



## ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

**1 Edward L. Myers (Estate)**

**Case No. 03CEPR00979**

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

**Order to Show Cause RE: Failure to File a Final Account or Petition for Final Distribution**

<b>DOD: 04/05/03</b>	<b>EDWARD L. MYERS, JR. and MONIQUE M. HUTCHINGS</b> , were appointed as Co-Administrator's with Will Annexed on 08/19/03.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>CONTINUED FROM 04/14/15</b> Minute Order from 04/14/15 states: Counsel is admonished regarding the late filed status report. If the petition is not filed at least two court days prior to 06/16/15, then a status report must be filed at least two days prior and appearance by counsel and client are required.</p> <p>As of 06/11/15, nothing further has been filed in this matter.</p>
<b>Cont. from 021015, 041415</b>	<b>Letters of Administration with Will Annexed</b> were issued on 08/19/13.	
<b>Aff.Sub.Wit.</b>	<b>Inventory &amp; Appraisal</b> , partial No. 1 filed 04/08/04 - \$707,312.97	
<b>Verified</b>		
<b>Inventory</b>	<b>Inventory &amp; Appraisal</b> , final filed 04/21/04 - \$16,968.64	
<b>PTC</b>		
<b>Not.Cred.</b>	<b>Inventory &amp; Appraisal</b> , partial No. 1 corrected filed 11/10/04 - \$877,312.97	
<b>Notice of Hrg</b>	<b>Petition for Preliminary Distribution and Statutory Fees</b> filed 03/16/05 was granted on 06/02/05.	
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>	<b>Ex Parte Petition for Amended Letters</b> granted 05/30/13 ordered that Monique M. Hutchings is the sole Administrator following the death of Edward L. Myers, Jr. <b>and set this matter for status.</b>	
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>	<b>Amended Letters of Administration with Will Annexed</b> were issued on 06/05/13.	
<b>Objections</b>		
<b>Video Receipt</b>	<b>Minute Order from Probate Status Hearing Re: Failure to File a Final Account or Petition for Final Distribution</b> held on 01/09/15 set this matter for an Order to Show Cause and states: There are no appearances in this matter. The Court issues an Order to Show Cause as to why the Co- Administrators should not be removed for failure to file the Final Account or Petition for Final Distribution. Mr. Sullivan and the Co-Administrators are each ordered to be personally present in court on 02/10/15.	
<b>CI Report</b>	<b>Clerk's Certificate of Mailing</b> attached to the Minute Order indicates that a copy of the Minute Order was mailed to Robert Sullivan on 01/09/15.	
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
		<b>Reviewed on:</b> 06/11/15
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 1 - Myers</b>

**Status Report filed 04/13/15 states:** most of the property was distributed to the beneficiaries in a preliminary distribution by order of this Court on 06/02/05. The estate contains a bank account with a balance of \$152,980.00 at this time. The Court also allowed the Co-Administrators to form an LLC to hold the remaining assets of the estate, namely, four parcels of environmentally contaminated real property. Pursuant to the Court's order, the Elm & Church, LLC was formed and currently holds a bank account with a balance of \$50,000.00 as well as the four parcels of real property. At the time of decedent's death, an environmental contamination problem related to previously installed underground fuel storage tanks had been discovered and was in the process of being analyzed and remediated by the Decedent utilizing Krazan & Associates ("Krazan").

Krazan determined the existence of contamination from the underground fuel storage tanks and enrolled the property in the State of California Environmental Cleanup Fund, which reimburses property owners for expenses incurred in the identification, analysis and remediation or underground storage tank contamination. Remediation efforts on the property has been ongoing.

During the administration of the estate, Krazan determined the nature and extent of the environmental contamination and commenced procedures for the remediation of the contamination discovered. All expenses incurred by the estate in connection with the valuation and remediation of the contamination have been reimbursed by the State of California.

As reported in the Petition for Preliminary Distribution filed 03/16/05, the estate's membership interest in the LLC would continue to be held in the estate pending final resolution of the environmental concerns, since distribution of the LLC membership interest to the beneficiaries could expose the beneficiaries to the potential for individual liability, or actual individual liability. In her last status report, the Administrator reported that she thought the remediation could be completed within 3 to 4 months. However, the California Regional Water Quality Control Board – Central Valley Region ("RWQCB"), after inspection of the Property, refused to qualify the case for closure and did not provide a closing letter. The RWQCB instead requested further remediation as well as a study to determine whether current concentrations of petroleum hydrocarbon constituents ("PHCs") on the property pose a threat to human health. The Administrator asked Krazan to provide remediation proposal to the RWQCB, which it did on 02/28/14. The RWQCB has issued a statement that "case closure may be appropriate" for the property. It issued a "Pre-closure Public Notification" on 05/21/14, which stated that a "Public Notice" proposing the site closure would be mailed to certain interested parties. The Notification stated that the case would be open for public comment until July 20, 2014. Upon completion of the public comment period, and in the absence of substantive comments against closure, the RWQCB will perform a closure inspection of the Property and issue a case closure letter.

No comments were received from the public and the RWQCB issued a letter to Monique Hutchings stating that the wells on the property should be destroyed and the site should be restored before a closure inspection by the RWQCB would occur and a closing letter would thereafter issue. The closing letter finally issued from RWQCB on 10/13/14 and Monique Hutchings proceeded to put the property up for sale.

Administrator found a buyer for a portion of the property; however, the buyer failed to find funding for the purchase and the property fell out of escrow. Furthermore, the tenant currently on the property is seriously delinquent on his rent and Administrator has begun eviction proceedings against him in Fresno Superior Court (15CECL01269). The property should not be distributed while eviction proceedings are proceeding and part of the property is left unsold. Therefore a 2 month continuance is requested in order to allow time to facilitate a sale of the property and prepare and file the Petition for Final Distribution.

**Final Account and Report of Administrator and Petition for Settlement and for Final Distribution and for Payment of Statutory Fees to Personal Representative.**

<b>DOD: 5/12/14</b>	<b>DORIS BRADSHAW</b> , Successor Administrator, is petitioner.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <ol style="list-style-type: none"> <li>1. This estate was re-opened using a fee waiver. Filing fees are considered costs of administration and therefore must be paid prior any distribution to heirs. Filing fees owed include \$435.00 to re-open the estate and an additional \$435.00 for this Final Distribution petition. <b>The total filing fees owed are \$870.00.</b></li> <li>2. After payment of the filing fees, distribution to each heir will be \$6,110.43. Need amended petition to include the filing fee and revised distribution. The amended petition will need to be served on all parties.</li> <li>3. Need proof of service of the Notice of Hearing on Hollis PL Johnson (creditor)</li> <li>4. Order does not comply with Local Rule 7.6.1. The order must include the names of each creditor with the specific amount each is to receive in satisfaction of their claim.</li> </ol>
	This estate was re-opened in order to complete the processing of the claim on behalf of the decedent in the Black Farmers Discrimination Litigation.	
<b>Cont. from</b>	Account period: 1/28/15 – 5/1/15	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	Accounting - <b>\$62,508.91</b>	
<input checked="" type="checkbox"/> <b>Verified</b>	Beginning POH - <b>\$0</b>	
<input checked="" type="checkbox"/> <b>Inventory</b>	Ending POH - <b>\$50,008.91</b>	
<input type="checkbox"/> <b>PTC</b>	Administrator (statutory) - <b>\$2,500.36</b>	
<input type="checkbox"/> <b>Not.Cred.</b>	Closing - <b>\$1,000.00</b>	
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>	Petitioner proposes to pay the outstanding creditor claims that were approved but not paid totaling \$2,865.56.	
<input checked="" type="checkbox"/> <b>Aff.Mail</b> W/	<b>Proposed Distribution, pursuant to intestate succession, is:</b>	
<input type="checkbox"/> <b>Aff.Pub.</b>	Andrew Hatchett - \$6,234.71	
<input type="checkbox"/> <b>Sp.Ntc.</b>	Deloris Johnson - \$6,234.71	
<input type="checkbox"/> <b>Pers.Serv.</b>	Joyce Johnson - \$6,234.71	
<input type="checkbox"/> <b>Conf. Screen</b>	Clemmie Johnson Jr. - \$6,234.71	
<input checked="" type="checkbox"/> <b>Letters</b> 1/28/15	Debra Johnson - \$6,234.71	
<input type="checkbox"/> <b>Duties/Supp</b>	Pamela Johnson - \$6,234.71	
<input type="checkbox"/> <b>Objections</b>	Patrick Johnson - \$6,234.71	
<input type="checkbox"/> <b>Video Receipt</b>		
<input type="checkbox"/> <b>CI Report</b>		
<input type="checkbox"/> <b>9202</b>		
<input checked="" type="checkbox"/> <b>Order</b>		
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>		
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		
	<b>Reviewed by:</b> KT	
	<b>Reviewed on:</b> 6/10/15	
	<b>Updates:</b>	
	<b>Recommendation:</b>	
	<b>File 2 - Johnson</b>	

**3 Ruby Taylor (Det Succ) Case No. 10CEPR00692**

Petitioner Emery, Debra M. (pro per – daughter)  
 Petitioner Wadford, Regina (pro per – daughter)

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

<b>DOD: 06/23/09</b>	<b>DEBRA EMERY and REGINA WADFORD</b> , daughters, are Petitioners.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
	40 days since DOD	<b>CONTINUED FROM 05/12/15</b>
<b>Cont. from 051215</b>	No other proceedings.	<b>Minute Order from 05/12/15 states: Examiner notes provided in open court. The Court direct that if a new petition is filed, it is to be set on 06/16/15 as well.</b>
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	I & A – <b>not attached to Petition.</b>	<b>As of 06/11/15, nothing further has been filed and the following notes remain:</b>
<input checked="" type="checkbox"/> <b>Verified</b>		
<input type="checkbox"/> <b>Inventory</b>	Will dated – <b>not attached to the Petition.</b>	<b>Note:</b> Petitioners previously filed a Petition to Determine Succession in 2011, however they did not appear at the hearing and the matter was taken off calendar.
<input type="checkbox"/> <b>PTC</b>		
<input type="checkbox"/> <b>Not.Cred.</b>	Petitioners request Court determination that real property located at <b>[NEED ATTACHMENT 11]</b> pass to then pursuant to decedent's will <b>[NEED COPY OF WILL]</b> .	Need amended Petition with all relevant attachments due to, but not limited to, the following: 1. Petitioners are using an outdated form. Form DE-310 was revised July 1, 2012. The most current form should be used. 2. The Petition is not marked at item 9(a)(3) regarding issue of a predeceased child. 3. Petitioners do not attach an Inventory & Appraisal to the Petition. It is noted that an Inventory & Appraisal was filed 01/25/11 in connection with Petitioner's previous petition; however, a copy of the Inventory & Appraisal being relied upon for this Petition should be attached. 4. The Petition is missing attachment 11 which is to contain the legal description and APN of the property seeking to be passed with this petition. 5. The Petition is missing a copy of the will, which should be attached. It is noted that a will dated 08/19/97 was included with the previous petition, however a copy of the will being relied upon for this petition should be attached. 6. Need <i>Notice of Hearing</i> and proof of service by mail at least 15 days before the hearing of <i>Notice of Hearing</i> to all persons listed in item 14. 7. Need Order.
<input type="checkbox"/> <b>Notice of Hrg</b>		
<input type="checkbox"/> <b>Aff.Mail</b>		
<input type="checkbox"/> <b>Aff.Pub.</b>		
<input type="checkbox"/> <b>Sp.Ntc.</b>		
<input type="checkbox"/> <b>Pers.Serv.</b>		
<input type="checkbox"/> <b>Conf. Screen</b>		
<input type="checkbox"/> <b>Letters</b>		
<input type="checkbox"/> <b>Duties/Supp</b>		
<input type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>		
<input type="checkbox"/> <b>CI Report</b>		
<input type="checkbox"/> <b>9202</b>		
<input type="checkbox"/> <b>Order</b>		
<input type="checkbox"/> <b>Aff. Posting</b>		<b>Reviewed by:</b> JF
<input type="checkbox"/> <b>Status Rpt</b>		<b>Reviewed on:</b> 06/11/15
<input type="checkbox"/> <b>UCCJEA</b>		<b>Updates:</b>
<input type="checkbox"/> <b>Citation</b>		<b>Recommendation:</b>
<input type="checkbox"/> <b>FTB Notice</b>		<b>File 3 – Taylor</b>

Petitioner

Shalon Moon (Pro Per – Mother – Petitioner)

Guardian

Dianna Jeanne Decoste (Pro Per – Paternal Grandmother – Guardian)

**Petition for Termination of Guardianship**

		See petition for details.	<b>NEEDS/PROBLEMS/ COMMENTS:</b>  1. Need proof of service of Notice of Hearing at least 15 days prior to the hearing per Probate Code §1460(b)(5) on all relatives: - Dianna Decoste (Guardian) - Amir White (Father) - Paternal Grandfather - Marvell Moon (Maternal Grandfather) - Virginia Moon (Maternal Grandmother) - Siblings age 12 or older	
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg			x
	Aff.Mail			
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
✓	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: skc	
			Reviewed on: 6/10/15	
			Updates:	
			Recommendation:	
			File 4 - White	

**6 Ivone Carlson (Estate)**

**Case No. 13CEPR00294**

**Atty Hinshaw, Caroline K. (for Mark Reiff – Executor – Petitioner)**

**Atty Teixeira, J. Stanley (for Scott Raven – Objector)**

**Petition for Instructions**

<b>DOD: 3-29-13</b>	<b>See petition for details.</b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		<u>Minute Order 5/12/15</u> : Mediation has been arranged and is scheduled for 5/21/15. If the matter is settled and no hearing is necessary, both attorneys shall contact the clerk via email so that the matter can come off calendar on 6/16/15.
		<u>Status Report filed 6/10/15 by Attorney Hinshaw states</u> a note memorandum settlement was reached, providing that Justice Dibiaso act as the informal binding dispute resolution neutral with respect to the settlement. The transaction contemplated by the settlement is scheduled to occur by 6/22/15. Ms. Hinshaw requests continuance of status hearing subsequent to that date in the hope that the status hearing will be rendered moot by a final settlement.
		<u>Status Report filed 6/11/15 by Attorney Teixeira states</u> he sent an email on 6/8/15 inquiring whether any objections to the notice of proposed action had been received and informing that escrow would open upon receipt of the long form agreement. Email response indicated that she had not yet reviewed the agreement and would advise in a few days.
		<u>Note</u> : The Order Settling Executor’s First Account entered 12-8-14 authorized continuation of the administration for up to one year. A status hearing was set for 1-11-16 for the filing of the Second and Final Account.
		<b>Reviewed by:</b> skc
		<b>Reviewed on:</b> 6/10/15
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 6 - Carlson</b>
<b>Cont from 020315, 031015, 051215</b>		
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/> <b>Verified</b>		
<input type="checkbox"/> <b>Inventory</b>		
<input type="checkbox"/> <b>PTC</b>		
<input type="checkbox"/> <b>Not.Cred.</b>		
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>		
<input checked="" type="checkbox"/> <b>Aff.Mail</b>	W	
<input type="checkbox"/> <b>Aff.Pub.</b>		
<input type="checkbox"/> <b>Sp.Ntc.</b>		
<input type="checkbox"/> <b>Pers.Serv.</b>		
<input type="checkbox"/> <b>Conf. Screen</b>		
<input type="checkbox"/> <b>Letters</b>		
<input type="checkbox"/> <b>Duties/Supp</b>		
<input checked="" type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>		
<input type="checkbox"/> <b>CI Report</b>		
<input type="checkbox"/> <b>9202</b>		
<input checked="" type="checkbox"/> <b>Order</b>		
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>		
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		

Attorney Bagdasarian, Gary G. (for Linda Plitt – daughter)  
 Attorney Barkinskaya, Jennie (for Conservatee)  
 Attorney Jenkins, Shani D (for Mick Loeffler – son)  
 Attorney Downing, Marcella and McLaughlin, William T. (for Diane Huerta – daughter/Petitioner)  
 Attorney Johnson, Summer A (for Bruce Bickel – temporary conservator of the estate/trustee)

**Probate Status Hearing**

	On 08/19/13, <b>DIANE HUERTA</b> , daughter of Trustor's Fred and Kathleen Loeffler, filed a Petition to Determine the Validity of the Trust Modifying the Trust, Removing Trustees, Appointing Trustees, Instructing the Trustee, Compelling Redress of Breach of Trust, and Preliminary Injunction and Prohibition of Further Distributions to Mick Loeffler.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
	Since 08/19/13, the parties have engaged in numerous settlement talks, mediation, and several hearings have been heard before this court.	
	On 04/28/15, Diane Huerta, filed a Notice of Motion and Motion to Disqualify Conservatees' Attorneys of Record. The matter was heard on 06/10/15 and the Court has taken the matter under submission.	
	<b>Status Report</b> filed 06/11/15 by Jennie Barkinskaya, attorney for Fred and Kathleen Loeffler, states: The Loefflers do not object to Petitioner Diane Huerta's request to not vacate the trial and hearing dates this matter and the related conservatorship matters. The parties are awaiting the Court's ruling on Diane Huerta's Motion to Disqualify Conservatees' Attorneys of Record.	
<b>Cont. from</b>		
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
		<b>Reviewed by:</b> JF
		<b>Reviewed on:</b> 06/11/15
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 7 - Loeffler</b>

**8 Marilyn Tutunjian Bypass Trust (Trust)**

**Case No. 13CEPR00912**

Attorney Simonian, Jeffrey D., for Trustee Karnie H. Tutunjian

**Probate Status Hearing for Failure to Submit the Order After Hearing for Hearing on 12/2/2013**

<b>DOD: 11/3/2009</b>		<p><b>KARNIE H. TUTUNJIAN</b>, surviving Settlor, acting Trustee, and sole Beneficiary of the <b>MARILYN TUTUNJIAN BYPASS TRUST</b>, filed a <i>Petition for Termination of Irrevocable Trust</i> on 10/15/2013.</p> <p><b>Minute Order dated 12/2/2013</b> shows the petition was granted, with the Order is to be signed ex parte.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. Need proposed Order Terminating Irrevocable Trust pursuant to <i>Minute Order</i> dated 12/2/2013 granting the <i>Petition</i>.</p> <p><b>Note:</b> Follow-up email communications to the Attorney regarding submission of the proposed order have proved unsuccessful since the first attempt on 3/3/2014.</p>
<b>Cont. from</b>			
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input type="checkbox"/>	<b>Verified</b>		
<input type="checkbox"/>	<b>Inventory</b>		
<input type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>		
<input type="checkbox"/>	<b>Notice of Hrg</b>		
<input type="checkbox"/>	<b>Aff.Mail</b>		
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input type="checkbox"/>	<b>Letters</b>		
<input type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input type="checkbox"/>	<b>Order</b> <input checked="" type="checkbox"/>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		
		<p><b>Reviewed by:</b> LEG</p> <p><b>Reviewed on:</b> 6/11/15</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 8 - Tutunjian</b></p>	



**10 Paris Phillips (GUARD/P)**

**Case No. 14CEPR00351**

Atty Ruiz, Richard A. (for Rose Hess – Paternal Great-Grandmother – Petitioner)

Atty Phillips, Robert (Pro Per – Father)

Atty Weikel, Jennifer (Pro Per – Mother – Objector)

**Petition for Appointment of Guardian of the Person**

		See petition for details.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><u>Note:</u> Minute Order 5/5/15 states the matter is not being set for trial at this time. The Court set this hearing (5/15/15) for reconsideration of temporary and general guardianship.</p>
<b>Cont. from 040715</b>			
<input type="checkbox"/>	Aff.Sub.Wit.		
<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: skc	
		Reviewed on: 6/10/15	
		Updates:	
		Recommendation:	
		File 10A - Phillips	

Atty Alegria, Eddie (Pro Per – Petitioner – Cousin)  
 Atty Dominguez, Pablo III (Pro Per – Father of Nevaeh – Objector)

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

		<b>TEMPORARY AS TO NAVAEH EXPIRES 06/16/2015</b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		<b>EDDIE ALEGRIA</b> , cousin, is petitioner.	<b>The following issues remain:</b>
		<u>Please see petition for details</u>	1. Need Notice of Hearing.
Cont. from 081414, 101414, 011315, 022415, 040715, 051215			2. Need proof of personal service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for: <ul style="list-style-type: none"> <li>Pablo Dominguez, III (Father of Nevaeh) – Unless the Court dispenses with notice</li> </ul>
	Aff.Sub.Wit.		<b>Note:</b> Declaration of Due Diligence filed 12/11/2014 states she does not know him. The day he came to take the child he gave her his number but because she never got an answer she assumed it was the wrong number. <ul style="list-style-type: none"> <li>Chrissy Quair (Mother)-Unless the Court dispenses with notice.</li> </ul>
✓	Verified		<b>Note:</b> Affidavit of Unsuccessful Service filed 05/29/2015 Deputy Tom Cozby states this service was unsuccessful because the defendant moved.
	Inventory		3. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for: <ul style="list-style-type: none"> <li><b>Paternal Grandfather of Nevaeh (Not Listed)</b></li> <li><b>Maylou Dick (Paternal Grandmother)</b></li> <li><b>Maternal Grandfather (Not Listed)</b></li> <li><b>Maternal Grandmother (Not Listed)</b></li> </ul>
	PTC		
	Not.Cred.		
	Notice of Hrg	x	
	Aff.Mail	x	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.	x	
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
✓	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		
			<b>Reviewed by:</b> LV
			<b>Reviewed on:</b> 06/10/2015
			<b>Updates:</b>
			<b>Recommendation:</b>
			<b>File 11 – Gayten &amp; Dominguez</b>

Probate Status Hearing Re: Filing of the Account

	<b>CHRISTOPHER NEAL</b> petitioned the Court requesting the Court:	<b>NEEDS/PROBLEMS/COMMENTS:</b>
<b>Cont. from</b>		
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202 Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
	<p>1. Compel Jennifer O'Lane to provide an accounting of her actions as agent under the power of attorney;</p> <p>2. Compelling Jennifer O'Lane to deliver Petitioner's property to him;</p> <p>3. Finding that Jennifer O'Lane breached her fiduciary duty to Petitioner under the power of attorney;</p> <p>4. Requiring Jennifer O'Lane to pay double damages;</p> <p>5. Finding Jennifer O'Lane and Michael O'Lane are constructive trustees of the Petitioner's property;</p> <p>6. Requiring Jennifer O'Lane to pay Petitioner's reasonable attorney fees and costs in this matter.</p> <p>On 12/18/14 the Court made an order requiring Jennifer O'Lane to prepare and file an account of her actions as agent under the power of attorney within 60 days of the 12/18/14 hearing date.</p> <p><b>Minute order dated 5/12/15</b> states Mr. Barco represents that the accounting has not been completed due to Ms. O'Lane's high risk pregnancy. He further represents that the accounting will be filed within 30 days. Mr. Janisse requests that the matter be set for trial. Ms. O'Lane and her counsel are ordered to be personally present in court on 6/16/15. If the petition is not filed, the Court will consider imposing sanctions.</p>	<p>1. <b>Need accounting or current written status report</b> 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>
		<b>Reviewed by:</b> KT
		<b>Reviewed on:</b> 6/10/15
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 14 - Neal</b>



**Page 2**

A meet and confer letter was sent via fax, email, and regular mail on 4/24/15. Omid Babakhanifar, the Director and Administrator of Sunshine, faxed a letter stating, among other things, "I regret to inform you that your request to produce the above documents has been denied." A second meet and confer letter was sent 4/27/15 encouraging them to seek legal counsel, and explaining that she did not merely "request" documents but rather issued a subpoena under California law. Sunshine replied to the letter on 4/30/15, but still refused to comply with the subpoena, still mischaracterizing the Deposition Subpoena as a "request" to release medical records.

Neither Sunshine nor anyone on their behalf filed for a protective order or moved to quash the subpoena. Sunshine still has not complied and the date for trial is quickly approaching.

**Opposition filed 6/8/15 by Sunshine Home Care and Evelyn Babakhanifar states** the records are actually those of Mr. Pirie and not Sunshine. Mr. Babakhanifar immediately upon getting the subpoena contacted the Public Guardian and the attorney for Mr. Pirie. He was told the county would take care of the subpoena and not to turn over the files. However, the county failed to file an objection on behalf of Mr. Pirie to protect Mr. Pirie and Sunshine.

Objectors states Sunshine (the Babakhanifars) are not in contempt as they reasonably believed the county had taken over the responsibility for responding to the subpoena after promises from both the Public Guardian and the County Counsel that they would respond to the demand; the documents were delivered to the County as representing the interests of Mr. Pirie who held the right to disclose or not disclose; and the County delivered the documents to the attorney for Ms. Young after purportedly objecting (orally) to the disclosure.

Opposition cites authority and states given the confidentiality and the county's initial objection to providing the documents to the contestant, it is surprising that neither the public guardian nor county counsel nor attorney for Mr. Pirie filed any objections to the subpoena given the apparent failure of the moving party's attorney to sign the subpoena. While statute requires interested parties to file motions to quash, none did and purportedly would have allowed possible irrelevant and immaterial documents to be delivered to counsel for contestant. It was only the Babakhanifars who felt compelled to protect Mr. Pirie and their trust in the county to respond. Now, the Public Guardian, the County Counsel, and counsel for Mr. Pirie are throwing the Babakhanifars under the bus by refusing to step up and commit in writing to the court that it is their obligation to defend and hold the Babakhanifars harmless from the claims for sanctions from the attorney for Contestant Young.

The Opposition concludes that apparently no one was interested in protecting Mr. Pirie's rights except the Babakhanifars. Failure of the Public Guardian and County Counsel to file objections to the subpoena put them in an impossible situation. In hindsight, it would have been better had they not trusted the county but instead contacted counsel early on, but it was reasonable for Omid Babakhanifar to rely on the county's representations and instructions.

This is not a case of blindly violating a valid subpoena. Clearly there was no intent to violate any order and there is no basis to hold the Babakhanifars in contempt of court, requiring them to pay Contestant's counsel. Certainly if that be the case then "no good deed goes unpunished." Let the county pay any sanction money.

Page 3

**Attorney Petty filed Reply to Opposition on 6/10/15** that states Sunshine has still not complied with the Deposition Subpoena. In her declaration filed with the court on 5/18/15, she requests sanctions of \$3,090.80 for her attorney time and copy charges. That request is hereby amended to include an additional \$577.40 for additional time and copy charges. Her client is entitled to \$3,683.00.

**Examiner's Note: Attorney fees are subject to petition and Court authorization pursuant to Probate Code §2640 et seq. Please also see Local Rules re copy charges considered cost of doing business and not reimbursable.**

**16A Kenneth Harold Moore (Estate)**

**Case No. 15CEPR00081**

Attorney: Jeffrey B. Pape (for Petitioner Harold Rick Moore, son)

Attorney: Steven P. Braccini; Brian Wilson, of Palo Alto (for Respondent Kenneth Randolph Moore, son)

Attorney: Mark S. Poochigian (also for Respondent Kenneth Randolph Moore, son)

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

<b>DOD: 7/14/2014</b>	<b>HAROLD RICK MOORE</b> , son, and second named Executor without bond, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		<b>Page 18</b> is the related <i>Moore Family Trust</i> , 15CEPR00111.
	Full IAEA — OK	<b>Page 16B</b> is the <i>Petition for Letters of Special Administration</i> filed 5/7/2015 by Petitioner Harold Rick Moore seeking the appointment of Bruce Bickel.
<b>Cont. from 051415</b>	<b>Lost Will Dated:</b> 4/10/2001	<b>Continued from 5/14/2015</b> to meet up with the petition for special administration.
<input type="checkbox"/> <b>Aff.Sub.Wit.</b> <small>S/P</small>	Residence — Fresno	1. Probate Code § 8223 provides a petition for probate of a lost or destroyed will shall include a written statement of the testamentary words or their substance, and that if the will is proved, the provisions of the will shall be set forth in the order admitting the will to probate. Pursuant to Probate Code § 8223, need revised proposed order containing the provisions of the lost Will.
<input checked="" type="checkbox"/> <b>Verified</b>	Publication — Business Journal	
<input type="checkbox"/> <b>Inventory</b>		
<input type="checkbox"/> <b>PTC</b>	<b>Estimated value of the Estate:</b>	
<input type="checkbox"/> <b>Not.Cred.</b>	Personal property - <b>\$300,000.00</b>	
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>	<b>Total</b> <b>\$300,000.00</b>	
<input checked="" type="checkbox"/> <b>Aff.Mail</b> <small>W/I</small>	Probate Referee: <b>Rick Smith</b>	
<input checked="" type="checkbox"/> <b>Aff.Pub.</b>	<b>Petitioner states:</b>	
<input type="checkbox"/> <b>Sp.Ntc.</b>	<ul style="list-style-type: none"> <li>Decedent's pour over Will conveyed assets to the <b>MOORE FAMILY TRUST dated 4/10/2001</b>, which provided that Decedent's assets were to be distributed in 5 equal shares to Decedent's children;</li> <li>After Decedent's stroke in 2011, the Will and the <b>MOORE FAMILY TRUST</b> were in physical possession of Decedent's son, <b>KENNETH RANDOLPH (RANDY) MOORE</b>, who was named executor;</li> </ul>	
<input type="checkbox"/> <b>Pers.Serv.</b>	<b>~Please see additional page~</b>	<b>Note: If Petition is granted, Court will set Status Hearings as follows:</b>
<input type="checkbox"/> <b>Conf. Screen</b>		<ul style="list-style-type: none"> <li><b>Thursday, November 19, 2015 at 9:00 a.m. in Dept. 303 for the filing of final inventory and appraisal; and</b></li> <li><b>Thursday, August 18, 2016 at 9:00 a.m. in Dept. 303 for the filing of first account and/or petition for final distribution.</b></li> </ul>
<input checked="" type="checkbox"/> <b>Letters</b>		Pursuant Local Rule 7.5, if the documents noted above are filed 10 days prior to the dates listed, the hearings will be taken off calendar and no appearance will be required.
<input checked="" type="checkbox"/> <b>Duties/Supp</b>		
<input checked="" type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>		
<input type="checkbox"/> <b>CI Report</b>		
<input type="checkbox"/> <b>9202</b>		
<input checked="" type="checkbox"/> <b>Order</b>		
<input type="checkbox"/> <b>Aff. Posting</b>		<b>Reviewed by:</b> LEG
<input type="checkbox"/> <b>Status Rpt</b>		<b>Reviewed on:</b> 6/11/15
<input type="checkbox"/> <b>UCCJEA</b>		<b>Updates:</b>
<input type="checkbox"/> <b>Citation</b>		<b>Recommendation:</b>
<input type="checkbox"/> <b>FTB Notice</b>		<b>File 16A – Moore</b>

Petitioner states, continued:

- Randy then caused to be created and presented to his incapacitated father (Decedent) an irrevocable trust entitled the "**KENNETH HAROLD MOORE IRREVOCABLE TRUST dated 4/7/2011**" which was intended to alter the disposition of the Decedent's assets by excluding all of Decedent's children and leaving the entirety of the estate to Randy;
- Randy has filed a lawsuit in Santa Clara County in an effort to obtain possession of all of Decedent's assets;
- Randy is disqualified to act as executor of the estate under Probate Code § 8502(d) and (e);
- As the named executor has already filed a lawsuit claiming that all of the assets of Decedent belong to the **KENNETH HAROLD MOORE IRREVOCABLE TRUST dated 4/7/2011** rather than being poured over into the **MOORE FAMILY TRUST dated 4/10/2001**, he cannot possibly protect the probate estate, the beneficiaries of the probate estate, and the **MOORE FAMILY TRUST**;
- The conflict goes to the very heart of his ability to act as a fiduciary; as such, the second named executor Petitioner **HAROLD RICK MOORE (Rick)** should be named as the executor.

**Response to Petition for Probate of Will and for Letters Testamentary filed by KENNETH RANDOLPH MOORE on 5/12/2015 states:**

- There is simply no need to open a probate regarding the Decedent's estate because Decedent died with a trust to which the Decedent manifested his intent to transfer his assets;
- Decedent's Trust is the subject of 3 pending matters (2 in Santa Clara: a Heggstad Petition filed by Respondent and a Petition to invalidate Trust as restated in 2011 filed by Petitioner and his sisters; and 1 in Fresno 15CEPR00111);
- Respondent asserts that the **KENNETH HAROLD MOORE IRREVOCABLE TRUST dated 4/7/2011** ("2011 Trust") contains the operative terms of the trust, whereas Petitioner alleges that the **MOORE FAMILY TRUST dated 4/10/2001** ("2001 Trust") contains the operative terms of the trust;
- While this dispute is litigated, opening a probate is unnecessary because there are no assets that need management by a personal representative due to the fact that Respondent, as Trustee, is the Decedent's successor-in-interest; there is no need to open a probate in this matter, or to appoint a Special Administrator pending adjudication of this petition, at least not until the other matters regarding the Trust are adjudicated;
- Even assuming a probate should be opened now, Respondent is nominated as executor under the 2011 Will, so he should be appointed executor;
- Respondent is not disqualified from being appointed, as Decedent knew of any purported conflict in Respondents' appointment and acquiesced;
- **Respondent respectfully requests this Court issue an order either (1) denying this petition without prejudice, or (2) staying or abating this action until the other matters regarding the Trust are adjudicated;**
- *[Please refer to pages 3 to 6 for complete Response];*
- **To the extent the Court is inclined to do anything other than summarily deny this Petition or issue an order abating or staying this action, Respondent respectfully requests an evidentiary hearing to proffer documentary and testimonial evidence upon direct and cross-examination to refute the allegations.**

*~Please see additional page~*

**Declaration of Jeffrey B. Pape filed 5/13/2015** details a number of incidents over the years which bear on the fitness of **KENNETH RANDOLPH MOORE** to serve in a representative capacity in this matter; supporting documentation attached as Exhibits A through E; states in brief sum:

- On 11/24/1998, Moore was suspended from the practice of law by the CA Supreme Court, reported in State Bar Court Case No. 96-O-00625 (copy attached as Exhibit A); [Note: Respondent is on *inactive* status with the CA State Bar as of 3/11/2015; his record shows disciplinary action with actual suspension dated 12/24/1998, at which time he was not eligible to practice law, and he went back on active status effective 3/3/1999 until 3/2015];
- Moore procured a CA Uniform Statutory Form Power of Attorney from Decedent shortly after his massive stroke in January 2011 (copy attached as Exhibit B); Moore produced accountings as Decedent's agent as part of Moore's Santa Clara case, which disclose a number of actions evidencing fiduciary misconduct, including improper gifts of **\$49,000.00** not authorized by the power of attorney; improper self-dealing and unauthorized loans of **\$75,000.00** to himself, and **\$37,586.84** for a marital settlement agreement; questionable professional fees to himself of **\$67,478.50**; rent paid to Moore of **\$251,726.55**; (copy attached as Exhibit C);
- This evidence belies the idea that Moore can properly serve in a representative capacity; a special administrator will need to take legal steps to preserve the estate's claims against Moore, who cannot defend himself if this matter as he will be the defendant;
- After Decedent's second massive stroke, Moore drafted, presented, and procured from Decedent while Decedent was bedridden a trust in April 2011; the 2011 Trust purportedly disinherits the Decedent's four other children in contravention of long-standing estate planning plans distributing the Decedent's estate pro rata among his children; as a result, Moore has filed in Santa Clara Superior Court a Petition for Order Determining Title to Property, seeking to establish his ownership of 3 valuable lawsuits [titles omitted]: 1 suit in the US District Court, Western Division of Louisiana; and 2 suits in the Court of Chancery in the State of Delaware; in one of the suits, Moore falsely claimed he was the real party in interest, not Decedent, apparently to receive benefits of the cell tower litigation;
- Attached as *Exhibit E* is a letter dated **5/12/2015** from **MICHAEL A. PULLARA**, attorney on behalf of Decedent in the 3 lawsuits, who requests the immediate appointment of a person with authority to act on Decedent's interests;
- Declarant believes Moore is currently in default and violation of support order to his ill former spouse, **SHEILA THOMAS**, claiming that he is "broke" [Please refer to Declaration of **SHEILA THOMAS** filed 5/13/2015];
- While **RONALD DEAN MOORE** is also listed in Decedent's Will as a nominee to act as executor, for a number of years he has acted as a plaintiff in the myriad of ADA lawsuits filed by Moore and his firm, thus Ronald Moore has an irreconcilable financial interest with Moore which calls into question his ability to act neutrally.

**Declaration of SHEILA THOMAS filed 5/13/2015** states she is the former spouse of Kenneth Randolph Moore, they were married on 12/27/1975, and on 11/6/2000 she filed a petition for the dissolution of their marriage in Santa Clara Superior Court [case number omitted]; on 11/6/2000, they entered into a Marital Settlement Agreement which includes an award of Spousal Support whereby Kenneth Randolph Moore is to pay her \$2,800.00 per month spousal support commencing 8/1/2001; they signed an addendum on 9/27/2001 whereby he was to maintain health coverage for her (copy of court-approved judgment entered 11/5/2001 attached as Exhibit A); when alimony was not received for April 2015, she attempted to contact Kenneth Randolph Moore, was unable to reach him, but reached his current spouse and his attorney, **TANYA MOORE**, who stated he was very ill and broke, and that his only source of income is social security and therefore he could not make alimony payments or health care premiums.

**Attorney: Jeffrey B. Pape (for Petitioner Harold Rick Moore, son)**

**Attorney: Steven P. Braccini; Brian Wilson, of Palo Alto (for Respondent Kenneth Randolph Moore, son)**

**Attorney: Mark S. Poochigian (also for Respondent Kenneth Randolph Moore, son)**

**Petition for Letters of Special Administration**

<b>DOD: 7/14/2014</b>		<p><b>HAROLD RICK MOORE</b>, son and remainder beneficiary, is Petitioner and requests appointment of <b>BRUCE BICKEL</b> as Special Administrator without bond.</p> <p><b>Lost Will Dated:</b> 4/10/2001</p> <p>Residence — Fresno                  Publication —</p> <p><b>Estimated value of the Estate:</b></p> <p style="text-align: center;">- <b>To Be Determined</b></p> <p><b>Petitioner states:</b></p> <ul style="list-style-type: none"> <li>• Petitioner seeks appointment of a special administrator on the grounds that the Decedent's Will is being contested, delaying appointment of a personal representative for an indeterminate time;</li> <li>• The Decedent was a party to 3 lawsuits which need to be maintained until there is a determination of the ownership of the lawsuit claims, as well as other assets, by the probate estate or a purported irrevocable trust drafted by Decedent's son Harold after Decedent suffered two massive strokes, in an attempt to disinherit his siblings;</li> <li>• Third party witnesses have required Consumer Notices be given to the estate representative prior to releasing medical records;</li> </ul> <p style="text-align: center;">~Please see additional page~</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><u>Notes:</u></p> <ul style="list-style-type: none"> <li>• Item 3(d) of the Petition states the reason that Petitioner requests bond not be required is that Petitioner originally estimated the estate at <b>\$300,000.00</b>, but that it is speculative at this time as to the value of this estate. Court may require bond to be posted by the special administrator in an estimated sum pursuant to Probate Code § 8480, unless it is waived for the special administrator under Probate Code § 8543.</li> <li>• <i>Petition</i> does not provide an estimated duration for the special administration, and proposed order and letters do not include an expiration date for the special administration. Proposed letters shall include the expiration date for the <i>Letters of Special Administration</i>, pursuant to Probate Code § 8542.</li> <li>• Petitioner requests appointment as Special Administrator with no IAEA authority and without general powers. Pursuant to Probate Code §8545 notice shall be the same as under Probate Code §8003, which includes publication under Probate Code § 8120 et seq. However, Petitioner may be appointed special administrator without the necessity of publication if Petitioner is appointed <b>with</b> bond and <b>without</b> IAEA authority and general powers.</li> </ul>
<b>Cont. from</b>			
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/>	<b>Verified</b>		
<input type="checkbox"/>	<b>Inventory</b>		
<input type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>		
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>		
<input checked="" type="checkbox"/>	<b>Aff.Mail</b> W/		
<input type="checkbox"/>	<b>Aff.Pub.</b> X		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input checked="" type="checkbox"/>	<b>Letters</b>		
<input checked="" type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		
		<p><b>Reviewed by:</b> LEG</p> <p><b>Reviewed on:</b> 6/11/15</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 16B – Moore</b></p>	

**16B First Additional Page, Kenneth Harold Moore (Estate) Case No.15CEPR00081**

**Petitioner requests:**

- The Court grant to Bruce D. Bickel the power of a special administrator under Probate Code § 8544 to do all of the following without further Court order:
  - Take possession of all of the real and personal property of the estate of the Decedent and preserve it from damage, waste and injury;
  - Collect all claims, rents and other income belonging to the estate;
  - Commence and maintain or defend suits and other legal proceedings; and
  - Sell perishable property.

**Note: If *Petition* is granted, Court will set Status Hearings as follows:**

- **Thursday, July 16, 2015 at 9:00 a.m. in Dept. 303 for filing proof of bond, if Court requires bond;**

Pursuant Local Rule 7.5, if the documents noted above are filed 10 days prior to the dates listed, the hearings will be taken off calendar and no appearance will be required.

**Dept. 303, 9:00 a.m. Tuesday, June 16, 2015**

	See petition for details.		NEEDS/PROBLEMS/COMMENTS:
			<u>Court Investigator advised rights 2/25/15.</u>
			<u>Voting rights affected – need minute order</u>
	Cont. from 31215, 041615, 051415		<u>Note: Petitioner's Second Amendment filed 4/13/15 requested appointment of the Fresno County Public Guardian instead of Petitioner; however, on 5/29/15, Attorney Krause filed a "Withdrawal of Second Amendment.</u>
	Aff.Sub.Wit.		<u>Examiner's Note: The document is signed by the attorney only and is not verified by the petitioner. It was served on interested parties, but does not describe what is being withdrawn or state specifically that Petitioner is seeking appointment himself. The Court may require clarification.</u>
	✓ Verified		The following issue remains:
	Inventory		1. Need Notice of Hearing and proof of service of Notice of Hearing with a copy of the petition (including amendments) at least 15 days prior to the hearing on the proposed Conservatee's spouse, <u>Carmen Lopez (Martinez)</u> , pursuant to Probate Code §1822(b)(1).
	PTC		2. If Public Guardian is appointed, need new Order and Letters.
	Not.Cred.		<u>Note: If granted, the Court will set status hearings as follows:</u>
	✓ Notice of Hrg		• Tuesday, Nov. 10, 2015 for filing the Inventory and Appraisal
	✓ Aff.Mail	W	• Tuesday, Sept. 13, 2016 for filing the First Account
	Aff.Pub.		If the proper items are on file prior to the status dates pursuant to Local Rules, the status hearings may come off calendar.
	Sp.Ntc.		<u>Note: Petitioner Joseph R. Martinez was appointed Temporary Conservator of the Estate on 3-12-15. The Court may require an accounting for the period of his conservatorship pursuant to Probate Code §2256. If required, the Court will also set status hearing as appropriate.</u>
	✓ Pers.Serv.	W	Reviewed by: skc
	✓ Conf. Screen		Reviewed on: 6-10-15
	✓ Letters		Updates:
	✓ Duties/Supp		Recommendation:
	Objections		File 17 - Martinez
	✓ Video Receipt		
	✓ CI Report		
	9202		
	✓ Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	✓ Citation		
	FTB Notice		

19 Anna Mae Candler (Def. Succ.)  
 Atty Isaac L. Candler (Pro Per – Son – Petitioner)  
 Atty Carl A. Candler (Pro Per – Son – Petitioner)  
 Atty Devlyn Candler (Pro Per – Daughter – Petitioner)

Case No. 15CEPR00116

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

DOD: 2/14/07	ISAAC L. CANDLER, CARL A. CANDLER, and DEVLYN CANDLER, adult children of the decedent, are Petitioners.	NEEDS/PROBLEMS/COMMENTS:
	40 days since DOD	<u>Minute Order 5/5/15</u> : No appearances. Minute Order and Examiner Notes were mailed to Petitioners on 5/5/15.
Cont from 050515	No other proceedings	1. Petition is blank at #9a(1) as to whether the decedent was divorced or never married, or whether the decedent's spouse was deceased. If the decedent's spouse is deceased, need date of death. Local Rule 7.1.1.D.
Aff.Sub.Wit.	I&A: \$150,000.00 (real property located at 2345 South Lily, Fresno, 93706)	2. Need Attachment 11, which should provide the <u>legal description</u> of the real property plus statement of <u>decedent's interest</u> in the property. Did the decedent own a 100% interest in the property?
✓ Verified	Decedent died intestate	3. The box for personal property is checked at #11, but there is no personal property included in the I&A. Need clarification.
Inventory	<b>Petitioners state</b> all siblings are claiming 100% interest in the estate.	<u>Note</u> : It appears that if the three petitioners are the decedent's only children, and the decedent was not survived by a spouse, then distribution would be in one-third undivided interests each to Isaac Candler, Carl Candler, and Devlyn Candler.
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
✓ Order		
Aff. Posting		Reviewed by: skc
Status Rpt		Reviewed on: 6/10/15
UCCJEA		Updates:
Citation		Recommendation:
FTB Notice		File 19 - Candler



Petitioner **Hall, Pamela (pro per – non-relative)**

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

<u>NO TEMPORARY REQUESTED</u>		<b>NEEDS/PROBLEMS/COMMENTS:</b>
		<p><b><u>CONTINUED FROM 05/12/15</u></b></p> <ol style="list-style-type: none"> <li>1. Need Notice of Hearing.</li> <li>2. Need proof of service at least 15 days before the hearing of Notice of Hearing with a copy of the Petition for Appointment of Guardian of the Person <u>or</u> Consent &amp; Waiver of Notice <u>or</u> Declaration of Due Diligence for:                             <ol style="list-style-type: none"> <li>a. Father – personal service required; unless diligence is found</li> <li>b. Ka Juana Rhone (mother) – personal service required; unless diligence is found, Declaration of Due Diligence filed 06/01/15 states that Petitioner went looking for the mother on the streets, but she ran away when petitioner saw her</li> <li>c. Paternal grandparents – service by mail sufficient</li> <li>d. Maternal grandfather – service by mail sufficient</li> <li>e. Annie Madison (maternal grandmother) – service by mail sufficient</li> </ol> </li> </ol>
<p><b>PAMELA HALL</b>, non-relative, is Petitioner.</p> <p>Father: <b>NOT LISTED</b> – Declaration of Due Diligence filed 06/01/15 states that the father is unknown</p> <p>Mother: <b>KA JUANA RHONE</b> – Declaration of Due Diligence filed 03/12/15 and 06/01/15</p> <p>Paternal grandparents: NOT LISTED</p> <p>Maternal grandfather: NOT LISTED Maternal grandmother: NOT LISTED (ANNIE MADISON)</p> <p><b>Petitioner states</b> [see Petition for details].</p> <p><b>DSS Social Worker Irma Rodriguez filed a report on 04/29/15.</b></p>		
<b>Cont. from</b>		
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		<b>Reviewed by:</b> JF
		<b>Reviewed on:</b> 06/11/15
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 22 - Rhone</b>

**Petition for Appointment of Guardian**

		<p><b>THERE IS NO TEMPORARY. Temporary was withdrawn.</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p>
		<p><b>ANABELLA CALDERON IBARRA</b>, minor, is petitioner.</p>	<p>1. Need proof of service of the Notice of Hearing along with a copy of the petition or consent and waiver of notice or declaration of due diligence on:</p> <ul style="list-style-type: none"> <li>a. Unknown paternal grandparents</li> <li>b. Unknown maternal grandparents</li> <li>c. Maria Calderon Ibarra (sister)</li> <li>d. Maria del Carmen Calderon Ibarra (sister)</li> <li>e. Leonel Calderon Ibarra (brother)</li> <li>f. Imelda Calderon Ibarra (sister)</li> <li>g. Raul Calderon Ibarra (brother)</li> <li>h. Miguel Calderon Ibarra (brother)</li> <li>i. Jesus Calderon Ibarra (brother)</li> <li>j. Lucia Calderon Ibarra (sister)</li> </ul>
<p><b>Cont. from</b></p>		<p>Please see petition for details.</p>	
	<p><b>Aff.Sub.Wit.</b></p>		
✓	<p><b>Verified</b></p>	<p><b>Court Investigator Report filed on 6/9/15.</b></p>	
	<p><b>Inventory</b></p>		
	<p><b>PTC</b></p>		
	<p><b>Not.Cred.</b></p>		
✓	<p><b>Notice of Hrg</b></p>		
	<p><b>Aff.Mail</b></p>		
	<p><b>Aff.Pub.</b></p>		
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✓	<p><b>Order</b></p>		
	<p><b>Aff. Posting</b></p>		<p><b>Reviewed by: KT</b></p>
	<p><b>Status Rpt</b></p>		<p><b>Reviewed on: 6/11/15</b></p>
✓	<p><b>UCCJEA</b></p>		<p><b>Updates:</b></p>
	<p><b>Citation</b></p>		<p><b>Recommendation:</b></p>
	<p><b>FTB Notice</b></p>		<p><b>File 23A - Ibarra</b></p>

**Motion for Specific Findings Permitting Minor's Application to the Immigration Court for "Special Immigrant Juvenile Status"**

		<p><b>ANABELLA CALDERON IBARRA</b>, minor, is petitioner.</p> <p>Please see petition for details.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <ol style="list-style-type: none"> <li>1. Need Notice of Hearing.</li> <li>2. Need proof of service of the Notice of Hearing on:                     <ol style="list-style-type: none"> <li>a. Antonio Calderon Mendoza (father)</li> <li>b. Maria Socorro Del Carmen Ibarra Cuevas (mother)</li> </ol> </li> </ol>	
<b>Cont. from</b>				
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<p><b>Reviewed by: KT</b></p>				
<p><b>Reviewed on: 6/11/15</b></p>				
<p><b>Updates:</b></p>				
<p><b>Recommendation:</b></p>				
<p><b>File 23B - Ibarra</b></p>				

**Petition for Appointment of Guardian**

	<b><u>TEMPORARY EXPIRES 6/16/15</u></b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
	<b>JUANITA RIVAS</b> , paternal aunt, is petitioner.	
	Please see petition for details.	
<b>Cont. from</b>	<b>Court Investigator Report filed on 6/8/15</b>	1. Need proof of service of the Notice of Hearing or Consent and Waiver of Notice or Declaration of Due Diligence on: <ul style="list-style-type: none"> <li>a. George Rivas (paternal grandfather)</li> <li>b. Maternal grandfather</li> </ul>
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		<b>Reviewed by: KT</b>
		<b>Reviewed on: 6/10/15</b>
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 24 - Rivas</b>

Attorney Armo, Lance E. (for Petitioner Anthony J. Cordisco)  
 Petition to Remove Trustee to Appoint Public Administrator as Trustee, and to Compel Trustee to Account (Prob. Code §17200)

<b>DOD: Not stated</b>	<b>ANTHONY J. CORDISCO</b> , Son and beneficiary, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>																																																																				
	<b>Petitioner states</b> the Revocable Trust of Angelo D. Cordisco was established 12/4/08. The trust corpus consists primarily of real property, bank accounts, and a corporate business concerning elevator repair and maintenance whereas the decedent was the sole shareholder. The successor trustee is <b>MARGARET R. O'DONNELL-CORDISCO</b> , widow of the decedent. Beneficiaries include Petitioner, Angelo S. A. Cordisco, and various charitable entities including CSU Fresno, Fresno State Bulldog Foundation, and 1000 Friends of Fresno.	<ol style="list-style-type: none"> <li>1. According to Article 3, Sections 3.03 and 3.04, the named successor trustee is Margaret R. O'Donnell-Cordisco and Angelo S. A. Cordisco, jointly as co-trustees. The Court may require clarification as to why Petitioner indicates that Ms. O'Donnell-Cordisco is sole successor trustee.</li> <li>2. The Court may require additional relevant information, including:                     <ul style="list-style-type: none"> <li>- When did the trust become irrevocable (Settlor's DOD)?</li> <li>- What is the account period and for what portion of the trust does Petitioner seek accounting? (The Trust provides for division into shares upon the settlor's death.)</li> <li>- Did Petitioner request accounting in writing pursuant to §17200(b)(7) and allow the required response time?</li> </ul> </li> </ol>																																																																				
<table border="1" style="width: 100%;"> <tr><td><input type="checkbox"/></td><td>Aff.Sub.Wit.</td><td></td></tr> <tr><td><input checked="" type="checkbox"/></td><td>Verified</td><td></td></tr> <tr><td><input type="checkbox"/></td><td>Inventory</td><td></td></tr> <tr><td><input type="checkbox"/></td><td>PTC</td><td></td></tr> <tr><td><input type="checkbox"/></td><td>Not.Cred.</td><td></td></tr> <tr><td><input checked="" type="checkbox"/></td><td>Notice of Hrg</td><td></td></tr> <tr><td><input checked="" type="checkbox"/></td><td>Aff.Mail</td><td>W</td></tr> <tr><td><input type="checkbox"/></td><td>Aff.Pub.</td><td></td></tr> <tr><td><input type="checkbox"/></td><td>Sp.Ntc.</td><td></td></tr> <tr><td><input checked="" type="checkbox"/></td><td>Pers.Serv.</td><td>W</td></tr> <tr><td><input type="checkbox"/></td><td>Conf. Screen</td><td></td></tr> <tr><td><input type="checkbox"/></td><td>Letters</td><td></td></tr> <tr><td><input type="checkbox"/></td><td>Duties/Supp</td><td></td></tr> <tr><td><input type="checkbox"/></td><td>Objections</td><td></td></tr> <tr><td><input type="checkbox"/></td><td>Video Receipt</td><td></td></tr> <tr><td><input type="checkbox"/></td><td>CI Report</td><td></td></tr> <tr><td><input type="checkbox"/></td><td>9202</td><td></td></tr> <tr><td><input checked="" type="checkbox"/></td><td>Order</td><td></td></tr> <tr><td><input type="checkbox"/></td><td>Aff. Posting</td><td></td></tr> <tr><td><input type="checkbox"/></td><td>Status Rpt</td><td></td></tr> <tr><td><input type="checkbox"/></td><td>UCCJEA</td><td></td></tr> <tr><td><input type="checkbox"/></td><td>Citation</td><td></td></tr> <tr><td><input type="checkbox"/></td><td>FTB Notice</td><td></td></tr> </table>	<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	W	<input type="checkbox"/>	Aff.Pub.		<input type="checkbox"/>	Sp.Ntc.		<input checked="" type="checkbox"/>	Pers.Serv.	W	<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	
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		File 25 - Cordisco																																																																				

Page 2

**Petitioner states** for the foregoing reasons, Petitioner requests appointment of the Public Administrator's office as successor trustee of the trust.

As a direct result of the trustee's repeated improprieties and refusal to communicate with petitioner and other beneficiaries, Petitioner has incurred unnecessary legal fees and costs. Petitioner requests the successor trustee personally be sanctioned for her actions. Her actions are in bad faith and her stated goal is to avoid complying with the terms of the trust.

**Attached is the trust restatement dated 9/13/13.**

**Petitioner prays for an order as follows:**

1. Removing **MARGARET R. O'DONNELL-CORDISCO** as trustee of the **ANGELO D. CORDICOS FAMILY TRUST**;
2. Ordering Ms. O'Donnell-Cordisco account for her actions as trustee;
3. Appointing the Public Administrator as successor trustee;
4. Ordering Ms. O'Donnell-Cordisdco bear her own costs and attorney fees for defense of this action;
5. Ordering Ms. O'Donnell-Cordisdco retitle the trust estate property in the name of the trust;
6. For all costs of suit incurred; and
7. For such other and further relief as the Court may deem just and proper.

**Note: The proposed order includes reimbursement to Petitioner for \$1,500.00 in legal fees plus \$435.00 in filing costs.**



**26 The Trust Created by Indenture Deed, 9/27/1962, by Max H Yancey, also  
Known as M H Yancey, a widower Case No. 15CEPR00443**

**Background:**

On 9/27/62, Max H. Yancy executed an indenture deed, which has recorded on 11/1/62 in the official records of Fresno County. Generally, the Deed did three key things. First, it established a valid trust for the benefit of the Mary Barton Chapel. Second, the Deed named three individuals to serve as trustees over the trust. Third, the Deed conveyed real property consisting of approximately .48 acres to the initial Trustees. In 1964 a small meeting hall (called "Gibbs Hall") consisting of 1,024 square feet was constructed on the property (the property and Gibbs Hall will be referred to as the "Premises"). Petitioner believes that the Premises has no value based on its small size, dilapidated condition, and location. Although the Deed transferred a fee simple interest in the Premises to the Initial Trustees, the Deed contained a condition that the Premises be used for the exclusive purpose of conducting non-denominational church services and granted Mr. Yancy and his heirs a reversionary interest in the Premises if such condition subsequently was not satisfied.

By the late 1970s, the Mary Barton Chapel organization appears to have dissolved and dissociated. Subsequent to the dissolution of the Mary Barton Chapel organization, it appears that several of its members organized and incorporated a new religious organization called The Church of Tollhouse around August 1981. Over the years the congregants used the Premises for religious meetings; however, by 2007, it appears the Premises was no longer utilized. In particular, in 2012, the Church of Tollhouse constructed a building on a parcel just south of the Premises. As a result of this new construction, neither the Church of Tollhouse, nor any other religious group, has used the Premises for religious purposes since approximately 2007, leaving the Premises effectively abandoned.

Since the Trust's formation and funding, all of the Trustees have died. Unfortunately, the Deed did not name any successor trustees to serve over the Trust after the Initial Trustees. As a result of the death of the Initial Trustees, the Trust currently does not have an acting trustee.

As a result of the dissolution of the Mary Barton Chapel organization and the death of all the trustees, there is no person or entity that is maintaining the Premises. The Premises has been abandoned and likely constitutes a hazard. As a result, the specific charitable purposes of the Trust cannot be carried out. While the Trust/Deed is silent as to alternative beneficiaries, because Mr. Yancy's intentions were charitable, Petitioner believes that the doctrine of *cy pres* should be invoked so as to allow this court to reform the Trust and allow a transfer of the Premises to Clovis Cemetery District. Petitioner believes that the only viable use of the Premises is as part of the Clovis Cemetery District. Thus, Petitioner further requests that, if appointed, the newly designated trustee of the Trust be authorized to transfer the Premises to the Clovis Cemetery District.

Petitioner requests that Stanley E. King, James Linenbach and Charles Rigsbee, be appointed to serve as the Successor Trustees of the Trust. The Successor Trustees are currently members of the Board of Trustees for the Clovis Cemetery District.

**Please see additional page**

**26 The Trust Created by Indenture Deed, 9/27/1962, by Max H Yancey, also  
Known as M H Yancey, a widower Case No. 15CEPR00443**

The Trust/Deed does not require the trustee or successor trustee to secure a bond to serve as trustee. In addition, the Court should excuse the requirement of a bond that may be required under the Probate Code because there are compelling circumstances that justify the excusal of the bond requirement, including but not limited to: 1) the small size of the Trust estate; 2) the added costs and fees involved in securing a bond; 3) the fact that the sole Trust asset is requested to ultimately be distributed to the Clovis Cemetery District, which is a governmental agency; and 4) the fact that the administration of the trust will likely only last several weeks until the Premises is transferred.

Assuming that this court appoints the Successor Trustees over the Trust, as has been requested, the Petitioner further request that the Successor Trustees ultimately be authorized to transfer the Premises to the Clovis Cemetery District. In order for this to occur, the Trust must be modified so as to appoint the Clovis Cemetery District as the replacement beneficiary of the Trust and the Court must approve the termination and distribution of the Trust assets.

As mentioned above, the Deed contained a condition subsequent that provided that the Premises be used for the exclusive purpose of conducting non-denominational church services and granted Mr. Yancey and his heirs a reversionary interest in the Premises if such condition subsequent was not satisfied.

Because the Premises ceased to be used for any church services or purpose in 2007, it would appear that under the Deed's reversionary interest language, the Premises would revert back to Mr. Yancy or his heirs. However, under California law, this reversionary interest actually expired on 11/1/92. This is because a power of termination (or reversionary interest) created by a deed will expire at the later of: 1) 30 years after the date the deed is recorded; 2) 30 years after the date of a notice of intent to preserve the power is recorded; or 3) 30 years after the date of an instrument or notice is recorded which reserves the power to terminate or contains a notice of intent to preserve said power. In this case, the only instrument recorded was the Deed. Thus, the power of termination expired on 11/1/92. In other words, Mr. Yancey and his heirs no longer have a reversionary interest in the Premises.

However, even assuming that the condition subsequent is still in effect and the power of termination is still exercisable, this Petition should still be granted because several of Mr. Yancey's heirs have consented to this Petition and approve of the transfer of the Premises to the Clovis Cemetery District.

**Wherefore, Petitioner prays for an order of this Court:**

1. Finding that Notice was properly given;
2. Approving the appointment of Stanley E. King, James Linenbach and Charles Rigsbee, as Trustees of the Trust;
3. Approving the Reformation of the Trust so as to designate Clovis Cemetery District as the Trust's sole beneficiary;
4. Approving the transfer of the Premises to the Clovis Cemetery District and the termination of the Trust.

Petition Instructing the Trustee

		<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b><u>Continued to 7/27/15</u></b> at the request of the attorney.</p>	
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Citation			
FTB Notice			
			Reviewed by: KT
			Reviewed on: 6/10/15
			Updates:
			Recommendation:
			File 27 - Ostergard



