



ATTENTION

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

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

Thank you for your patience.

Status RE: Proof of Funds in Blocked Account

DOD: 11/27/05	ANITA CHOPERENA is Administrator with bond of \$700,000.00.	<p>NEEDS/PROBLEMS/ COMMENTS:</p> <p>Minute Order 9/6/16: Counsel is requesting to withdraw from this matter; Ms. Choperena has a meeting with Greg Roberts on 9/12/16, who has agreed to substitute into the matter. Mr. Keene represents that Ms. Choperena has possession of all distributions except for the one deposited with Wells Fargo.</p> <p>Note: Substitution of Attorney filed 9/21/16 reflects that Ms. Choperena is now represented by Attorney Gregory J. Roberts.</p> <p>1. Need receipts for blocked accounts re distribution to minor heir Peter Choperena.</p>
	Administrator's First Amended Second and Final Account and Report was settled on 8/2/16 and the Court ordered that the \$280,538.13 distribution to minor heir Peter Choperena be placed into two separate insured blocked accounts (due to FDIC insurance limits).	
Cont. from 083016, 090616	Two Orders to Deposit Money Into Blocked Account were signed along with the final order, one for \$140,000.00 to be deposited with Chase Bank and the other for \$140,538.13 to be deposited with Wells Fargo Bank.	
Aff.Sub.Wit.	On 8/19/16, a "Receipt on Distribution" was filed indicating receipt by the minor heir and his mother of the \$280,564.71. However, Examiner Notes noted that the Court ordered the funds placed into a blocked account for the minor, <u>not</u> distributed to the minor or parent. Therefore, a Receipt and Acknowledgment of Order for the Deposit of Money Into Blocked Account (Mandatory Judicial Council Form MC-356) reflecting deposits as ordered was still needed.	
Verified	On 9/2/16, one receipt was filed (Wells Fargo Bank only); however, the receipt indicates that the title on the account is "Estate of Manuel Choperena" rather than the minor. Examiner notes noted that this is incorrect, as the account should be titled solely in the minor's name. The other receipt (Chase Bank) has not been filed.	
Inventory	Status report filed 9/2/16 detailed the difficulties he has had in opening the accounts and in obtaining the minor's social security number to do so from the mother of the minor. See report for details.	
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Aff.Mail		
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Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		

Reviewed by: skc
Reviewed on: 9/26/16
Updates:
Recommendation:

File 1 - Choperena

Attorney Ruth P. Lind (for Conservator Linda S. Davis)

Probate Status Hearing Re: Proof of Increased Bond

	LINDA S. DAVIS, daughter and Conservator of the Person and Estate, filed a <i>Fifth Account and Report of Conservator</i> on 6/20/2016.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Continued from 9/6/2016.</u> <i>Minute Order</i> states counsel represents that her assistant whom normally takes care of bonds has been on leave, and upon realizing that this matter was approaching, counsel contacted the Conservator, but has not yet received a call back; she requests 30 days.</p> <p>The following issue from the previous hearing remains:</p> <ol style="list-style-type: none"> 1. Need proof of bond to be filed with the Court.
	<i>Minute Order</i> dated 8/1/2016 from the hearing on the Fifth Account set a status hearing on 9/6/2016 for the filing of proof of increased bond by the Conservator.	
Cont. from 090616		
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Citation		
FTB Notice		
		Reviewed by: LEG
		Reviewed on: 9/27/16
		Updates:
		Recommendation:
		File 2- Yell

Attorney Richard E. Hemb (for Dawnette Myers, Administrator)
 Attorney Robert L. Sullivan (for Monique M. Hutchings, Administrator with Will Annexed in Case 03CEPR00979)

Probate Status Hearing Re: Filing of an Amended Petition

DOD: 4/15/2012	DAWNETTE MYERS , spouse and Administrator, filed a <i>First and Final Account and Report of Administrator and Petition for Settlement, Allowance of Commissions and Fees, and Final Distribution</i> on 7/25/2016.	NEEDS/PROBLEMS/COMMENTS:
		Note Re Related Case Status Hearing: The Estate of Edward L. Myers, Sr., Case 03CEPR00979 , which has per the Order Settling Final Report filed 3/24/2016, distributed assets to the instant Estate of Edward L. Myers, Jr., currently has a Probate Status Hearing set for the filing of an informal accounting of the \$15,000.00 closing reserve as follows:
Cont. from	Minute Order dated 9/6/2016 from the hearing on the first and final account set this status hearing on 10/4/2016 for the filing of an amended petition.	<ul style="list-style-type: none"> Wednesday, November 16, 2016, at 9:00 a.m. in Dept. 303.
<input type="checkbox"/> Aff.Sub.Wit.		Pursuant Local Rule 7.5, if the document noted above is filed 10 days prior to the date listed, the hearing will be taken off calendar and no appearance will be required. Filing of the informal accounting of closing reserve will not generate a new hearing date.
<input type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
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<input type="checkbox"/> Aff. Posting Status Rpt		
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<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Clerk's Certificate of Mailing filed 9/27/2016 shows that notice of the above-referenced status hearing was mailed to Attorney ROBERT SULLIVAN on 9/27/2016.
		Note: It appears that an amended <i>First and Final Account and Report of Administrator</i> from Administrator DAWNETTE MYERS will not be due until the filing and resolution of the informal account of the closing reserve for the Estate of Edward L. Myers, Sr., Case 03CEPR00979.
		Reviewed by: LEG
		Reviewed on: 9/27/16
		Updates:
		Recommendation:
		File 4- Myers

Status RE: Filing of the First or Final Account

DOD: 2/27/14	<p>IRENE IRLAS and RUBEN IRLAS were appointed Co-Administrators with limited IAEA without bond on 7/14/15. Letters issued 7/14/15.</p> <p>At the hearing on 7/14/15, the Court set this status hearing for the filing of the first or final account.</p> <p><u>Note:</u> I&A filed 12/15/15 indicates real property in Selma, CA, valued at \$115,000 plus misc. furniture and furnishings valued at \$2,000 for a total estate value of \$117,000.00.</p> <p>Status Declaration filed 9/6/16 states because of the number of heirs and because of the Medi-Cal liens that will need to be paid, the real property asset will need to be sold. While progress has been made cleaning and securing the property, and a real estate broker has been contacted, more time is needed to put the property in a condition to sell and to complete a sale of the real property. Accordingly, it is requested that the status hearing be continued to 10/4/16, since there is another hearing set for that date.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: Page B is Co-Administrator Ruben Irlas' Petition to Compel Co-Administrator Irene Irlas to Sell Estate Real Property and to Vacate the Estate Property.</p> <p>Minute Order 9/7/16: Mr. Neilson represents that the real property is not in a condition to be sold yet, but it must be sold due to the Medi-Cal liens. Matter continued to meet up with the Petition to Compel.</p> <p>1. Need first account or petition for final distribution pursuant to Probate Code §12200 or current written status report pursuant to Local Rule 7.5.</p>
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		Reviewed by: skc
		Reviewed on: 9/26/16
		Updates:
		Recommendation:
		File 6A- Irlas

Page 2

Counsel has tried in writing or telephonically to encourage Mr. Neilson to exercise control over his client to abide by agreements and orders of court, but efforts have been in vain, leaving the co-administrator no choice but to file this petition. The bottom line is that there is no cooperation from Irene Irlas in any aspect of administering the estate for the good of the heirs.

Petitioner states the house was appraised per the I&A at \$115,000, and reappraised at \$121,000 (when it was vacant and had been cleaned up). There is no liquidity in the estate. Ms. Irlas disposed of personal property so there is nothing that can be sold, so the only asset is the real property. The sale of the real property is necessary to obtain sufficient assets to pay debts, including the \$20,910.12 Medi-Cal claim.

Despite the above factors, Ms. Irlas has refused to list the property for sale or cooperate in readying the property for sale, and has taken actions to defeat any attempt to list and sell the property.

Since Ms. Irlas and/or her daughter and other unknown persons have moved back into the home, the property again needs to be cleared of trash and junk (see photos at Exhibit 4).

Petitioner prays for an order requiring Co-Administrator Irene Irlas and whomever she has permitted to live in the house to vacate the house, remove all belongings of whomever is living there, and join her co-administrator to list and sell the property on such terms and conditions and under such procedures as are required by law or as directed by this Court, and for such other orders as the Court deems proper.

7 Kimberly G. Avitia and Linda V. Gomez (GUARD/P) Case No. 14CEPR01097

Petitioner Maria J. Recinos Pacheco (Pro Per, paternal grandmother)

Petition for Visitation

		<p>MARIA J. RECINOS PACHECO, paternal grandmother, is Petitioner.</p> <p><i>~Please see Petition for details~</i></p>		
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			Recommendation:	
			File 7- Avitia & Gomez	

Probate Status Hearing Re: Filing of the First or Final Account

DOD: 5/13/2015		<p>TERENCE MILLER, Co-Trustee of the LEE R. SCHULTE TRUST, and JAMIE M. FLYNN, daughter-in-law and Co-Trustee of the LEE R. SCHULTE TRUST, were appointed Co-Executors and Letters issued on 8/4/2015.</p> <p>Pursuant to Probate Code § 8800(b), <i>Final Inventory and Appraisal</i> was filed 12/23/2015 showing a value of \$12,750.00.</p> <p>Pursuant to Probate Code § 12200, first account and/or petition for final distribution was due 8/4/2016.</p> <p><i>Minute Order</i> dated 8/4/2015 from the hearing on the petition for probate set the matter for a Status Hearing on 10/4/2016 for filing of the first or final account.</p> <p><i>Status Hearing Report on Administration</i> filed 9/27/2016.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>
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<input type="checkbox"/>	FTB Notice		
		<p>Reviewed by: LEG</p> <p>Reviewed on: 9/27/16</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 9- Schulte</p>	

10 Yvonne Remick Revocable Trust Dated 9-22-11 Case No. 15CEPR00818

Attorney Hurlbutt, James P. (for Petitioners Noel C. Remick, Polly A. Rotan, and Mary J. Brownlee)
 Attorney Perkins, Jan T. (for Kevin A. Remick, Successor Trustee)

Status RE: Settlement Agreement

Yvonne Remick DOD: 4/15/15	NOEL C. REMICK, POLLY A. ROTAN, and MARY J. BROWNLEE, Beneficiaries, filed Petition to Determine Validity of Purported Trust and to Impose Constructive Trust on 8/21/16. KEVIN A. REMICK, Successor Trustee, filed a Response on 10/23/15. On 11/2/15, the matter was set for trial. Notice of Settlement was filed 9/1/16; therefore, the trial was vacated on 9/6/16 and the Court set this status hearing re settlement agreement.	NEEDS/PROBLEMS/COMMENTS: 1. If the parties wish to request Court approval of the settlement agreement, need petition. Otherwise, need Request for Dismissal (CIV-110) signed by counsel for both parties.																																																			
<table border="1" style="width: 100%;"> <tr><td>Aff.Sub.Wit.</td><td></td></tr> <tr><td>Verified</td><td></td></tr> <tr><td>Inventory</td><td></td></tr> <tr><td>PTC</td><td></td></tr> <tr><td>Not.Cred.</td><td></td></tr> <tr><td>Notice of Hrg</td><td></td></tr> <tr><td>Aff.Mail</td><td></td></tr> <tr><td>Aff.Pub.</td><td></td></tr> <tr><td>Sp.Ntc.</td><td></td></tr> <tr><td>Pers.Serv.</td><td></td></tr> <tr><td>Conf. Screen</td><td></td></tr> <tr><td>Letters</td><td></td></tr> <tr><td>Duties/Supp</td><td></td></tr> <tr><td>Objections</td><td></td></tr> <tr><td>Video Receipt</td><td></td></tr> <tr><td>CI Report</td><td></td></tr> <tr><td>9202</td><td></td></tr> <tr><td>Order</td><td></td></tr> <tr><td>Aff. Posting</td><td></td></tr> <tr><td>Status Rpt</td><td></td></tr> <tr><td>UCCJEA</td><td></td></tr> <tr><td>Citation</td><td></td></tr> <tr><td>FTB Notice</td><td></td></tr> </table>	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			<table border="1" style="width: 100%;"> <tr><td>Reviewed by: skc</td></tr> <tr><td>Reviewed on: 9/27/16</td></tr> <tr><td>Updates:</td></tr> <tr><td>Recommendation:</td></tr> <tr><td>File 10- Remick</td></tr> </table>	Reviewed by: skc	Reviewed on: 9/27/16	Updates:	Recommendation:	File 10- Remick
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Petitioner: Sherri L. Fernandez (pro per)

Petition to Determine Succession to Real Property

DOD: 4/15/15		SHERRI L. FERNANDEZ , daughter, is petitioner.	NEEDS/PROBLEMS/COMMENTS:										
		40 days since DOD.	OFF CALENDAR. Amended petition filed and set for hearing on 11/7/16.										
Cont. from 090616		No other proceedings.											
<input type="checkbox"/>	Aff.Sub.Wit.												
<input checked="" type="checkbox"/>	Verified	Will dated ????											
<input type="checkbox"/>	Inventory	<input checked="" type="checkbox"/>	<table border="1"> <tr> <td colspan="2">Reviewed by: KT</td> </tr> <tr> <td colspan="2">Reviewed on: 9/27/16</td> </tr> <tr> <td colspan="2">Updates:</td> </tr> <tr> <td colspan="2">Recommendation:</td> </tr> <tr> <td colspan="2">File 16- Barserian</td> </tr> </table>	Reviewed by: KT		Reviewed on: 9/27/16		Updates:		Recommendation:		File 16- Barserian	
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<input type="checkbox"/>	PTC	I & A – Need.											
<input type="checkbox"/>	Not.Cred.	Petitioner requests Decedent's real property pass to her.											
<input type="checkbox"/>	Notice of Hrg	<input checked="" type="checkbox"/>											
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Petition for Order Determining Title to Property

	PAMELA N. KLAWITTER , sole successor Trustee, of the MIRIAM F. ALLEN REVOCABLE LIVING TRUST ("Trust"), is petitioner.	NEEDS/PROBLEMS/COMMENTS:					
	The Trust was created on 4/16/07 and amended on 5/8/14.						
Cont. from 091216							
<input type="checkbox"/> Aff.Sub.Wit.							
<input checked="" type="checkbox"/> Verified	The 5/8/14 amendment was to provide for different successor Trustees.						
<input type="checkbox"/> Inventory							
<input type="checkbox"/> PTC	Settlor MIRIAM F. ALLEN was the initial trustee of the Trust until her resignation on 5/8/14.						
<input type="checkbox"/> Not.Cred.							
<input checked="" type="checkbox"/> Notice of Hrg	On 5/8/14, PAMELA N. KLAWITTER accepted her appointment as the successor Trustee of the Trust.						
<input checked="" type="checkbox"/> Aff.Mail	W/						
<input type="checkbox"/> Aff.Pub.							
<input type="checkbox"/> Sp.Ntc.	MIRIAM F. ALLEN died on 4/10/16.						
<input type="checkbox"/> Pers.Serv.							
<input type="checkbox"/> Conf. Screen	Petitioner as Trustee seeks a Court order to confirm title to her, as successor Trustee of the Trust, certain Vanguard Investment Accounts ("Vanguard").						
<input type="checkbox"/> Letters							
<input type="checkbox"/> Duties/Supp							
<input type="checkbox"/> Objections	Schedule "A" of the Trust provides "Any and all bank accounts, brokerage accounts, certificates of deposit, stocks, bonds, securities and other investments of whatever kind or nature" are assets of the trust.						
<input type="checkbox"/> Video Receipt							
<input type="checkbox"/> CI Report							
<input type="checkbox"/> 9202							
<input checked="" type="checkbox"/> Order	At the time the Trust was created, decedent owned the Vanguard accounts consisting of the three following accounts: A. VFIJX, GNMA Fund Admiral Shares, Account no. XXXX B. VMMXX, Prime Money Mkt Fund, account no. XXX C. VTSAX, Total Stock Mkt Inx Adm, account no. XXX						
<input type="checkbox"/> Aff. Posting							
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File 17- Allen							

17 Re: Miriam Allen Revocable Living Trust Case No. 16CEPR00796

Unfortunately at the time of decedent, MIRIAM F. ALLEN's death, the Vanguard accounts had not been transferred to the Trust.

On 5/8/14, MIRIAM F. ALLEN created a Will. The Will has a "pour-over:" clause that provides the rest and residue of her estate to be distributed to the MIRIAM F. ALLEN REVOCABLE LIVING TRUST AGREEMENT.

Decedent's failure to formally transfer title to the Vanguard into the Trust cannot be taken to mean that the Vanguard account was not intended to be a Trust asset. Moreover, the probate of the decedent's pour-over will would accomplish the same objective sought through this petition, namely to transfer title from the decedent's name to that of petitioner as successor Trustee of the Trust.

Wherefore, Petitioner requests the Court issue the following orders:

1. The Vanguard Account identified in Exhibit F attached to the petition is an asset of the MIRIAM F. ALLEN REVOCABLE LIVING TRUST, Pamela N. Klawitter sole successor Trustee.

