts that are no longer necessary or helpful to administer the trust in a tax-conscious manner.	
Cont. from		Petitioner states Roger D. Arnold (Mr. Arnold) and Betty L. Arnold (Betty) established the ROGER D. AND BETTY L. ARNOLD FAMILY TRUST dated 11/7/1995, amended 12/18/2002, and amended 8/19/2010. Mr. Arnold and Betty had two children of their marriage; namely, Scott D. Arnold (Scott) and Pamela D. Houck (Pamela). Both Scott and Pamela are trust beneficiaries. Betty died on 11/15/14.	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<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		
		The trust is an intervivos revocable trust created for Mr. Arnold and Betty's benefit during their joint lives. The Trust names Mr. Arnold and Betty as initial co-trustees. Upon Betty's death, Mr. Arnold became the sole trustee of the Trust. The Trust provides that upon the death of one of the settlors, the Trust was to divide into 3 subtrusts; a revocable "Survivor's Trust, and irrevocable "QTIP Trust", and an irrevocable "Credit Bypass Trust."	
		The Survivor's Trust was to consist of the surviving settlor's separate property (if any) and the surviving settlor's 1/2 interest in the settlors' community property. The surviving settlor was granted a general power of appointment to direct the disposition of the Survivor's Trust upon his or her death in a signed written instrument. If the surviving settlor did not exercise that power, the trust assets were to be added to the Credit Bypass Trust.	
		Please see additional page	
		Reviewed by: KT	
		Reviewed on: 5/7/15	
		Updates:	
		Recommendation:	
		File 18 - Arnold	

18 In Re: Roger D. and Betty L. Arnold Family Trust Case No. 15CEPR00313

The QTIP Trust was to consist of the minimum pecuniary amount necessary to eliminate or to reduce to the extent possible any federal estate tax that may be otherwise due upon the death of the first settlor to die. Upon the death of the surviving settlor, the principal of the QTIP, if any, was to be distributed to the Credit Bypass Trust.

The Credit Bypass Trust was to consist of the rest of the trust estate not made part of the Survivor's Trust and the QTIP Trust. Upon the death of the surviving settlor, the trustee was to distribute the Survivor's Trust and the QTIP Trust as set forth above, and then distribute the balance of the Credit Bypass Trust to each of the settlors' children in equal shares to be held in separate trusts for their benefit, unless and until any such child chose to exercise his or her right to withdraw all the principal of the trust as constituted. Under the terms of the Trust, a predeceased child's living issue, if any was to be entitled to his or her share of the trust estate by right of representation.

Creation of subtrusts upon the death of a settlor has historically be done for three reasons. First, under prior estate tax law, the creation of an irrevocable bypass trust after the death of the first spouse to die was needed to use both spouses' estate tax exemption. Second, passing assets to an irrevocable bypass trust protects the surviving spouse against creditors. Third, the bypass trust provides some assurance that the disposition of the deceased spouse's share cannot be changed by the surviving spouse.

In 2010, when the estate tax was temporarily repealed the Arnold's amended the Trust a second time on 8/19/10. However, given the uncertainty surrounding the direction of tax laws, and the future exemption amount, at that time, the Arnolds did not make any substantive changes to their estate plan; electing to wait to see what changes, if any, Congress made to the exclusion amount.

In 2010, the federal government enacted a law authorizing personal representatives of estates of decedent's dying on or after 1/1/11 to elect to transfer any unused estate tax exemption amount to the surviving spouse. In 2013, the American Taxpayer Relief Act of 2012 made portability a permanent feature of the tax code. Thus, in many cases, bypass trusts are often no longer a necessary element of estate plans. Unfortunately, however, Betty died sooner than anticipated; before the Arnolds could consider modifying the Trust in a manner consistent with the newly enacted permanent changes to the tax code.

In sum, given the increased exemption amount and the portability of the estate tax exemption, the creation of subtrusts is no longer necessary to minimize estate taxes for Mr. Arnold and Betty. Moreover, to the extent that Betty's assets continue to appreciate in value, passing them to an irrevocable trust will cause such assets to be excluded from Mr. Arnold's gross estate for tax purposes and eliminate the possibility of receiving stepped-up income tax basis in the assets for future generations when Mr. Arnold dies. Thus, subtrusts will likely make the family worse off from an income tax standpoint and no better off from an estate tax standpoint. In addition, eliminating the subtrusts will significantly reduce administrative costs and thus preserve more of the trust estate for future beneficiaries.

Please see additional page

18 In Re: Roger D. and Betty L. Arnold Family Trust Case No. 15CEPR00313

The persons who could negatively be impacted by the revisions proposed in this Petition are the settlor's children (Scott and Pamela) and their issue, if any. Petitioner notes, however, that he does not seek or intend to change the disposition scheme contemplated by the Trust and set forth in this Petition. Moreover, Scott and Pamela consent to the amendments proposed (signed consents have been filed).

The complete proposed modifications to the trust are outlined in the petition. In summary, the Petitioner proposes to modify the trust so that all assets remain in either the Trust itself or the Survivor's Trust. The modifications give the surviving settlor the power to unilaterally amended, revoke, or terminate the Trust in its entirety.

Wherefore, Petitioner prays for an order of this court approving the proposed modifications of the Trust as described in the Petition.

DOD: 02/17/15	ROBERT SHINTAKU, brother, is Petitioner and requests appointment as Administrator without bond.		NEEDS/PROBLEMS/COMMENTS: Note: The Court will set status hearings as follows: <ul style="list-style-type: none"> Monday, Oct. 12, 2015 at 9:00am in Dept. 303 for filing the Inventory and Appraisal Monday, Aug. 15, 2016 at 9:00am in Dept. 303 for filing the first account or petition for final distribution. If the proper items are on file prior to the status hearing dates, the status hearings may be taken off calendar.	
	Full IAEA – OK			
Cont. from	All heirs waive bond			
<input type="checkbox"/> Aff.Sub.Wit.	Decedent died intestate			
<input checked="" type="checkbox"/> Verified	Residence: Fresno			
<input type="checkbox"/> Inventory	Publication: The Business Journal			
<input type="checkbox"/> PTC	Estimated Value of the Estate:			
<input type="checkbox"/> Not.Cred.	Personal property - \$200,000.00			
<input checked="" type="checkbox"/> Notice of Hrg	Real property - 150,000.00			
<input checked="" type="checkbox"/> Aff.Mail w/	Total - \$350,000.00			
<input checked="" type="checkbox"/> Aff.Pub.	Probate Referee: STEVEN DIEBERT			
<input type="checkbox"/> Sp.Ntc.				
<input type="checkbox"/> Pers.Serv.				
<input type="checkbox"/> Conf. Screen				
<input checked="" type="checkbox"/> Letters				
<input checked="" type="checkbox"/> Duties/Supp				
<input type="checkbox"/> Objections				
<input type="checkbox"/> Video Receipt				
<input type="checkbox"/> CI Report				
<input type="checkbox"/> 9202				
<input checked="" type="checkbox"/> Order				
<input type="checkbox"/> Aff. Posting				
<input type="checkbox"/> Status Rpt				
<input type="checkbox"/> UCCJEA				
<input type="checkbox"/> Citation				
<input type="checkbox"/> FTB Notice				
				Reviewed by: JF
				Reviewed on: 05/07/15
			Updates:	
			Recommendation: SUBMITTED	
			File 19 - Shintaku	

Petition for Probate of Letters of Administration; Authorization to Administer Under IAEA

(Prob. C. 8002, 10450)

Age:		NEEDS/PROBLEMS/COMMENTS: <u>CONTINUED TO 06/17/15</u> Per request of counsel
DOD:		
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		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
Reviewed by: JF		
Reviewed on: 05/07/15		
Updates:		
Recommendation:		
File 20 - Kitchen		

21 Hazel Bacome aka Hazel M. Bacome (Estate) Case No. 15CEPR00320

Attorney Baldwin, Kenneth A. (for Leonard C. Bacome – son/Petitioner)

Petition for Probate of Will and for Letters Testamentary; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

DOD: 04/13/14		LEONARD C. BACOME , son/named Executor without bond, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Full IAEA – OK	Note: The Court will set status hearings as follows:
		Will dated 06/20/96	
Cont. from		Residence: Clovis	<ul style="list-style-type: none"> • Monday, Oct. 12, 2015 at 9:00am in Dept. 303 for filing the Inventory and Appraisal • Monday, Aug. 15, 2016 at 9:00am in Dept. 303 for filing the first account or petition for final distribution.
<input type="checkbox"/>	Aff.Sub.Wit. s/p	Publication: The Business Journal	
<input checked="" type="checkbox"/>	Verified	Estimated Value of the Estate: Personal property - \$205,000.00 Annual income - 10,000.00 Total - \$215,000.00	If the proper items are on file prior to the status hearing dates, the status hearings may be taken off calendar.
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail w/o		
<input checked="" type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters	Reviewed by: JF Reviewed on: 05/07/15 Updates: Recommendation: SUBMITTED File 21 - Bacome	
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

Attorney Haight, Rex A (for Wynn Higley – son/Petitioner)

Petition for Probate of Will and for Letters Testamentary; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

DOD: 01/18/15		<p>WYNN HIGLEY, son/named Executor without bond, is Petitioner.</p> <p>Full IAEA – OK</p> <p>Will dated 09/11/06 Codicil dated 09/03/10</p> <p>Residence: Clovis Publication: The Business Journal</p> <p>Estimated Value of the Estate: Personal property - \$194,000.00 Annual income - 6,000.00 Total - \$200,000.00</p> <p>Probate Referee: STEVEN DIEBERT</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: The Court will set status hearings as follows:</p> <ul style="list-style-type: none"> • Monday, Oct. 12, 2015 at 9:00am in Dept. 303 for filing the Inventory and Appraisal • Monday, Aug. 15, 2016 at 9:00am in Dept. 303 for filing the first account or petition for final distribution. <p>If the proper items are on file prior to the status hearing dates, the status hearings may be taken off calendar.</p>
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit. s/p		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail w/o		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		Reviewed by: JF	
		Reviewed on: 05/07/15	
		Updates:	
		Recommendation: SUBMITTED	
		File 22 - Worthington	

Petition for Conservator of Estate

Age: 62		<p><u>TEMPORARY EXPIRES 06/08/2015</u></p> <p><u>Please see petition for details</u></p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: This matter to be heard at 8:30am in Dept. 72.</p> <p>Court Investigator Advised Rights on 05/01/2015.</p> <p>1. #1c (1) – (3) was not completed regarding bond or blocked account. Probate Code §2320 states except as otherwise provided by statute, every person appointed as conservator shall, before letters are issued, give a bond approved by the court. Probate Code §2321 states Notwithstanding any other provision of the law, the court in a conservatorship proceeding may not waive the filing of a bond or reduce the amount of bond required without a good cause determination by the court that the conservatee will not suffer harm as a result of the waiver or reduction of the bond. If the court requires bond it should be set at \$79,895.20.</p>
Cont. from			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg		
	Aff.Mail	x	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
✓	Conf. Screen		
	Letters	x	
✓	Duties/Supp		
	Objections		
	Video Receipt	x	
✓	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation	n/a	
	FTB Notice		
<u>Please see additional page</u>			
Reviewed by: LV			
Reviewed on: 05/07/2015			
Updates:			
Recommendation:			
File 1 - Wolfe			

NEEDS/PROBLEMS/COMMENTS continued:

2. Need Notice of Hearing.
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 Temporary Conservator on the following:
 - Madeline Chooljian
 - Patrick Kelly Wolfe
 - Jennifer Leigh Wolfe
 - Sandra Barr
 - Michael Chooljian

Note: Notice was waived to the above parties for the temporary hearing held on 04/23/2015.

4. Need Video viewing receipt for each conservator pursuant to Local Rule 7.15.8(A).
5. Need Letters.

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

- **Monday, 06/15/2015 at 9:00a.m. in Dept. 303** for the filing of the bond (if bond is ordered) **and**
- **Monday, 09/14/2015 at 9:00a.m. in Dept. 303** for the filing of the inventory and appraisal **and**
- **Monday, 07/18/2016 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.