



## 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.

**Probate Status Hearing RE: Proof of Funds in Blocked Account**

<b>DOD: 10/13/14</b>	<p><b>PATRICIA MELOM</b>, Niece, was appointed Successor Administrator with Limited IAEA without bond on 9/29/15, with all funds in the Public Administrator's possession to be placed into a blocked account at Chase Bank.</p> <p>At the hearing on 9/29/15, the Court set this status hearing for the filing of the receipt for blocked account.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Note:</b> The Public Administrator was previously appointed as Administrator of the Estate 4/14/15.</p> <p><b>Minute Order 9/29/15:</b> The Court accepts the voluntary resignation of the Public Administrator. The Court orders that any and all funds in the Public Administrator's possession are to be placed into a blocked account at Chase Bank. No appearance is necessary at the status hearings if the required documents are filed at least two court days prior.</p> <p>1. Need receipts for blocked account (MC-356) for estate funds.</p> <p><b>Note:</b> Because the dollar amount exceeds the FDIC limit, more than one account may be necessary. (I&amp;A indicates \$571,238.93 consisting of \$563,184.27 cash held in the PG pooled trust account plus various dividend and policy claim amounts and held with the State of California Unclaimed Property, as well as various real property and personal property items).</p> <p><b>Note:</b> Additional status hearing dates were also previously set as follows:</p> <ul style="list-style-type: none"> <li>- 12/1/15 Status re filing of PG's final account</li> <li>- 2/2/16 Status re filing I&amp;A</li> <li>- 11/1/16 Status Re Successor Administrator's first account or petition for final distribution</li> </ul>
<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>		
	<p><b>Reviewed on:</b> 10/19/15</p>	
	<p><b>Updates:</b></p>	
	<p><b>Recommendation:</b></p>	
	<p><b>File 7 - Woof</b></p>	

**8A In Re: The Kermit F. Fish and Rosalie J. Fish Revocable Living Trust Agreement dated 10/25/1993; Trust A-the Survivor's Trust; Trust B-the Family Trust Case No. 15CEPR00402**

Attorney Nahigian, Eliot S. (for Petitioners Phillip F. Fish and Andrea K. Fritzen)  
 Attorney Adams, Jon P. (for Objector Joseph F. Fish)

**Petition to Remove a Co-Trustee and Appoint Successor Trustee; for Instruction to Trustee to Reimburse Income Tax Payments, Remedy a Breach of Trust, Pay Accountant, Withdraw Certificates of Deposit, and Distribute Trust Estate**

Kermit F. Fish DOD: 8/18/03	PHILLIP F. FISH and ANDREA K. FRITZEN are Petitioners.	<b>NEEDS/PROBLEMS/ COMMENTS:</b>
Rosalie J. Fish DOD: 8/2/14	<b>Petitioners state:</b> Kermit F. Fish and Rosalie J. Fish established the <b>Kermit F. Fish and Rosalie Revocable Living Trust</b> on 10/25/93, amended 12/4/95. Upon the death of Kermit Fish on 8/18/03, the trust was divided into two sub-trusts: a revocable Survivor's Trust (the <b>Rose Fish Trust</b> ), and the irrevocable <b>Family Trust</b> . Rose Fish amended the Rose Fish Trust on 6/21/07.	
Cont. from 060215, 071415		
Aff.Sub.Wit.		<p><b>Minute Order 7/14/15:</b> The Court does not feel it is appropriate to rule until the proceedings in Civil are litigated or updated information on the matter is provided. Both sides are to file status reports, verified by clients, as to this matter and the civil matter at least two court days prior to 10/27/15. If the civil matter is not resolved by 10/27/15, then the parties are ordered to be personally present in court on that date and provide the name of an agreed upon mediator or the Court may impose sanctions.</p> <p><b>Note:</b> As of 10/19/15, nothing further has been filed.</p>
✓ Verified		
Inventory		
PTC		
Not.Cred.		
✓ Notice of Hrg	The Co-Trustees of the Family Trust are <b>PHILLIP F. FISH and JOSEPH F. FISH</b> .	
✓ Aff.Mail	The Co-Trustees of the Rose Fish Trust are <b>PHILLIP F. FISH, ANDREA K. FRITZEN, and JOSEPH F. FISH</b> .	
Aff.Pub.	The Family Trust assets were distributed in equal shares to the beneficiaries on or about 1/22/15.	
Sp.Ntc.		
Pers.Serv.		
Conf. Screen	Rose Fish had a general power of appointment over the Rose Fish Trust, and if not exercised, then the unappointed principal was to be added to the Family Trust upon her death.	
Letters		
Duties/Supp		
✓ Objections	The Rose Fish Trust assets were not distributed to the Family Trust.	
Video Receipt		
CI Report		
9202		
✓ Order	As of 12/31/14, the assets of the Rose Fish Trust included various accounts totaling \$418,843.18, plus the contents of a Safe Deposit Box and various coins found in the Rose Fish Piano.	
Aff. Posting		
Status Rpt		
UCCJEA		
Citation	Petitioners state they have requested that the Rose Fish Trust be distributed. Co-Trustee <b>JOSEPH F. FISH</b> has refused to make distribution. Under Probate Code § 15620, unanimous action is required by the co-trustees.	
FTB Notice		
		Reviewed by: skc
		Reviewed on: 10/19/15
		Updates:
		Recommendation:
		File 8A - Fish
<b><u>SEE ADDITIONAL PAGES</u></b>		

**8A In Re: The Kermit F. Fish and Rosalie J. Fish Revocable Living Trust Agreement dated 10/25/1993; Trust A-the Survivor's Trust; Trust B-the Family Trust Case No. 15CEPR00402**

**Page 2**

**Petitioners state:** Except for accounting fees owed to CPA Jim G. Sabbatini and income taxes, all creditors of Rose Fish, the Rose Fish Trust, and the Family Trust have been paid, and the trusts are in a condition for distribution. Mr. Sabbatini provided an estimate of the income taxes due for Rose Fish's 2014 income tax returns and on 3/13/15, a letter and email were sent to Jon Adams, attorney for Joseph Fish, informing him of the Federal and California combined liability of \$13,000.00. Mr. Sabbatini timely prepared vouchers for automatic extensions of time to file. Petitioners had a letter prepared to Wells Fargo Advisors from all three co-trustees with instructions to prepare checks for the tax payments. Joseph Fish did not sign the letter of instruction and Wells Fargo Advisors did not issue the checks for the tax payments.

On 4/6/15, Mr. Sabbatini computed the extension payments and Petitioners advanced two-thirds of the extension payments and now each of them seeks reimbursement from the Rose Fish Trust for the Federal income tax payment of \$3,169.00 and the California income tax payment of \$787.00. Advancement by the co-trustees and reimbursement is allowed under the terms of the trust.

**Breach of Trust:** Petitioners state the failure of Joseph F. Fish to agree to distribution and to sign the letter of instruction and make the payments of income taxes constitute a breach of trust including breach of duty to administer the trust according to its terms and the duty of loyalty. All three remainder beneficiaries have been damaged by the actions of Joseph F. Fish including legal fees of \$5,063.50 for filing this petition and \$3,620.00 for legal work in connection with the payment of income taxes. See Exhibits F and G. Petitioners request the court remedy this breach by paying \$8,683.50 from the trust estate to Coleman and Horowitz, LLP.

Further, Petitioners request the court remedy the breach of trust by removing Joseph F. Fish as a co-trustee of the Rose Fish Trust and as a co-trustee of the Family Trust.

Under the terms of the Rose Fish Trust pursuant to the Second Amendment, upon the resignation, incapacity or death of any of the co-trustees, the remaining individuals shall serve as trustees. Petitioners requests that they be appointed as the Co-Trustees of the Rose Fish Trust.

Under the terms of the Family Trust pursuant to the First Amendment, upon the resignation, incapacity, or death of a co-trustee, then the remaining individual shall serve as sole trustee. Petitioners request that Phillip F. Fish be appointed sole trustee of the Family Trust.

**Accounting Fees:** Mr. Sabbatini has submitted invoices totaling \$3,295.00 that have not yet been paid, and has also provided accounting services in connection with preparation of an informal accounting totaling \$600.00. An estimated final accounting bill is \$1,450.00. Mr. Sabbatini seeks a total payment of \$5,345.00.

**SEE ADDITIONAL PAGES**

**Dept. 303, 9:00 a.m. Tuesday, October 27, 2015**

**8A In Re: The Kermit F. Fish and Rosalie J. Fish Revocable Living Trust  
Agreement dated 10/25/1993; Trust A-the Survivor's Trust; Trust B-the Family Trust  
Case No. 15CEPR00402**

**Page 3**

**Petitioners pray for the following:**

1. An order removing Joseph F. Fish as a co-trustee of the Rose Fish Trust;
2. An order appointing Phillip F. Fish and Andrea K. Fritzen as co-trustees of the Rose Fish Trust;
3. An order removing Joseph F. Fish as a co-trustee of the Family Trust;
4. An order appointing Phillip F. Fish as sole trustees of the Family Trust;
5. An order instructing Phillip F. Fish and Andrea K. Fritzen as co-trustees of the Rose Fish Trust to:
  - a. Reimburse Petitioners \$3,169 each for the amounts advanced for extension payments on federal income taxes and \$787 each for California income taxes for Rose Fish for 2014;
  - b. Pay \$8,683.50 to Coleman & Horowitz, LLP to remedy a breach of trust in connection with failing to make distribution of the Rose Fish Trust and to remedy a breach of trust in connection with income tax returns and extensions;
  - c. Pay Jim Sabbatini \$5,345 for accounting services;
  - d. Completely withdraw the CDs of the Rose Fish Trust held at EECU;
  - e. Distribute the balance of the Rose Fish trust estate to Phillip F. Fish as trustee of the Family Trust;
6. An order instructing Phillip F. Fish as sole trustees of the Family Trust to:
  - a. Retain a reserve for closing expenses of \$9,000.02 and to distribute the balance of the reserve account equally to the beneficiaries without further court order;
  - b. Distribute the trust estate of the Family Trust, including additions from the Rose Fish Trust, to the persons entitled thereto;
7. For costs herein; and
8. For such other orders as the Court deems proper.

**Update: Objection filed 6/30/15 by Co-Trustee Joseph F. Fish states Petitioner's motion should be denied. Petitioner filed a Reply to the Objection on 7/7/15.**

**SEE ADDITIONAL PAGES**

**8A In Re: The Kermit F. Fish and Rosalie J. Fish Revocable Living Trust  
Agreement dated 10/25/1993; Trust A-the Survivor's Trust; Trust B-the Family Trust  
Case No. 15CEPR00402**

**Page 4**

**Objection provides history and states** that during the course of their combined efforts to resolve unpaid bills and determine the full extent of the financial holdings, communications and cooperation between the three siblings reached an impasse after approx. \$75,000 had been cooperatively distributed. The CPA who handled the personal and trust tax returns indicated that approx. \$341,000 had been spent providing care for their mother. Objector requested the cooperation of his siblings in obtaining full financial disclosure pertaining to expenses actually paid, expenses that remained unpaid, and locating additional undisclosed assets. Each time, Joseph was told not to worry about it, and was denied. Eventually, counsel for each side became involved.

The parties struck an informal agreement whereby Joseph was to receive the cooperation of his siblings by their signing financial authorizations to allow him to obtain copies of the records for the pertinent time frame at his own expense. In exchange, the entirety of the holdings in Trust B were distributed. However, as soon as Trust B was distributed, Petitioners advised they would not cooperate as previously indicated until distribution of Trust A was completed.

Objector contacted numerous institutions and has confirmed a previously undisclosed CD in excess of \$18,000, a CalSTRS death benefit in excess of \$5,000, and the existence of several other accounts for which information was not released because Objector was not named on the account. Objector hired a forensic accountant to review the limited information obtained. A number of discrepancies resulted in Objector filing **Fresno County Superior Court Case No. 15CECG01222** against Andrea K. Fritzen alleging negligence, financial elder abuse, fraud deceit, conversion and breach of fiduciary duty. Petitioners responded by filing this petition.

See Objection for specific disputed issues. Objector states the Court should maintain the status quo pending financial investigation. There is no risk of assets losing value, and nearly \$2.5 million has already been distributed equally between the three adult siblings. There would be no prejudice to the parties for this Court to order the status quo be maintained until further hearing on or about 9/15/15. By that time, Objector will have obtained the missing financial documents and the forensic CPA will have had time to evaluate the records to determine the propriety of questionable financial transactions and report back to this court accordingly.

**Reply filed 7/7/15 addresses the disputed issues identified in the Objection** including accounting fees, distribution, and tax payments, and requests the Court order distribution as prayed.

**Dept. 303, 9:00 a.m. Tuesday, October 27, 2015**

**8B In Re: The Kermit F. Fish and Rosalie J. Fish Revocable Living Trust Agreement dated 10/25/1993; Trust A-the Survivor's Trust; Trust B-the Family Trust Case No. 15CEPR00402**

Attorney Nahigian, Eliot S. (for Petitioners Phillip F. Fish and Andrea K. Fritzen)  
 Attorney Adams, Jon P. (for Objector Joseph F. Fish)

**Status RE: Related Civil Matter**

	<b>PHILLIP F. FISH and ANDREA K. FRITZEN</b> filed the Petition at Page A on 4/16/15.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>1. Need status reports from both Petitioner and Objector.</b>
	Also on 4/16/15, <b>JOSEPH F. FISH</b> filed a civil complaint in 15CECG01222.	
	<b>JOSEPH F. FISH</b> objected to this petition.	
	<b>Minute Order 7/14/15 states:</b> The Court does not feel it is appropriate to rule until the proceedings in Civil are litigated or updated information on the matter is provided. Both sides are to file status reports, verified by clients, as to this matter and the civil matter at least two court days prior to 10/27/15. If the civil matter is not resolved by 10/27/15, then the parties are ordered to be personally present in court on that date and provide the name of an agreed upon mediator or the Court may impose sanctions.	
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: skc
		Reviewed on: 10/19/15
		Updates:
		Recommendation:
		File 8B – Fish

Status RE: Receipt for Blocked Account

	<p><b>TIFFANY-LIN DIRECTO</b>, Mother, was appointed Guardian of the Estate on 6/16/15 without bond, \$100,000.00 to be placed into a blocked account.</p> <p>At the hearing on 6/16/15, the Court set this status hearing for the filing of the receipt for blocked account.</p> <p><b>Status Report filed 7/9/15 states</b> funds have not yet been received from either of the two insurance companies (METLIFE and BANNER LIFE). Counsel is informed that it will be a minimum of 7-10 business days before the claims are acted upon and proceeds disbursed. Therefore, Mr. Willoughby requests continuance of 30 days.</p> <p><b>On 8/18/15</b>, a receipt was filed indicating that \$50,747.999 had been received from Banner Life Insurance Company and placed into a blocked account at EECU.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Minute Order 9/1/15:</b> Counsel reports that MetLife has placed the money in their own blocked account and it appears they are complying with the court's order. Matter continued to 10/27/15.</p> <p>1. Need receipt for deposit of additional funds from Metlife or written status report pursuant to Local Rule 7.5.</p>
Cont. from 071415, 090115		
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: skc
		Reviewed on: 10/19/15
		Updates:
		Recommendation:
		File 9 - Directo

Attorney Willoughby, Hugh W. (for Tiffany-Lin Directo – Mother – Guardian)

Status RE: Receipt for Blocked Account

		<p><b>TIFFANY-LIN DIRECTO</b>, Mother, was appointed Guardian of the Estate on 6/16/15 without bond, \$100,000.00 to be placed into a blocked account.</p> <p>At the hearing on 6/16/15, the Court set this status hearing for the filing of the receipt for blocked account.</p> <p><b>Status Report filed 7/9/15 states</b> funds have not yet been received from either of the two insurance companies (METLIFE and BANNER LIFE). Counsel is informed that it will be a minimum of 7-10 business days before the claims are acted upon and proceeds disbursed. Therefore, Mr. Willoughby requests continuance of 30 days.</p> <p><b>On 8/18/15</b>, a receipt was filed indicating that \$50,748.00 had been received from Banner Life Insurance Company and placed into a blocked account at EECU.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Minute Order 9/1/15:</b> Counsel reports that MetLife has placed the money in their own blocked account and it appears they are complying with the court's order. Matter continued to 10/27/15.</p> <p>1. Need receipt for deposit of additional funds from Metlife or written status report pursuant to Local Rule 7.5.</p>
Cont. from 071415, 090115			
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: skc
			Reviewed on: 10/19/15
			Updates:
			Recommendation:
			File 10 - Directo

		See petition for details.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. Need proof of personal service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing per Probate Code §1511 on: - Mario Herrera, II (Father)  2. Need proof of service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing per Probate Code §1511 on: - Paternal Grandfather Mario Herrera, Sr. (if diligence not found) - Paternal Grandmother Christina Halford  <b>Note:</b> Although contact information was provided in Court, Petitioner filed "Affidavits of Unsuccessful Service" for the mother, the paternal grandmother, and the father indicating "defendant not found." The Court may require further diligence. Notice to grandparents may be mailed.	
Cont. from 081115, 092215				
<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 type="checkbox"/>	Notice of Hrg			X
<input type="checkbox"/>	Aff.Mail			X
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			X
<input checked="" type="checkbox"/>	Conf. Screen			
<input checked="" type="checkbox"/>	Letters			
<input checked="" type="checkbox"/>	Duties/Supp			
<input checked="" type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input checked="" type="checkbox"/>	CI Report			
<input checked="" type="checkbox"/>	Clearances			
<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: skc		
		Reviewed on: 10/19/15		
		Updates:		
		Recommendation:		
		File 12 – Herrera		

DOD: 4/24/15		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p style="text-align: center;"><b><u>OFF CALENDAR</u></b></p> <p>Amended petition filed 10/5/15 is set for hearing on 11/17/15.</p>
Cont. from 092215		
Aff.Sub.Wit.		
✓ Verified		
✓ Inventory		
PTC		
Not.Cred.		
Notice of Hrg	X	
Aff.Mail	X	
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order	X	
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: skc
		Reviewed on: 10/19/15
		Updates:
		Recommendation:
		File 16 – Hernandez

Petition to Determine Succession to Real Property (Prob. Code §13150)

Age:			NEEDS/PROBLEMS/COMMENTS:
DOD:			
Cont. from			
<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		
		CONTINUED TO 12/7/15	
		Per attorney request	
		Reviewed by: skc	
		Reviewed on: 10/19/15	
		Updates:	
		Recommendation:	
		File 22 – Pacheco	



