

**Calendar date of 10/15/09**

**THE NOTES BELOW REPRESENT NOTES  
AFTER THE SECOND CHECK HAS BEEN  
COMPLETED. NO FURTHER  
DOCUMENTS WILL BE REVIEWED PRIOR  
TO HEARING.**

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**The Probate Examiners can be reached at  
ProbateNotes@courts.sbcounty.gov. Emails must have the  
case identification information and hearing time/date in the  
subject line. No attachments will be opened. Probate  
Examiners can only respond to inquiries regarding the  
meaning of comments in the notes. PLEASE DO NOT SEND  
EMAILS TO STATE THAT DOCUMENTS HAVE BEEN FILED, TO  
REQUEST A CONFIRMATION OF WHETHER DOCUMENTS  
HAVE BEEN RECEIVED, OR TO REQUEST THE CLEARING OF  
NOTES. No legal or procedural advice may be given.**

CIVPRO Superior Court of California  
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

***PROBATE***

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DATE: 10/15/09 TIME: 9:00 DEPT: S33P  
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CASE#: **PRO PS0700743**

CASE NAME: LILLIAN WHANG

HEARING:

Petition for DETERMINATION OF OWNERSHIP OF ESTATE PROPERTY FOR  
ORDER AUTHORIZING & DIRECTING

COUNSEL:

GRACE H BLACKMON (PET)...DIANE E ROBBINS  
LILLIAN WHANG (DEC)...  
DOUG ANDERSON (TP )...GREGORY T ANNIGIAN

X REFERENCE GARRS700070 OUT 9-24  
GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition to Determine Ownership of Estate  
Property and for Order Directing its Transfer to Estate

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Petitioner alleges that decedent died holding title to real property located at 16259 Orange Street, Units C, D and E, Hesperia. Petitioner claims that one-half ownership interest of the subject properties belongs to petitioner. Just prior to the death of decedent on 7/27/07, petitioner paid off the mortgage loans against the property in exchange for a one-half ownership interest in the subject property. Petitioner alleges decedent agreed to formally transfer the interest in the subject properties by grant deed, but decedent was killed before she was formally able to do so. Petitioner attaches documents evidencing the payment of the mortgage loan balances. Petitioner claims decedent held petitioner's interest in the properties in a Resulting Trust.
2. The exhibits attached only show that payments were made to World Savings and GMAC Mortgage. There are no documents to show decedent's mortgage balance at the time it was paid, and whether the payments were for a first or second trust deed or both. Need to file verified supplement.

3. Notice of hearing and proof of mailed service is filed, however, need personal service per Pr.C. §851.

RECOMMENDATION:

Need verified supplement, proof of personal service and then set for Evidentiary hearing.  
(gls)

FUTURE HEARINGS 12/15/09 STATUS  
12/15/09 INCREASE BOND

CIVPRO Superior Court of California  
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

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DATE: 10/15/09 TIME: 9:00 DEPT: S33P  
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**CASE#: PRO PS0700921**

CASE NAME: HARRY L. MURRAY

HEARING:  
Accounting Review

COUNSEL:  
JON RAY MURRAY (PET)...TOMLINSON, NYDAM & PRINCE  
HARRY L MURRAY (DEC)...

GENERAL INFORMATION:  
Prior status report granted 1/15/09

THIS CASE IS SET FOR HEARING ON Accounting/Status Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. No accounting or further status report is filed.
2. Petitioner's prior status report indicated that the estate was not in a condition to close as the real property must be sold to satisfy creditor's claims. The file shows the Order Confirming Sale of Real Property was granted on 5/5/09. Need final account or further status report.

RECOMMENDATION:  
Find out status.  
(gls)

CIVPRO Superior Court of California  
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

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DATE: 10/15/09 TIME: 9:00 DEPT: S33P  
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**CASE#: PRO PS0800011**

CASE NAME: MARTHA E. OTERO

**SEE ALSO 4 5**

HEARING:

Motion Re: TO COMPEL Filed by Petitioner VANESSA OTERO

COUNSEL:

MICHAEL RAMOS	(PET)...ALLARD, SHELTON & O'CONNOR
LUKE ESSLINGER	(PET)...ALLARD, SHELTON & O'CONNOR
MARTHA E. OTERO	(DEC)...
VANESSA OTERO	(TP )...DAVID L RICE
MELANIE OTERO	(WAGNER KIRKMAN BLAINE KLOMPARE)...WAGNER
RAMON HUMBERTO OTERO	(WAGNER KIRKMAN BLAINE E)...WAGNER KI
NINA C MUNOZ	(SANDRA N. BALDONADO )...SANDRA N.

X REF PRO701196

No notes – Judge to decide.

CIVPRO Superior Court of California  
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

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DATE: 10/15/09 TIME: 9:00 DEPT: S33P  
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**CASE#: PRO PS0800011**

CASE NAME: MARTHA E. OTERO

**SEE ALSO 3 5**

HEARING:

Motion Re: APPLICATION FOR PROTECTIVE ORDER Filed by  
Petitioner VANESSA OTERO

COUNSEL:

MICHAEL RAMOS	(PET)...ALLARD, SHELTON & O'CONNOR
LUKE ESSLINGER	(PET)...ALLARD, SHELTON & O'CONNOR
MARTHA E. OTERO	(DEC)...
VANESSA OTERO	(TP )...DAVID L RICE
MELANIE OTERO	(WAGNER KIRKMAN BLAINE KLOMPARE)...WAGNER
RAMON HUMBERTO OTERO	(WAGNER KIRKMAN BLAINE E)...WAGNER KI
NINA C MUNOZ	(SANDRA N. BALDONADO )...SANDRA N.

X REF PRO701196

No notes – Judge to decide

CIVPRO Superior Court of California  
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

-----  
DATE: 10/15/09 TIME: 9:00 DEPT: S33P  
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**CASE#: PRO PS0800011**

CASE NAME: MARTHA E. OTERO

**SEE ALSO 3 4**

HEARING:

Motion Re: APPLICATION FOR ORDR TO SHOW CAUSE RE: COMTEMPT  
AGAINST MARY ESSLINGER Filed by Petitioner VANESSA OTERO

COUNSEL:

MICHAEL RAMOS	(PET)...ALLARD, SHELTON & O'CONNOR
LUKE ESSLINGER	(PET)...ALLARD, SHELTON & O'CONNOR
MARTHA E. OTERO	(DEC)...
MELANIE OTERO	(WAGNER KIRKMAN BLAINE KLOMPARE)...WAGNER
RAMON HUMBERTO OTERO	(WAGNER KIRKMAN BLAINE
NINA C MUNOZ	(SANDRA N. BALDONADO )...SANDRA N.
VANESSA OTERO	(DAVID L RICE )...DAVID L R

X REF PRO701196

No notes – Judge to decide

CIVPRO Superior Court of California  
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

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DATE: 10/15/09 TIME: 9:00 DEPT: S33P  
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**CASE#: PRO PS0800689**

CASE NAME: JANICE GEARHART (MASTER FILE)

**VACATED**

**SEE ALSO 7 THRU 10**

HEARING:  
Petition for FOR FAMILY ALLOWANCE

COUNSEL:

CHARLES GEARHART (PET)...JASON L GAUDY  
JANICE GEARHART (DEC)...  
JOEL H RAVITZ (OBJ)...BUXBAUM & CHAKMAK

COURT TRIAL 10/19

CIVPRO Superior Court of California  
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

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DATE: 10/15/09 TIME: 9:00 DEPT: S33P  
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**CASE#: PRO PS0800689**

CASE NAME: JANICE GEARHART (MASTER FILE)

***VACATED***

***SEE ALSO 6 THRU 10***

HEARING:

Petition for ESTABLISH ESTATE'S CLAIM OF OWNERSHIP TO PROPERTYU  
AND ORDER DIRECTING ITS TRANSFER

COUNSEL:

CHARLES GEARHART (PET)...JASON L GAUDY  
JANICE GEARHART (DEC)...  
JOEL H RAVITZ (OBJ)...BUXBAUM & CHAKMAK

COURT TRIAL 10/19

CIVPRO Superior Court of California  
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

-----  
DATE: 10/15/09 TIME: 9:00 DEPT: S33P  
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**CASE#: PRO PS0800689**

CASE NAME: JANICE GEARHART (MASTER FILE)

***VACATED***

***SEE ALSO 6 THRU 10***

HEARING:

Hearing re: Petition for Probate, Letters of Testamentary With  
Full Authority Under IAEA..

COUNSEL:

CHARLES GEARHART (PET)...JASON L GAUDY  
JANICE GEARHART (DEC)...  
JOEL H RAVITZ (OBJ)...BUXBAUM & CHAKMAK

COURT TRIAL 10/19

CIVPRO Superior Court of California  
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

-----  
DATE: 10/15/09 TIME: 9:00 DEPT: S33P  
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**CASE#: PRO PS0800689**

CASE NAME: JANICE GEARHART (MASTER FILE)

**VACATED**

**SEE ALSO 6 THRU 10**

HEARING:

Hearing re: Petition for Letters of Admin. W/ Full Authority  
under IAEA.

COUNSEL:

CHARLES GEARHART (PET)...JASON L GAUDY  
JANICE GEARHART (DEC)...  
JOEL H RAVITZ (OBJ)...BUXBAUM & CHAKMAK

COURT TRIAL 10/19

CIVPRO Superior Court of California  
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

-----  
DATE: 10/15/09 TIME: 9:00 DEPT: S33P  
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**CASE#: PRO PS0800689**

CASE NAME: JANICE GEARHART (MASTER FILE)

**VACATED**

**SEE ALSO 6 THRU 9**

HEARING:  
Readiness Calendar

COUNSEL:  
CHARLES GEARHART (PET)...JASON L GAUDY  
JANICE GEARHART (DEC)...  
JOEL H RAVITZ (OBJ)...BUXBAUM & CHAKMAK

COURT TRIAL 10/19

HONORABLE: JUDGE J MICHAEL WELCH

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DATE: 10/15/09    TIME: 9:00    DEPT: S33P  
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**CASE#: PRO PS0800775**

CASE NAME: BRUCE JEFFERSON WINN

HEARING:

PTN FOR FINAL DISTRIBUTION ON WAIVER OF Account and Report of  
LESLIE ELLEN DAMES and Petition for allowance of fees filed.

COUNSEL:

LESLIE ELLEN DAMES            (PET)...LAW OFFICE OF DALE K BETHEL  
BRUCE JEFFERSON WINN        (DEC)...

GENERAL INFORMATION:

**Continued from 9/3/09 at request of counsel. Court notes parties are working on possible settlement.**

THIS CASE IS SET FOR HEARING ON Petition for Final Distribution on Waiver of Account

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Both residual heirs have waived an accounting. **Withdrawal of waiver of accounting and consent to distribution was filed by heir Richard Winn, III on 8/24/09. If heir has validly withdrawn waiver of accounting then a full accounting will be required and this current petition cannot be approved. Suggest court inquire.**
2. Petitioner waives statutory compensation.
3. Attorney requests statutory fees of \$22,773.57. Ok.
4. Petitioner proposes to pay Attorney George H. Chant, III, who was associated into secure a trust inheritance for the benefit of decedent's estate, the sum of \$4,100.00. Billed at \$250/hour for 16.4 hours. Itemized.
5. Petitioner requests authority to withhold the sum of \$500 as a reserve for closing costs. Ok.
6. Petitioner proposes to make an unequal distribution so that the cash and securities are distributed to decedent's mother, Eleanore L. Martin, and the real property, furniture/furnishings and SUV are distributed to decedent's father, Richard Winn. Both residual heirs have consented to such distribution. **Supp: Eleanore Martin now assigns her interest to her daughter, Leslie Dames.**

**RECOMMENDATION:**

Suggest court inquire re note 1. If approved, court to set hearing on filing receipts and final discharge for 10/14/10.

(gls/abs/gls/kra)

CIVPRO Superior Court of California  
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

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DATE: 10/15/09 TIME: 9:00 DEPT: S33P  
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**CASE#: PRO PS0800963**

CASE NAME: PATRICE YVONNE BAMFORD

HEARING:

WAIVER OF Account and Report of ERIC R BAMFORD and Petition for allowance of fees filed.

COUNSEL:

ERIC R BAMFORD (PET)...BRUNICK MCELHANEY & BECKETT  
PATRICE YVONNE BAMFORD (DEC)...

GENERAL INFORMATION:

**Continued from 9/9/09 at request of counsel.**

THIS CASE IS SET FOR HEARING ON Petition for final distribution upon waiver of account and for fees.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters of Administration with Will Annexed issued 12-10-08, no bond.
2. Petitioner waives statutory compensation.
3. Attorney requests statutory fees of \$5,515.00. Calculated ok.
4. Attorney requests reimbursement of costs of \$579.50. Itemized. JTD
5. Petitioner states there are no creditors claims filed. However, there is a creditor's claim filed by Arrowhead Regional Medical Center for \$107,968.75 filed on 01-29-09. Need verified supplement re status of claim.

RECOMMENDATION

Need to clear note 5. If approved, set hearing re receipts and final discharge for 10/14/10.  
(vet/kra/gls)

FUTURE HEARING DATES:

2/11/10 Accounting Review

CIVPRO Superior Court of California  
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

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DATE: 10/15/09 TIME: 9:00 DEPT: S33P  
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**CASE#: PRO PS0900035**

CASE NAME: GREGORY B. DURO

HEARING:

Petition for ORDER AUTHORIZING CONTINUED OPERATION OF  
DECEDENT'S BUSINESS

COUNSEL:

CHRISTOPHER B. DURO (PET)...FULLERTON LEMANN SCHAEFFER & D  
GREGORY B. DURO (DEC)...  
STATE OF CALIFORNIA FRANCHISE (TP )...PRO/PER

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for Order Authorizing continued operation  
of decedent's business

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Petitioner alleges that at the time of decedent's death, he was the sole proprietor of a certain business known as The Brass Key Restaurant. Since decedent's death, petitioner has continued the operation of the business without cessation or interruption. Also, since decedent's death, the business premises have been upgraded and its service expanded and petitioner believes that within six months it will become a profitable asset of the estate. Thus, petitioner requests authority to continue the operation of the business during the estate administration.
2. No objections have been filed at the time of the review of this file.

RECOMMENDATION:

Court's discretion.

(gls)

FUTURE DATE: 5/03/10 ACCOUNTING REVIEW

CIVPRO Superior Court of California  
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

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DATE: 10/15/09 TIME: 9:00 DEPT: S33P  
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**CASE#: PRO PS0900229**

CASE NAME: PAULINE ELIZABETH SOUZA

HEARING:

Petition for PROBATE OF WILL & FOR LETTERS TESTAMENTARY UNDER  
IAEA

COUNSEL:

EDWARD R. SOUZA (PET)...WELDON & DEGASPARIS

PAULINE ELIZABETH SOUZA (DEC)...

RANDY SOUZA (PET)...WELDON & DEGASPARIS

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for Probate of Will and for Successor  
Letters Testamentary with full authority under IAEA

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Edward R. Souza was appointed executor on 6/3/09, but subsequently died.
2. Will waives bond.

RECOMMENDATION:

RFA, no bond. Once approved, set hearing on the filing of an accounting/status report for  
12/23/10. Accounting to be filed 30 days in advance.

(gls)

FUTURE DATES:

8/11/10 ACCOUNTING REVIEW

CIVPRO Superior Court of California  
PROBATE/CONSERVATORSHIP CALENDAR  
HONORABLE: JUDGE J MICHAEL WELCH

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DATE: 10/15/09 TIME: 9:00 DEPT: S33P  
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**CASE#: PRO PS0900337**

CASE NAME: ISAAC PRUDHOLME S.N. TRUST

HEARING:

Hearing Re: APPOINTMENT OF SUCCESSOR TRUSTEE

COUNSEL:

ISAAC PRUDHOLME SPECIAL NEEDS (TRU)...  
MELODIE SCOTT (TEE)...SHERRI L KASTILAHN  
LOS ANGELES COUNTY PUBLIC GUAR( )...

X REFERENCE SCV019171

GENERAL INFORMATION:

**Continued from 6/11/09 and 8/6/09 for petition for successor trustee to be filed.  
Nothing new is filed in San Bernardino County.**

THIS CASE IS SET FOR HEARING ON Appointment of Successor Trustee of the Isaac Prudholme Special Needs Trust

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. At hearing on 4/30/09, counsel states that the Los Angeles County Public Guardian will be taking over as successor trustee.
2. No notice has been provided to the beneficiary of the Trust, Dept. of Health Services or other contingent trust beneficiaries. Need same.
3. The Trust at Paragraph 2, Section 2.1, provides for the appointment of a successor trustee and gives the resigning trustee the power to nominate a successor. However, it is mandatory that any changes in trustee be approved by the court.

RECOMMENDATION:

Need proper notice. If a successor trustee is appointed, need to set accounting review for 10/13/09 for Ms. Scott's first and final accounting to cover the period 8/21/97 – current date.

(gls)

CIVPRO Superior Court of California  
PROBATE/CONSERVATORSHIP CALENDAR  
HONORABLE: JUDGE J MICHAEL WELCH

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DATE: 10/15/09 TIME: 9:00 DEPT: S33P  
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**CASE#: PRO PS0900637**

CASE NAME: ARLENE BEVERLY RENNER HALLER WEBB

HEARING:

Hearing re: Petition for Probate, Letters of Testamentary With  
Full Authority Under IAEA..

COUNSEL:

DIANE EZZO (PET)...PRO/PER  
ARLENE BEVERLY RENNER HALLER W(DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for Probate and for Letters Testamentary  
with full authority under IAEA

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Will waives bond.
2. Will names petitioner and Jerry Wayne Webb to act as co-personal  
representatives. Need declination to act from Jerry Wayne Webb.
3. Need to file notice of petition to administer estate and proof of service.
4. Need to file proof of publication.

RECOMMENDATION:

Need to clear notes. If approved, set hearing on accounting/status review for 12/23/10.  
Accounting to be filed 30 days in advance.

(gls)

CIVPRO Superior Court of California  
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

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DATE: 10/15/09 TIME: 9:00 DEPT: S33P  
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**CASE#: PRO PS0900650**

CASE NAME: Linn Weiss Derickson

HEARING:

Hearing re: Petition for Letters of Administration w/WA W/Full Authority under IAEA.

COUNSEL:

LINN W DERICKSON JR (PET)...RICHARD G ANDERSON  
LINN WEISS DERICKSON (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for Letters of Administration with Will Annexed with full authority under IAEA

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Petitioner alleges all heirs have waived bond. However, need bond waivers from Chris Hughes, Laura Hughes and Kelly Hughes.
2. Petitioner submits a purported holographic Will of 6/23/07. In addition a second undated holographic instrument is submitted as instructions to "put in Living Trust" various real properties, business and promissory note. The Will specifically devises certain property that is also listed as being "put in Living Trust". Questions: 1) Is there a Living Trust that is established? 2) If there is a Living Trust, does the Trust supersede the purported Will? File verified supplement.
3. If there is a Living Trust, need to file notice of petition to administer estate and proof of service to Trustee.

RECOMMENDATION:

Need to clear notes. If approved, set hearing on accounting/status review for 10/21/10. Accounting to be filed 30 days in advance.

(gls)

CIVPRO Superior Court of California  
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

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DATE: 10/15/09 TIME: 9:00 DEPT: S33P  
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**CASE#: PRO PS0900651**

CASE NAME: RAYMOND L AND DOLORES ROUNDS FAMILY TRUST

HEARING:

Petition for ORDER FOR CONVEYANCE OF PROPERTY TO TRUST

COUNSEL:

BERT LADRE (PET)...LAW OFFICES OF ROBERT BRUCE PA  
PATRICIA LADRE (PET)...LAW OFFICES OF ROBERT BRUCE PA  
RAYMOND L AND DOLORES ROUNDS F(TRU)...  
DOLORES ROUNDS (TEE)...LAW OFFICES OF ROBERT BRUCE PA

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for Order for Conveyance of Property to Trust

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Petitioners, Dolores Rounds, individually and as successor trustee of the Raymond and Dolores Rounds Family Trust dated 1/18/03, and Bert Ladre and Patricia Ladre, alleges that Raymond and Dolores Rounds executed a trust agreement on 1/18/03 as well as each executed a pour over Will on 1/18/03. The original settlor, Raymond Rounds died on 2/18/09. Under the terms of the Rounds Trust, upon the death of the settlor, the survivor would serve as successor trustee. Since Mr. Rounds death, his spouse, Dolores Rounds has served and continues to serve as successor trustee of the Rounds trust. The trust is being administered in the County of San Bernardino.
2. Petitioner alleges there is an interest in real property at 3304 W. 187<sup>th</sup> Street, Torrance, CA, that at the time of Mr. Rounds death, was vested his sole name. Petitioner alleges that it was the intent of decedent to hold the interest in the subject real property in the name of the Trust and by mistake, inadvertence or neglect failed to transfer the property to the Rounds Trust. A probate administration would result in the asset being eventually

transferred to the Rounds Trust, and the costs of a probate proceeding to achieve the same result makes no economic sense or prudent use of the court's time. Furthermore, petitioner alleges there are no creditors of decedent or his estate and all funeral expenses and expenses of last illness have been paid. Decedent never received Medi-Cal benefits. Petitioner requests that the court authorize and direct petitioner to transfer the real property at 3304 W. 187<sup>th</sup> Street, Torrance, CA to the Rounds Family Trust.

3. The interest in the subject property was transferred by Quitclaim to Raymond Rounds as to an undivided 50% interest on or about 4/27/07 from Patricia J. Ladre, daughter of Raymond Rounds and as Trustee of the Mary J. Rounds Living Trust dated 2/22/00. Thus, it appears to have been transferred after such time as the Rounds Family Trust was established in 2003 and could be considered a gift of separate property of Raymond Rounds (i.e., transfer between parent and child). Thus, to transfer separate property to the Rounds Family Trust of 2003, a probate administration would be required absent any other authority as the subject property was not listed as an asset on the Trust or any subsequent Schedule "A".

**RECOMMENDATION:**

Deny petition without prejudice absent further points and authorities to support transfer.  
(gls)

CIVPRO Superior Court of California  
PROBATE/CONSERVATORSHIP CALENDAR  
HONORABLE: JUDGE J MICHAEL WELCH

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DATE: 10/15/09 TIME: 9:00 DEPT: S33P  
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**CASE#: RPR RS02964**

CASE NAME: THOMAS JAMES KRECH

**SEE ALSO 19A 20 20A**

HEARING:

Petition for attorney fees by court appointed guardian ad litem for minors

COUNSEL:

JOHN KRECH (PET)...OVERTON LYMAN & PRINCE  
THOMAS JAMES KRECH (DEC)...  
LISA KRECH (PET)...LAYNE A BARTHOLOMEW  
PATRICIA A LOBELLO (PET)...LAMB MORRIS & LOBELLO  
AMY MCCULLOUGH (TP )...ALLAR, SHELTON & O'CONNOR

**X REF RPR02993**

**PROPS0700649**

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for attorney fees by court-appointed guardian ad litem for minors, Patricia Lobello

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Attorney Lobello requests fees of \$55,365.00 as guardian ad litem. Billed at \$300-350/hour for 168.30 hours. Services covered a period 12/11/06 – 9/14/09. Itemized.
2. Attorney requests reimbursement of costs of \$956.20. Itemized.
3. **Objections filed by Paul Mahoney, attorney for John Krech.**

RECOMMENDATION:

Court's discretion.

(gls/kra)

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

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DATE: 10/15/09 TIME: 9:00 DEPT: E1  
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CASE #: **RPR RS02964** FILING DATE; 05/09/06

CASE NAME: THOMAS JAMES KRECH

**SEE ALSO 19 20 20A**

HEARING:

FIRST Account and Report of JOHN KRECH and Petition for fees

COUNSEL:

JOHN KRECH (PET)...OVERTON LYMAN & PRINCE  
THOMAS JAMES KRECH (DEC)...  
LISA KRECH (PET)...LAYNE A BARTHOLOMEW  
AMY MCCULLOUGH (TP)...ALLAR, SHELTON & O'CONNOR

**XREFERENCE RPR02993**

GENERAL INFORMATION

**Continued from 08/04/09 and 9/15/09. Attorney Mahoney to provide documents to Ms. Lobello in order to determine if objections will be filed. Nothing new filed.**

THIS CASE IS SET FOR HEARING ON First account and petition for fees.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters testamentary issued on 9/11/06.
2. Accounting period 4/23/06 to 3/31/09 (35 months).
3. Assets on hand \$1,120,439.48.
4. Petitioner reports that there was significant litigation with surviving spouse, Lisa Krech but that those issues have been resolved via a stipulated settlement whereby the remaining estate will be divided equally into trusts for the three minors with assets to be distributed when the minors turn 25. That settlement has been approved by the court.
5. Petitioner reports that the estate is not ready to close because estate real property must be sold and proceeds from the sale of stock in a closely held corporation partially owned by decedent must be received.
6. Petitioner and atty each seek \$17,772.51 preliminary statutory fees. Statutory fees are calculated as \$25,389.30 making the current partial request 70% of the total. Petitioner states that over 70% of the statutory administration services are

completed, leaving only the real property sale, receipt of proceeds of stock sale, and final accounting to be completed. Partial fees may be allowed by the court in an amount "on account of services rendered up to that time, that the court determines is proper." Pr.C. 10830(c). Only concern is that if the Rancho Cucamonga estate real property (decedent's 50% interest has a \$475,000 I&A value) is sold for a significant loss on sale then final statutory fees would be reduced accordingly and the presently-requested fees could end up being more than 70% of the total. Court may wish to inquire re present value or any pending sale of the real property. **A petition to confirm sale of real property has been filed whereby decedent's 50% interest in the property would be sold for \$300,000. The matter is set for hearing on 10/15/09. JTD.**

7. Petitioner's attys requests extraordinary fees (\$2,231.25 by Overton, Lyman & Prince and \$7,376.81 by Cassady Corporation). Itemized, relates to litigation/mediation:
  - a. First request calculated based upon 12.75 hrs at \$175/hr. JTD.
  - b. Second request (Cassady Corporation) includes invoices that do not state hours worked or billing rate. Counsel states only that there were 23.2 hrs at an average \$316.72/hr without specifying any given hours billed or rate for any listed task. The billing also includes fax, postage, copying, etc. that are not allowable per Local Rule 20-909 (those charges are administrative overhead). See Exhibit E. Need verified supplement removing unallowable costs and itemizing tasks/rates.
  - c. Extraordinary compensation is normally not allowed until estate is ready for final distribution. Local Rule 20-904.
8. Petitioner states that the Mahoney & Soll law firm that assisted with the litigation against Lisa Krech will file a separate fee petition. See other page.
9. Petitioner states that the, Patricia Lobello, GAL appointed for the three minor beneficiaries, will file a separate fee petition.
10. Petitioner requests authority to make preliminary distribution of the cash on hand, approximately \$500,000, per the settlement agreement (distribution to trusts for the minor beneficiaries). Petitioner states that there are no outstanding creditor claims due other than an American Express claim that is now time-barred. However, question whether the court wants to allow the estate to become illiquid when there are proposed requests for fees to be made (see above), uncertainty regarding any sale of estate real property, potential need for cash to facilitate preparation for sale of real property, etc. Note also that disbursements show ongoing "upkeep" expenses for the real property. Minimally, suggest court require the retention of some cash in estate. Need verified supplement addressing.
11. **Objection filed by Patricia Lobello, guardian ad litem.**

**RECOMMENDATION:**

Need to clear notes, then set for contested hearing. (abs/cbr/gls)

HONORABLE: JUDGE J MICHAEL WELCH

-----  
DATE: 10/15/09    TIME: 9:00    DEPT: S33P  
-----

**CASE#: RPR RS02964**

CASE NAME: THOMAS JAMES KRECH

**SEE ALSO 19 19A 20A**

HEARING:

Report Sale and Petition for Order Confirming Sale of Real Property.

COUNSEL:

JOHN KRECH                    (PET)...OVERTON LYMAN & PRINCE  
THOMAS JAMES KRECH        (DEC)...  
LISA KRECH                    (PET)...LAYNE A BARTHOLOMEW  
PATRICIA A LOBELLO         (PET)...LAMB MORRIS & LOBELLO  
AMY MCCULLOUGH            (TP )...ALLAR, SHELTON & O'CONNOR

**X REF RPR02993; PROPS0700649**

Address        50% interest in 10830 Deer Canyon Drive, Rancho Cucamonga  
(APN: 1074-471-070000)

Appraised value    \$475,000. However, need Reappraisal of Sale as appraisal is not  
within one year of sale (Pr.C. §10309).

Sale price            \$300,000. Need Reappraisal for Sale to determine if 90%

First overbid        \$315,500

Deposit              \$5,000. Insufficient. Need 10% unless FHA or VA financed per local  
rule 20-807.

Commission         4 ½%, or \$27,000 to be split 2% to Stapp Home Realty and 2.5% to  
Prudential A Realty. However 4 ½% is equal to \$13,500.

Additional bond      \$400,000. Appears adequate.

Reason for sale      To the advantage of the estate and in the best interest

Exposure to market Listed in MLS and sign posted on property

Notice (gls) Need to file proof of mailed service to proposed buyer and realtors.

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

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DATE: 10/15/09 TIME: 9:00 DEPT: E1  
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CASE #: **RPR RS02993** FILING DATE; 06/08/06

CASE NAME: TOM AND LISA KRECH FAMILY TRUST OF 2004

**SEE ALSO 19 19A 20**

HEARING:

Petition for ALLOWANCE OF EXTRAORDINARY ATTORNEYS' FEES

COUNSEL:

JOHN KRECH (PET)...OVERTON LYMAN & PRINCE  
THOMAS JAMES KRECH (DEC)...  
LISA KRECH (PET)...LAYNE A BARTHOLOMEW  
AMY MCCULLOUGH (TP )...ALLAR, SHELTON & O'CONNOR

**XREFERENCE RPR02964**

GENERAL INFORMATION

**Continued from 08/04/09 to trail other matter. Nothing new filed.**

THIS CASE IS SET FOR HEARING ON Petition for extraordinary fees.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Atty for representative re litigation (Mahoney & Soll) seeks \$151,920 extraordinary fees. Itemized (see Exhibit C). Calculated based upon 506.4 hrs at \$300/hr. Atty alleges that work on file amounted to a \$900,000 - \$1 million benefit to estate. **See below re reduction of fee request to \$146,920.**
2. Extraordinary compensation is normally not allowed until estate is ready for final distribution. Local Rule 20-904. As is stated in the accompanying first account current, the estate is not ready for final distribution as real property must be sold and proceeds from sale of stock in closely held corporation must be received. (See other page this date re accounting.) **Supp: Petitioner states that the estate is flush with cash (existing cash plus pending sale of estate real property plus ongoing payments to estate for business interest plus only two payments remaining on family allowance) and therefore fees should be paid now. JTD.**

3. Atty seeks \$23,343.79 costs advanced. Itemized. Includes many items that ordinarily are not allowable per Local Rule 20-909 including parking fees, fax, telephone charges, etc. (see Exhibit B). Instead, such charges are considered administrative overhead. Need basis for allowing such costs or recalculation of costs without those items. **Atty agrees to reduce fee request by \$5,000 to \$146,920 (reduction is copy/fax costs totaling \$4,293.25 plus an extra \$706.75). Review of the petition shows that it is unclear whether petitioner is requesting fees *plus* the costs reimbursement as the costs are mentioned but only fees are explicitly requested, the fee figure (only) is mentioned at the conclusion of the brief, and in the supplement counsel agrees to reduce the *fee request* by \$5,000. If the cost reimbursement is not also being requested then there is no need for the fee reduction, whereas if costs are being reduced then it is those fees that should be reduced by the agreed \$5,000. Suggest court inquire.**
4. Need probate notice of hearing and proof of service, a mandatory Judicial Council form containing important language. The mere pleading-form proof of service attached to the back of the brief is insufficient.
5. **Objections filed by Paul Mahoney, attorney for John Krech.**

#### RECOMMENDATION

Need to clear notes then court's discretion.

(abs/cbr/abs/gls/kra)

CIVPRO Superior Court of California  
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

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DATE: 10/15/09 TIME: 9:00 DEPT: S33P  
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**CASE#: SPR SS04391**

CASE NAME: ESTATE OF ROBERT DAVID GOODELL

HEARING: MANDATORY SETTLEMENT CONFERENCE

COUNSEL:

DEBORAH J GOODELL (PET)...PRO PER  
BRIAN J GOODELL (PET)...MARTIN E KELLER  
ROBERT DAVID GOODELL (DEC)

No notes – Mandatory Settlement Conference.

CIVPRO Superior Court of California  
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

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DATE: 10/15/09 TIME: 9:00 DEPT: S33P  
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**CASE#: SPR SS05961**

CASE NAME: MTTR OF EDWARDS CHILDREN SPECIAL NEEDS TRUST

HEARING:

FOURTH Account and Report of DEVIN EDWARDS SR and Petition for allowance of fees filed.

COUNSEL:

EDWARDS CHILDREN SPECIAL NEEDS(TRU)...

DEVIN EDWARDS SR (TEE)...FULLERTON LEMANN SCHAEFFER & D

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Fourth Account Current and Petition for Allowance of Fees

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Accounting covers period: 2/20/07 – 2/19/09
2. Assets on hand: \$117,335.94 (cash of \$47,956.09, real property of \$62,956.00, automobile of \$5,290 and the balance in personal property)
3. Petitioner waives fees as trustee during this accounting period.
4. Petitioner requests reimbursement for payment of tax obligations from the trust account from blocked accounts from the minor beneficiaries as follows: Shelby Edwards - \$1,271.96 and Devin Edwards, Jr. - \$661.29.
5. Attorney requests fees of \$4,209.25. Billed at \$275/hour for attorney time and \$85/hour for paralegal time for a total of 32.65 hours. Itemized. JTD
6. Attorney requests reimbursement of costs of \$1,055.00. Itemized. Ok.
7. Petitioner alleges the 2005 Ford Focus automobile previously purchased no longer meets the needs of the minor beneficiaries. Petitioner requests authority to spend up to \$25,000 (to be equally withdrawn from the three minor beneficiary's account) to enable petitioner to purchase an automobile.
8. Petitioner alleges the current bond of \$160,000 remains sufficient. Appears adequate.

RECOMMENDATION:

RFA subject to court's discretion re fees and withdrawals from blocked accounts for purchase of vehicle and payment of taxes. If approved, set next accounting review for 10/13/11.

(gls)

CIVPRO Superior Court of California  
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

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DATE: 10/15/09 TIME: 9:00 DEPT: S33P  
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**CASE#: SPR SS06671**

CASE NAME: EST OF BENETTA B REEVES CRAWFORD

HEARING:

FIRST & FINAL Account and Report of \*\*\* and Petition for allowance of fees filed.

COUNSEL:

BENJAMIN REEVES (PET)...JACK B OSBORN  
BENETTA CRAWFORD (DEC)...  
RILEY CRAWFORD (PET)...JUDITH L HUBERT

GENERAL INFORMATION:

**Continued from 8/6/09 at request of counsel to file verified supplement. Nothing new filed.**

THIS CASE IS SET FOR HEARING ON First and Final Account and petition for its settlement.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need to file notice of hearing and proof of service, including notice to Attorney Jack Osborn who has filed request for special notice.
2. Accounting is filed by Attorney Judith Hubert on behalf of Riley Crawford as the former administrator. The accounting covers the period 11/6/06 – 6/16/08. However, Mr. Crawford was appointed on 3/9/06 and removed on 6/16/08. Thus, the accounting should commence 3/9/06.
3. Counsel states that the accounting (receipts/disbursements/property on hand) has zero transactions. However, the following inventories were filed:  
(a) 9/1/06 - Partial Inventory with real property appraised at \$290,000  
(b) 9/17/07 – Final Inventory setting forth personal property items (i.e., jewelry items) appraised at \$10,605.00.  
(c) 11/3/08 – Corrected Inventory filed with \$0.00 assets.  
Question why the beginning balance of the accounting should not be \$300,605.00, rather \$0.00 as set forth. Additionally, according to the San

Bernardino County Assessor's records, the real property is still titled in the name of decedent. Need to file an amended accounting.

4. Petitioner requests authority to reimburse Riley Crawford in the amount of \$320.00 for expenses paid. Not itemized, however, \$320 was paid for the initial filing fee on the petition for appointment. Question whether additional costs have been paid such as the probate referee for the partial and final inventories? File verified supplement.
5. There is no allegation regarding creditor's claims. It appears that a creditor's claim was filed by Hartnell, Lister and Moore, APC, on 3/16/07 in the amount of \$730.71. Question whether said claim has been paid? File verified supplement.

**RECOMMENDATION:**

Need to clear notes and file amended accounting.

(gls)

CIVPRO Superior Court of California  
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

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DATE: 10/15/09 TIME: 9:00 DEPT: S33P  
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**CASE#: SPR SS06913**

CASE NAME: MTR OF DAVID GARCIA

HEARING:

OSC re: FTA/FAILURE TO FILE FINAL DISCHARGE ORDER filed by JOHN  
GARCIA

COUNSEL:

JOHN GARCIA (PET)...VILMA A AARONS  
DAVID GARCIA (DEC)...  
VICTIM COMPENSATION AND GOVERN(TP )...

**VACATED – Final discharge order submitted for approval.**

(gls/kra)

CIVPRO Superior Court of California  
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

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DATE: 10/15/09 TIME: 9:00 DEPT: S33P  
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**CASE#: SPR SS07043**

CASE NAME: ESTATE OF DOROTHY CAMPBELL

HEARING:

Petition for TO ESTABLISH OWNERSHIP OF ESTATE PROPERTY AND FOR  
AND ORDER VACATING GRANT DEED

COUNSEL:

EDDIE BEATRICE HILL (PET)...MATSUNGA & ASSOCIATES  
DOROTHY CAMPBELL (DEC)...

GENERAL INFORMATION:

**Continued from 1/22/09, 3/19/09, 4/30/09, 6/11/09 and 8/20/09 at request of counsel.**

THIS CASE IS SET FOR HEARING ON Petition to Establish Ownership of Estate  
Property and for Order Vacating Grant Deed

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need to file notice of hearing and proof of personal service per Pr.C. §851 upon Cruz Hernandez, Citi Mortgage, Inc. and the notary.
2. Petitioner is the sole beneficiary under decedent's Will. Petitioner alleges that decedent died on 3/12/05 having title to real property located at 16051 Peach Tree Lane, Fontana, which is currently held by a third party (Cruz Hernandez). Petitioner further alleges that on or about 11/20/07, Hernandez (who is no relation to the decedent) caused to be recorded a Grant Deed conveying title to himself. Furthermore, petitioner states that on or about 10/11/07 Hernandez borrowed and executed a deed of trust securing said property in the amount of \$308,000 and the security was for the benefit of the lender, World Saving Bank. The deed of trust was recorded on 3/4/08 in Riverside County and re-recorded on 9/11/08 in San Bernardino County. On 11/2/07, a loan was funded to Hernandez in the approximate amount of \$367,114. Decedent was listed as the seller of the property. On 11/19/07, petitioner alleges the loan servicing was transferred to Citi Mortgage Inc. Petitioner has made a request to Citi for a repurchase demand as decedent died prior to the sale transaction. Petitioner believes the sale and transfer of

the Peach Tree property was fraudulent, as well as the Grant Deeds. Furthermore, the notary aided and abetted respondent, Hernandez by notarizing the decedent's signatures on the fraudulent documents. Petitioner requests that the court find that the decedent's estate is the true and sole owner of the Peach Tree property and that respondent, the notary, the mortgage company(ies) fraudulently converted the ownership of the property to a third party.

3. Petitioner alleges a copy of the erroneous Grant Deed is attached to the petition, but no such attachment is affixed. **Supp: Original vesting deed to Dorothy Campbell and erroneous deed to Cruz Hernandez are attached.**
4. Petitioner alleges copies of the Deeds of Trust recorded in Riverside and San Bernardino Counties are attached to the petition, but no such attachments are affixed. **Supp: Copies of Deeds of Trust are attached.**
5. Petitioner alleges a copy of a Police report memorializing the sale transaction is attached to the petition, but no such attachment is affixed. **Supp: Copy of Police Report is attached.**
- 6.

RECOMMENDATION:

Need notice and then set for Evidentiary hearing.  
(gls)

FUTURE DATE:

3/25/10 ACCTNG RVW

CIVPRO Superior Court of California  
PROBATE/CONSERVATORSHIP CALENDAR  
HONORABLE: JUDGE J MICHAEL WELCH

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DATE: 10/15/09 TIME: 9:00 DEPT: S33P  
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CASE#: **SPR SS07091**

CASE NAME: ESTATE OF SEYMOUR SHAW

HEARING:  
Accounting Review

	COUNSEL:
SEYMOUR ROTH	(PET)...WALTER MOORE
SEYMOUR SHAW	(DEC)...
JOHN KAZALUNAS	(PET)...HARTNELL LISTER & MOORE
HELENE EISNER	(PET)...ELLIS PAUL ROBIN
CRAIG EISNER	(RES)...PRO/PER

GENERAL INFORMATION:

**Continued from 8/26/09 to trail Court Trial.**

THIS CASE IS SET FOR HEARING ON Accounting Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Prior Status Report granted 6/18/08. The personal representative previously advised the estate was not in a position to close as there is a pending 850 petition to recover assets. The accounting review is trailing this matter. At the Trial on the 850 petition, the court ordered parties to file written arguments by 10/15/09 at which time the court would take the matter under submission.

RECOMMENDATION:

Court may wish to trail this matter 30 days for resolution/judgment of the 850 petition.  
(gls)

CIVPRO Superior Court of California  
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

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DATE: 10/15/09 TIME: 9:00 DEPT: S33P  
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CASE#: **SPR SS07281**

CASE NAME: EST OF RUTH JEAN SKINNER

HEARING:

FIRST AND FINAL Account and Report of BRENDA COLLINS and  
Petition for allowance of fees filed.

COUNSEL:

BRENDA COLLINS (PET)...BENJAMIN DONEL & ASSOCIATES  
RUTH JEAN SKINNER (DEC)...  
KATHY A BARTLOW/BOND SPECIALIS(TP )...PRO/PER

GENERAL INFORMATION:

**Continued several times since 5/5/08 and last from 9/3/09. Court ordered counsel to be present at next hearing.**

THIS CASE IS SET FOR HEARING ON **Amended** 1st & final account and petition for fees and final distribution (filed 6/23/08)

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. **Supplement to the First Account filed. As an Amended Account has been filed, these notes will reflect the supplement as a Supplement to the Amended First Account.**
2. The summary of account is not in compliance with the Pr.C.§1061 format. Question if any disbursements were made from the estate. Need verified supplement. **Supp: The summary of account is still not in compliance. Petitioner alleges there is zero assets on hand at the beginning of the account period; however, an I&A was filed on 10/9/07 with an appraisal value of \$355,000. Petitioner also alleges in the summary, that there were no losses; however, as the real property was foreclosed and a surplus payment generated, the facts indicate a loss to the estate. Finally, petitioner claims there are zero total Charges and zero total Credits; as there are figures to sum up in the body of the Charges and Credits**

**categories the figures reflected are incorrect. Need a proper Summary of account and supporting schedules.**

3. Surplus proceeds generated from the foreclosure were received by the estate 6/13/07. Question whether all cash has been kept in interest bearing accounts (Pr.C.§1064(a)(5))? File verified supplement and need copies of bank statements verifying balance of property on hand per local rule 20-908.
4. Petitioner and attorney request statutory fees of \$4,917.26. Calculated ok.
5. Attorney requests reimbursement of \$1,510.00 for cost advanced in the administration of the estate. Itemized.

**RECOMMENDATION:**

Need to clear notes 2-3. If approved, court to set hearing re filing receipts and final discharge for **10/21/10**.

(kra/gls)

CIVPRO Superior Court of California  
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH **CONSERVATORSHIPS**

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DATE: 10/15/09 TIME: 10:30 DEPT: S33P  
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CASE#: **BC BS00020**

CASE NAME: CONSERVATORSHIP OF SELWA ZAHEER

**SEE ALSO 28**

HEARING:

Hearing Re: Transfer

COUNSEL:

SELWA ZAHEER

DAVID ZAHEER

(CEP)...

(PET)...GRESHAM SAVAGE NOLAN & TILDEN

GENERAL INFORMATION:

Continued from 7/31/08 at request of counsel to investigate if transferred to Los Angeles County. Nothing new filed.

**Last continued from 10/23/08, 1/8/09, 4/16/09, 6/11/09 and 9/3/09 at request of counsel. Counsel states he has no objection to transfer but requests authority to complete the accounting prior to the transfer (see page 28)**

THIS CASE IS SET FOR HEARING ON Status

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Court to review Court Investigator's memo of May 24, 2007 re transferring case.
2. The final accounting is also before the court (see page 28)

RECOMMENDATION:

Court's discretion.

(gls)

Superior Court of Calif, County of San Bernardino

Page: 28

CIVPRO Superior Court of California  
PROBATE/CONSERVATORSHIP CALENDAR  
HONORABLE: JUDGE J MICHAEL WELCH

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DATE: 10/15/09 TIME: 10:30 DEPT: S33P  
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CASE#: **BC BS00020**

CASE NAME: CONSERVATORSHIP OF SELWA ZAHEER

**SEE ALSO 27**

HEARING:

SIXTH AND FINAL Account and Report of DAVID ZAHEER and Petition  
for allowance of fees filed.

COUNSEL:

SELWA ZAHEER

(CEP)...

DAVID ZAHEER

(PET)...GRESHAM SAVAGE NOLAN & TILDEN

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Sixth and Final Account and Petition for  
Allowance of Fees

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Accounting covers period: 7/1/05 – 11/2/07
2. Assets on hand: \$1,335,910.97 (cash of \$71,125.89, annuity of \$38,273.38 and the balance in investment accounts.
3. Need to file notice of hearing and proof of service.
4. Conservator's accounting period ends 11/2/07, yet the conservatorship has not terminated. On 12/5/06, the court ordered the conservatorship assets transferred to petitioner as trustee of the Selwa Zaheer Trust. Need a final accounting for the conservatorship estate for the period 7/1/05 – 12/5/06 and a first and final accounting for the trust for the period 12/6/06 – current date.
5. Conservator waives fees for this accounting period.
6. Attorney requests fees of \$33,889.00. Billed at \$300-\$330/hour for attorney time and \$145-\$175/hour for paralegal time. Itemized.
7. Need original facility statements from Bel Air Guest Home per Pr.C. §2620(c)(5).
8. Need original investment statements (appears only copies are submitted) per Pr.C. §2620(c).
9. It appears that during the accounting period, conservator paid credit cards of conservatee (i.e., MBNA, Union Bank, Bank of America, etc). Given the value of the estate, question why conservator continues to pay finance

charges for credit cards on any outstanding balances, rather than paying the credit cards in full? Also, it appears that the continuing charges are “cash advances” for conservatee totaling \$16,932.40 during the accounting period. Does court wish an itemized list as to what the cash advances are used for? File verified supplement.

10. Need statement of all liabilities due by the conservatorship estate per Pr.C. §1064(g). File verified supplement.
11. Copies of the investment statements provided do not show that the account title has been transferred to petitioner as trustee of the Selwa Zaheer Trust. Question whether the Trust has been funded? File verified supplement.
12. It does not appear that Trust requires bond for petitioner as trustee. Does court wish to set OSC re bond sufficiency for trustee? JTD

**RECOMMENDATION:**

Need to clear notes.

(gls)

CIVPRO Superior Court of California  
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

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DATE: 10/15/09 TIME: 10:30 DEPT: S33P  
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**CASE#: CON PS0700027**

CASE NAME: CORRINE ELLEN HANSON

HEARING:

FIRST Account and Report of GRACE R PRIDE and Petition for fees

COUNSEL:

GRACE R PRIDE (CPE)...HARTNELL LISTER & MOORE  
CORRINE ELLEN HANSON (CEP)...MARK S MAHONEY

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON First Account Current and Petition for Fees

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Accounting covers period: 4/13/07 – 4/12/08
2. Assets on hand: \$43,099.27 (cash of \$3,099.27 and the balance in carry value of real property)
3. Petitioner waives fees for services during this accounting period.
4. Attorney request fees of \$19,266.00. Billed at \$250-\$325/hour for attorney time and \$75-\$95/hour for paralegal time for a total of 77.7 hours. Itemized. JTD
5. On attorney services, there are services for the review of letter and telephone conversations with Union Bank re acceleration clause and Notice of Invocation of Acceleration Clause. Question whether the mortgage company is calling the loan due? What is the balance of the current mortgage/line of credit? What efforts are being made to secure the real property of the conservatorship estate? File verified supplement.
6. On 6/18/07, the court ordered conservatee placed in a secured facility and any move of the conservatee from her residence would be followed by a review hearing within 30 days. Conservator alleges conservatee currently resides on Velare Court, Victorville, which does not match the residence listed in the Court Investigator's Report. Question whether conservatee is in a licensed secured facility? File verified supplement.

RECOMMENDATION:

Need to clear notes.

(gls/kra)

Superior Court of Calif, County of San Bernardino

Page: 30

CIVPRO

Superior Court of California

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

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DATE: 10/15/09      TIME: 10:30      DEPT: S33P  
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CASE#: **CON PS0700295**

CASE NAME: ALICE A. CONNELLY

**SEE ALSO 31**

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

JAMES L SMITH

(CPE)...MARK J. A. FLORY

ALICE A CONNELLY

(CEP)...HARTNELL LISTER & MOORE

X REF PRO700296

GENERAL INFORMATION

**Continued from 10/7/08, 4/1/09, 5/18/09, 6/18/09 and 8/20/09 at request of counsel.**

THIS CASE IS SET FOR HEARING ON inventory & appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Final I&A filed. However, the amount listed for the BofA account ending 9550 is not as of date of appointment of 1/22/08; there appears to be a difference of \$1,834.96. In addition, a conservatorship bank account was opened with Community Bank on 1/7/08 (after appointment as temporary conservator) in the amount of \$10,000. Need a corrected I&A or reconciliation. If a corrected I&A is filed, need I&A in support of disbursements and corrected schedules in support of the first account (see next page).

RECOMMENDATION

Inquire status.

(abs/kra/cbr/kra/gls)

CIVPRO Superior Court of California  
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

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DATE: 10/15/09 TIME: 10:30 DEPT: S33P  
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CASE#: **CON PS0700295**

CASE NAME: ALICE A. CONNELLY

**SEE ALSO 30**

HEARING:

FIRST Account and Report of JAMES L SMITH and Petition for allowance of fees filed.

COUNSEL:

JAMES L SMITH

ALICE A CONNELLY

(CPE)...MARK J. A. FLORY

(CEP)...HARTNELL LISTER & MOORE

X REF PRO700296

GENERAL INFORMATION

**Continued from 6/18/09 and 8/20/09. On 6/18/09, Court grants Atty Church's request for attorney's fees in the amount of \$1,459.00. On 8/20/09, the court notes Attorney Roth was just retained by 4 objectors.**

THIS CASE IS SET FOR HEARING ON 1<sup>st</sup> account current and petition for fees

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Accounting period covers 2/8/08 – 2/9/09. However, as petitioner was appointed on 1/22/08 (general conservator) and on 12/28/07 (temporary conservator, need accounting to include the period since the date of appointment as temporary conservator. Need to file amended accounting.
2. Assets on hand \$201,395.77 consisting of cash and personal property
3. Need correction of notes re Inventory & Appraisal (see notes on preceding page).
4. Petitioner waives fees for this accounting period.
5. Attorney Church requests fees of \$12,090.00. Billed at \$250-\$275/hour for attorney time and \$40-\$100/hour for paralegal time. Itemized. JTD
6. Attorney requests reimbursement of costs of \$1,459.00. Itemized. JTD
7. Petitioner paid various caregivers during this accounting period. Petitioner executed a declaration that payment was received for services rendered on dates of service per local rule 20-1406(c). However, said declaration should be

signed by the caregiver but copies of the checks are submitted with the monthly bank statements also filed. Does court wish to require declaration signed by caregiver(s)? JTD

8. On disbursements on 4/16/08, the sum of \$1,846.09 was reimbursed to Azpouie Smith for out-of-pocket costs. Need itemization of costs.
9. Petitioner alleges the conservatee, and her predeceased husband, had a family trust that held only one asset. That is a mobile home in Hemet, California. The maintenance and expenses for such asset are paid out of the conservatorship. The petitioner was going to rent the mobile home, but petitioner alleges the mobile home park does not allow renters. Petitioner, does, however, indicate that during the accounting period a farm in South Dakota held also in the conservatee's family trust was sold and all of the proceeds were placed into the conservatorship account. Question whether there is any tax liability or tax issue with placing the proceeds from the sale of the farm into the conservatorship estate? File verified supplement.
10. It is not clear from the accounting what funds actually were deposited from the sale of the South Dakota farm. Need to file verified supplement to clarify with a copy of the escrow closing statement.
11. Petitioner has paid certain expenses with the First National Bank Credit Card. On 7/26/08 and on 8/26/08, there were late charges assessed totaling \$70.00. Also, on 1/20/09 and on 2/23/09, there are payments totaling \$392.99 to the credit card without further itemization. Need verified supplement with itemization of charges in 1/09 and 2/09. Question whether there is an outstanding balance due and if so, the amount of the liability? Also, question whether petitioner should be liable for the late charges assessed? File verified supplement.
12. No objections are filed at the time of the review of this file.

**RECOMMENDATION:**

Need to clear notes. Determine if objections will be filed. If approved, set next accounting review for 6/23/11. Accounting to be filed 30 days in advance.

(/gls)

CIVPRO Superior Court of California  
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

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DATE: 10/15/09 TIME: 10:30 DEPT: S33P  
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CASE#: **CON PS0800055**

CASE NAME: DAVID W. EPPS

HEARING:  
Accounting Review

COUNSEL:  
JAMES HAWTHORNE SR (PCR)...TAMILA C JENSEN  
NANCY HAWTHORNE (PCR)...TAMILA C JENSEN  
RICK HAWTHORNE (PCR)...TAMILA C JENSEN  
DAVID W. EPPS (PCE)...

GENERAL INFORMATION  
**Continued from 8/19/09 at request of counsel.**

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

- 1 On 06-11-08, Court granted petition for appointment of conservator; First accounting/waiver of accounting now due covering the period 06-11-08 to 06-10-09.
- 2 No accounting filed.

RECOMMENDATION:  
When an accounting is not filed as required, the court shall take action as specified in Pr.C. § 2620.2.  
(vet/gls)

FUTURE HEARING DATES:  
6/16/10 Accounting Review for SNT

CIVPRO Superior Court of California  
PROBATE/CONSERVATORSHIP CALENDAR  
HONORABLE: JUDGE J MICHAEL WELCH

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DATE: 10/15/09 TIME: 10:30 DEPT: S33P  
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CASE#: **CON PS0900055**

CASE NAME: DENISE ANN BENIGNI

HEARING:  
PROBATE/CONSERVATORSHIP MANAGEMENT CONFERENCE

COUNSEL:  
ZAINY BENIGNI (PET)...MICHAEL CRAMER  
ROBERT BENIGNI (CP)...MICHAEL CRAMER  
DENISE ANN BENIGNI (CTP)...

GENERAL INFORMATION:

On 3/5/09 this matter was transferred by Order of the Los Angeles County Superior Court.  
**Continued from 4/23/09, 6/11/09 and 8/27/09. On 6/11/09, Court refers matter to Court Investigator to determine whereabouts of conservator.**

THIS CASE IS SET FOR HEARING ON Status

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters of Conservatorship, person only, were issued to Robert Beigni (brother) on 6/1/90. It appears annual visits and Court Investigators' reports have been filed. The last Court Investigator's report was done in Los Angeles County on or about 9/2/08. Conservatee resides in San Bernardino County and the matter was transferred here on or about 5/9/09.
2. It appears that the notice of this hearing addressed to conservator was returned as undeliverable.
3. Court Investigator's report is filed with conservator's address.
4. Notice of this hearing has been provided to conservators' counsel.

RECOMMENDATION:

Court's discretion.

(gls)

CIVPRO Superior Court of California  
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

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DATE: 10/15/09 TIME: 10:30 DEPT: S33P  
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CASE#: **CON PS0900179**

CASE NAME: MTR OF PATSYL UVAAS

**SEE ALSO 35**

HEARING:

Petition for EXCLUSIVE AUTHORITY TO GIVE CONSENT FOR MEDICAL  
TREATMENT

COUNSEL:

CARROLL T GOBLE (CPE)...PRO/PER  
PATSY L UVAAS (CEP)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for Exclusive Authority to Give Consent  
for Medical Treatment

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Petitioner requests medical and dementia powers. Medical Capacity Declaration is filed in support of dementia powers and complex medical decisions (but not ordinary medical decisions).
2. As dementia powers are sought, court must appoint counsel for proposed conservatee, and need report of counsel.
3. Note: Petition for Appointment of Conservator is next matter (page 35)

RECOMMENDATION:

Court must appoint counsel for proposed conservatee and need report of counsel.  
(gls)

Superior Court of Calif, County of San Bernardino

Page: 35

CIVPRO Superior Court of California  
PROBATE/CONSERVATORSHIP CALENDAR  
HONORABLE: JUDGE J MICHAEL WELCH

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DATE: 10/15/09 TIME: 10:30 DEPT: S33P  
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CASE#: **CON PS0900179**

CASE NAME: MTR OF PATSYL UVAAS

**SEE ALSO 34**

HEARING:

Petition for Appointment of Conservator

COUNSEL:

CARROLL T GOBLE (CPE)...PRO/PER  
PATSY L UVAAS (CEP)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for Appointment of Conservator, person and estate, by son

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Petitioner requests that bond be waived as petitioner is the joint owner of the financial accounts with proposed conservatee. JTD
2. Court must appoint counsel for proposed conservatee (see notes on page 34). Need report of counsel.
3. Need proof of completion of conservatorship training class.
4. Citation returned served.
5. Court Investigator report filed.

RECOMMENDATION:

Need to clear notes. If approved, set hearing for filing of inventory and appraisal and care plan, including proof of service of inventory and appraisal, instructions for objection to inventory and appraisal, order appointing Conservator and care plan in accord with Pr.C. §§ 1850, 2352 and 2610 for 5/20/10. Set hearing on accounting review for 12/23/10. Accounting to be filed 30 days in advance.

(gls/kra)

CIVPRO

Superior Court of California  
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

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DATE: 10/15/09    TIME: 10:30    DEPT: S33P  
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CASE#: **MC MS4**

CASE NAME: IN THE MATTER OF DUANE J MORRETT

HEARING:

Hearing Re: Advance Directive

COUNSEL:

EMERAL D MORRETT                    (PET)...D M DAVIS  
DUANE J MORRETT                    (CPE)...MITCHELL I ROTH  
CHRISTINA ERICKSON-TAUBE        (PET)...SHERRI L KASTILAHN  
MELODIE Z SCOTT                    (TP )...PRO/PER

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Review of Advance Health Care Directive

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. On 9/3/09, the court questions the Advanced Health Care Directive signed by conservatee. Court appointed Attorney Mitchell Roth for conservatee and orders points and authorities re authority to sign such directive to be filed by Attorney Kastilahn. Need same.

RECOMMENDATION:

Need points and authorities as well as report of Attorney Roth.  
(gls\*)

FUTURE HEARINGS 6/10/10 ACCOUNTING REVIEW

CIVPRO Superior Court of California  
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

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DATE: 10/15/09 TIME: 10:30 DEPT: S33P  
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CASE#: **SC SS02376**

CASE NAME: MTR OF GLENDORA JOHNSON

HEARING:  
Accounting Review

COUNSEL:  
JOHN F. WATSON (CPE)...MICHAEL S. ARNOLD  
GLENDORA JOHNSON (CEP)...  
BOND SERVICES OF CALIF INS AGE(TP )...PRO/PER

GENERAL INFORMATION:

**Continued from 5/1/08, 6/12/08, 8/7/08, 10/23/08, 1/8/09, 3/12/09, 4/16/09, 6/18/09 and 8/20/09. Citation previously issued to Attorney Michael Arnold, but subsequently discharged on 6/18/09.**

**On 1/8/09, the court notes that both the conservator and conservatee have passed away. Court notes that Attorney Arnold is to file a waiver of accounting.**

THIS CASE IS SET FOR HEARING ON Accounting Review.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Final Account/Waiver of Account is due for the period 2/1/06 – date of death and subsequent account through current date. No accounting is filed.

RECOMMENDATION:

Find out status. When an accounting is not filed as required, the court shall take action as specified in Pr.C. § 2620.2. Clerk to notice bond company.

(gls)

Superior Court of Calif, County of San Bernardino

Page: 38

CIVPRO Superior Court of California  
PROBATE/CONSERVATORSHIP CALENDAR  
HONORABLE: JUDGE J MICHAEL WELCH

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DATE: 10/15/09 TIME: 10:30 DEPT: S33P  
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CASE#: **SC SS02658**

CASE NAME: MTR OF MONICA COOPER SANCHEZ

HEARING:

Hearing re Final Discharge

COUNSEL:

KATIE SANCHEZ (CPE)...HARTNELL HORSPPOOL & FOX  
MONICA COOPER SANCHEZ (CEP)...SHERRI L KASTILAHN  
CRAIG JONES (APP)...PRO/PER  
DARLENE JONES (PRO/PER )...PRO/PER  
MONICA COOPER SANCHEZ ( )...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON filing receipts and final discharge

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Order for Final Distribution granted on 10/9/08 granting distribution to the personal representative of deceased conservatee's estate.
2. Receipts are filed. However, receipts are from the purported successors in interest of deceased conservatee who have each executed an Affidavit under Pr.C. §13100. The declarants of the 13100 Affidavits are not all included in the notices of the conservatorship proceedings, including the hearing on the final accounting. Question if the Affidavit is sufficient to release blocked accounts? Also question if court wishes counsel to amend the Order for Final Distribution to indicate distribution is by way of a 13100 Affidavit? File verified supplement and JTD re submitting an amended order to properly reflect distribution.
3. Need to submit final discharge declaration/order.

RECOMMENDATION:

Need to clear notes 2 and 3.

(gls)

CIVPRO

Superior Court of California  
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

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DATE: 10/15/09    TIME: 10:30    DEPT: S33P  
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CASE#: **SC SS03047**

CASE NAME: MTR OF EDGAR FARRINGTON III

HEARING:

SECOND Account and Report of INLAND COUNTIES REGIONAL CNTR INC.  
and Petition for allowance of fees filed.

COUNSEL:

INLAND COUNTIES REGIONAL CNTR (CE)...BRUNICK BATTERSBY MCELHANEY  
EDGAR FARRINGTON III            (CTE)...

GENERAL INFORMATION:

**Continued from 9/10/09 at request of counsel.**

THIS CASE IS SET FOR HEARING ON Second Account Current and Petition for Allowance of Fees

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Accounting covers period: 6/1/07 – 5/31/09
2. Assets on hand: \$96,134.03 (cash of \$95,677.47 and the balance in personal property)
3. IRC alleges that the trust account experienced a total loss of \$1,637.62 during the accounting period.
4. IRC alleges that items purchased for the beneficiary with the trust funds are considered as distributions to the beneficiary and not assets of the estate.
5. IRC waives fees as limited conservator. Instead, IRC requests approval of trustee's fees already taken by Master Trust of California in the amount of \$2,767.66. Billed at 2% of the trust assets in quarterly trustee fees. Generally itemized. JTD
6. Attorney requests fees of \$1,205.16. Billed at \$125-\$160.05/hour for attorney time and \$75/hour for paralegal time for a total of 11.50 hours. Itemized. JTD
7. IRC requests authority to continue to take quarterly trustee fees calculated at \$875 for the first \$50,000 and 2% of the trust assets between \$50,000 and \$250,000. JTD

8. Need original facility statements for Padua Village, Inc., per Pr.C. §2620(c)(4)

**RECOMMENDATION:**

Need to clear notes 8. If approved, set next accounting review for 9/16/10. Accounting to be filed 30 days in advance.

(gls/abs/gls)

CIVPRO Superior Court of California  
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

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DATE: 10/15/09 TIME: 10:30 DEPT: S33P  
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CASE#: **SC SS03096**

CASE NAME: MTR RE LINDA WINTERS

HEARING:

DISPENSE WITH CURRENT AND TRUST ACCTINGS Account and Report of  
INLAND COUNTIES REGIONAL CENTER INC and Petition for allowance  
of fees filed.

COUNSEL:

INLAND COUNTIES REGIONAL CENTE(CE )...BRUNICK MCELHANEY & BECKETT  
LINDA WINTERS (CTE)...LENITA A SKORETZ

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition to Dispense with Current and Future  
Trust Accountings, for termination of limited conservatorship of the estate

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. IRC was appointed limited conservator of the estate on 8/15/06 Pursuant to the Court's Order of 8/27/08, the first accounting was dispensed with under CRC 7.903(d) as the value of the Special Needs Trust was and is less than \$20,000. Petitioner alleges the conservatorship of the estate is no longer required because all of the conservatee's assets have been placed into the Master Trust of California, and conservatee's income is only social security and nominal wages totaling approximately \$1,183.73. IRC is the representative payee of the conservatee's social security benefits.
2. Petitioner requests that the requirement of a final account be waived as the assets meet the requirements of CTC 7.903(d).
3. Need report of counsel for conservatee, Lenita Skoretz.

RECOMMENDATION:

Need report of counsel and then court's discretion. If approved, court to set hearing on filing receipts and final discharge for 10/21/10. If termination is not granted and only a waiver of account is granted, set next accounting review for 10/21/10.(gls)

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

**MISC.**

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DATE: 10/15/09 TIME: 1:30 DEPT: E1  
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CASE #: **CON PS0900005** FILING DATE; 01/07/09

CASE NAME: DONALD SCHAD

HEARING:

Hearing Re: COURT INVESTIGATOR'S REPORT

WANDA BAKER  
DONALD SCHAD

COUNSEL:  
(PCR) ROBERTA L. TAYLOR & ASSOCIATES  
(PCE) JEANNE KENNEDY

GENERAL INFORMATION:

Matter set 8/10/09 after review and consideration of Court Investigator report dated 8/3/09 which stated that there is reason to believe that current conservator should be removed and the Public Guardian be considered for appointment. Court ordered matter set on calendar for hearing on the report.

**Continued from 10/5/09 for an in camera hearing.**

THIS CASE IS SET FOR HEARING ON: Court Investigator's Report.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. After review and consideration of Court Investigator report dated 8/3/09 which stated that there is reason to believe that current conservator should be removed and the Public Guardian be considered for appointment, Court set this hearing.
2. Conservator filed declaration stating that she has removed the clutter from the home, she has replaced the vacuum cleaner, and she will ensure that home is appropriately maintained. Conservator states that she will be receiving a refund check from IRS which she will use to complete the renovation to the Arrowhead property which will allow the property to be rented for an amount in excess of the mortgage payment. Conservator believes it is more financially prudent to save the property and generate more income than to let it go. Conservator states that she has not denied contact between conservatee and visitors except when she is unable to be present to supervise as conservatee gives away property to whoever comes

into the house. Conservator has no objection to visitors coming to visit conservatee or taking conservatee out to eat or to their home to visit so long as it is prearranged. JTD.

3. Letters were issued to conservator on 8/20/09, bond in amount of \$40,000. Bond was filed 8/12/09 and Surety Rider filed on 8/17/09. The bond indicates that an order was entered 4/8/08 appointing Wanda Renee Baker as executor of the estate of Donald Clifton Schad. The Surety Rider indicates that bond is issued from 4/8/08 to 4/8/09. Need amended bond showing that Wanda Renee Baker is the conservator of the estate of Donald Clifton Schad and that order was made and entered 4/8/09. Rider should be for period 4/8/09 to 4/8/10.
4. **Second report of Conservatee's counsel filed.**

RECOMMENDATION:

Court's discretion re conservatorship.

Need amended bond correcting errors in current bond.

(fhl/gls)

FUTURE HEARINGS 12/02/09 COMPLIANCE

06/16/10 ACCOUNTING REVIEW

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

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DATE: 10/15/09 TIME: 1:30 DEPT: E1  
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CASE #: **RPR RS02519** FILING DATE; 08/17/04

CASE NAME: HAVENER FAMILY TRUST OF 1991

**SEE ALSO 43**

HEARING:

Hearing Re: Petition for Appt of Successor Trustee

COUNSEL:

MARIAN V HAVENER (PET)...JENNIFER L FIELD  
WALTER B. LEE III (PET)...KEITH C. WELPUTT  
HAVENER FAMILY TRUST OF 1991, (TRU)...  
EDMUND L LAMBETH (STE)...LAYNE A BARTHOLOMEW  
BOND SERVICES OF CALIFORNIA ( )...

GENERAL INFORMATION:

**Continued from 5/21/09 as case was also set for MSC and Court was unavailable.**

On 6/2/09 Court authorized the Trust to retain Consensyo Property Management to manage the rental properties with monthly reports to both counsel and all monies in excess of what is needed for the management of the properties to be held in a segregated interest-bearing attorney-client trust account.

**Continued from 8/31/09 and 9/28/09. No appearance on 9/28/09.**

THIS CASE IS SET FOR HEARING ON Petition for Appointment of Successor Trustee

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. This matter came on for ex parte hearing on 12/1/08. The court continued matter to this date.
2. Petitioner, Marian Havener, is the surviving settlor of the Havener Family Trust of 1991. The other settlor of the trust, Paul Havener, died on 2/21/04, and the trust was split into two sub-trusts, the Survivor's Trust and the Bypass Trust. Petitioner alleges this petition is relative to the Bypass Trust only. Petitioner is the sole beneficiary of the Bypass Trust during her lifetime. On 7/21/06, the court appointed Walter B. Lee, III as trustee of the Bypass Trust. No successor trustee was named in the event Walter B. Lee III was unable or unwilling to serve. On or about 8/8/08, petitioner alleges Mr. Lee gave notice of his resignation as trustee of the Bypass

Trust. There is a vacancy in the office of trustee and petitioner requests the court to appoint a successor trustee of the Bypass Trust. Petitioner nominates Marshall Wesson as successor trustee of the Bypass Trust. The value of the Bypass Trust is approximately \$1,450,000 and petitioner alleged Mr. Wesson is capable of obtaining a fiduciary surety bond for said amount. Petitioner requests that Marshall Wilson be appointed successor trustee of the Bypass Trust with bond in the amount to be determined by the Court.

3. No opposition is filed at the time of the review of this trust.

**RECOMMENDATION:**

Court's discretion. Court may wish to fix bond at \$1,450,000 and set a review date for compliance of filing such bond (suggest 30 days). The final accounting of Walter B. Lee has been filed and hearing is continued to 11/10/09.

(gls/kra/gls)

**FUTURE HEARINGS:**

11/10/09 FIRST & FINAL Account and Report of WALTER B. LEE III and Petition for allowance of fees filed.

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

-----  
DATE: 10/15/09 TIME: 1:30 DEPT: E1  
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CASE #: **RPR RS02519** FILING DATE; 08/17/04

CASE NAME: HAVENER FAMILY TRUST OF 1991

**SEE ALSO 42**

HEARING:  
Mandatory Settlement Conference

COUNSEL:

MARIAN V HAVENER (PET)...JENNIFER L FIELD  
WALTER B. LEE III (PET)...KEITH C. WELPUTT  
HAVENER FAMILY TRUST OF 1991, (TRU)...  
EDMUND L LAMBETH (STE)...LAYNE A BARTHOLOMEW  
BOND SERVICES OF CALIFORNIA ( )...

No calendar notes as this is on for Mandatory Settlement Conference.

FUTURE HEARINGS:  
11/10/09 FIRST & FINAL Account and Report of WALTER B. LEE III

CIVPRO Superior Court of California  
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

**PROBATE**

-----  
DATE: 10/15/09 TIME: 9:00 DEPT: S34P  
-----

CASE#: **PRO PS0700577**

CASE NAME: EST OF SHIRLEY I DILLON

HEARING:  
Hearing Re: CONFIRM SETTLEMENT

COUNSEL:

CHRISTIAN L VAUGHAN (PET)...HART MIERAS & MORRIS INC  
SHIRLEY I DILLON (DEC)...  
PAIGE B VAUGHAN (PET)...MARK J. A. FLORY  
CALEB BYRON VAUGHAN (OBJ)...OSCAR C PARRA  
MADISON R RENNER (OSCAR C PARRA )...OSCAR C P

No notes – status of settlement.

CIVPRO Superior Court of California  
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

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DATE: 10/15/09 TIME: 9:00 DEPT: S34P  
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CASE#: **PRO PS0700798**

CASE NAME: WALTER FLOWERS JR.

HEARING:

Hearing Re: OSC RE: SANCTIONS

COUNSEL:

FRANCES FLOWERS (PET)...JO ANN MCDOLE  
WALTER FLOWERS JR (DEC)...  
WANDA ROGERS (OBJ)...PRO/PER  
STATE OF CALIFORNIA FRANCHISE (PRO/PER )...PRO/PER

GENERAL INFORMATION:

**Continued from 9/10/09. No appearance and court sets this OSC.**

THIS CASE IS SET FOR HEARING ON OSC re sanctions for failure to appear and or file an accounting/Status Report

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters of Administration issued to Frances Flowers on 5/1/08 (full authority, no bond.
2. No accounting/status report is filed.

RECOMMENDATION:

When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. § 11050 et seq. No bond company to notice.

(gls)

CIVPRO Superior Court of California  
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

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DATE: 10/15/09 TIME: 9:00 DEPT: S34P  
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CASE#: **PRO PS0700822**

CASE NAME: OLIN WEBB JONES

**SEE ALSO 3A**

HEARING:

Probate status report filed.

COUNSEL:

ORIN ROBERT JONES (PET)...DUANE P BOOTH  
OPAL I JONES (OBJ)...D JASON DAVIS

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Report of Status of Compliance with Settlement Agreement

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. This is a trust proceeding. It began as a petition for instructions. The parties entered into a settlement agreement. The Trustee, Orin Jones, has filed his report of status of compliance with the settlement agreement.
2. In 9/08, the parties stipulated to the sale of the real property, and objector's interest would terminate if Opal Jones predeceased the sale of the real property. Opal Jones died on 5/28/09. Petitioner alleges per paragraph 5(c) of the Stipulation and order filed 9/20/08, all of Opal Jones' interest in the real property is terminated. The Trust real property is sold and escrow was to close on 8/31/09. Question whether the real property rented prior to its sale, and if so, question whether there was any excess rental income to be divided to the estate of Opal Jones per the settlement agreement? File verified supplement. **Supp: property was not rented.**
3. Petitioner requests that this matter be terminated/dismissed.

RECOMMENDATION:

Court's discretion.

(gls)

Superior Court of Calif, County of San Bernardino

Page: 3A

CIVPRO

Superior Court of California

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

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DATE: 10/15/09      TIME: 9:00      DEPT: S34P  
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CASE#: **PRO PS0700822**

CASE NAME: OLIN WEBB JONES

**SEE ALSO 3**

HEARING:

Probate status report filed.

COUNSEL:

ORIN ROBERT JONES      (PET)...DUANE P BOOTH

OPAL I JONES      (OBJ)...D JASON DAVIS

See prior notes (page 3)

CIVPRO Superior Court of California  
PROBATE/CONSERVATORSHIP CALENDAR  
HONORABLE: JUDGE CYNTHIA LUDVIGSEN

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DATE: 10/15/09 TIME: 9:00 DEPT: S34P  
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CASE#: **PRO PS0701008**

CASE NAME: MTR OF WILLIE CHARLES WILLIAMS

**SEE ALSO 5 6**

HEARING:

Hearing Re: OSC RE: BLOCKED ACCOUNTS

COUNSEL:

SALLIE M ROBERSON (PET)...RICHARD F NEVINS  
WILLIE CHARLES WILLIAMS (DEC)...  
LOUTISHA E. MCREYNOLDS (PET)...RICHARD F NEVINS  
TOMMIE R. ROBINSON (PET)...RICHARD F NEVINS  
JOHN T ROBINSON JR (PET)...RICHARD NEVINS  
WILLIE CHARLES WILLIAMS (DEC)...

GENERAL INFORMATION:

**Continued from 12/8/08, 1/26/09, 3/12/09, 6/11/09, 7/27/09 and 9/10/09 at request of counsel. Court orders counsel to submit new order that all estate funds to be deposited in blocked account at Bank of America and receipts shall be filed. No withdrawals to be made without court order.**

THIS CASE IS SET FOR HEARING ON OSC re Proof of Deposit into Blocked Account

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Amended Letters issued 10/27/08, all money held in blocked account.
2. No proof of deposit into blocked account. Declaration filed by petitioner stating that petitioner opened up an estate account with \$820 of the cash of decedent. Petitioner alleges that Bank of America is refusing to convert the account into a blocked account because the current order for probate indices the amount of the deposit is \$225,000. The bank informs petitioner that it cannot open a blocked account for less than the amount states in the court's order; that the deposit must either match or exceed the court's order. The current inventoried cash is equal to \$37,966.59 question why the estate account was only opened with \$820.00? File verified supplement.

RECOMMENDATION:

Need proof of blocked account.

(kra/GLS/NMT/gls)

CIVPRO Superior Court of California  
PROBATE/CONSERVATORSHIP CALENDAR  
HONORABLE: JUDGE CYNTHIA LUDVIGSEN

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DATE: 10/15/09 TIME: 9:00 DEPT: S34P  
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CASE#: **PRO PS0701008**

CASE NAME: MTR OF WILLIE CHARLES WILLIAMS

**SEE ALSO 4 6**

HEARING:  
Hearing re: Inventory and appraisal

COUNSEL:

SALLIE M ROBERSON (PET)...RICHARD F NEVINS  
WILLIE CHARLES WILLIAMS (DEC)...  
LOUTISHA E. MCREYNOLDS (PET)...RICHARD F NEVINS  
TOMMIE R. ROBINSON (PET)...RICHARD F NEVINS  
JOHN T. ROBINSON JR (PET)...RICHARD F NEVINS  
WILLIE CHARLES WILLIAMS (DEC)...

GENERAL INFORMATION:

Continued from **12/8/08 and 1/26/09** at request of counsel.  
**Continued from 6-11-09, 7/27/09 and 9/10/09 at request of counsel.**

THIS CASE IS SET FOR HEARING ON inventory & appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Amended Letters issued 10/27/08, all money held in blocked account.
2. A partial inventory and appraisal was filed on 10-9-08. Need final inventory and appraisal.

RECOMMENDATION:

When an inventory and appraisal is not filed as ordered, court may set a hearing in accord with Pr.C. §8804 and/or 8505.  
(KRA/NMT/gls)

CIVPRO Superior Court of California  
PROBATE/CONSERVATORSHIP CALENDAR  
HONORABLE: JUDGE CYNTHIA LUDVIGSEN

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DATE: 10/15/09 TIME: 9:00 DEPT: S34P  
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CASE#: **PRO PS0701008**

CASE NAME: MTR OF WILLIE CHARLES WILLIAMS

**SEE ALSO 4 5**

HEARING:  
Accounting Review

COUNSEL:

SALLIE M ROBERSON (PET)...RICHARD F NEVINS  
WILLIE CHARLES WILLIAMS (DEC)...  
LOUTISHA E. MCREYNOLDS (PET)...RICHARD F NEVINS  
TOMMIE R. ROBINSON (PET)...RICHARD F NEVINS  
JOHN T. ROBINSON JR (PET)...RICHARD F NEVINS  
WILLIE CHARLES WILLIAMS (DEC)...

GENERAL INFORMATION:

**Continued from 6-11-09, 7/27/09 and 9/10/09 at request of counsel.**

THIS CASE IS SET FOR HEARING ON Status Report

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters of Administration issued 3/20/08 (limited authority and blocked accounts)
2. Status Report was filed 6/10/09 and the personal representative, John T. Robinson, Jr., alleges that the estate is not in a condition to close as the estate personal property has not yet been collected. The assets of the estate consist primarily of investment accounts and savings bond.

RECOMMENDATION:

Find out status.  
(GLS/NMT/gls)

CIVPRO Superior Court of California  
PROBATE/CONSERVATORSHIP CALENDAR  
HONORABLE: JUDGE CYNTHIA LUDVIGSEN

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DATE: 10/15/09 TIME: 9:00 DEPT: S34P  
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CASE#: **PRO PS0701146**

CASE NAME: MTR OF ELVIRA HAYES

HEARING:  
Probate status report filed.

COUNSEL:  
ROBERT A FLORES (PET)...SKVARNA LAW FIRM  
ELVIRA HAYES (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Probate Status Report

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Letters Testamentary issued 1/30/08 (full authority, no bond)
2. Counsel for the personal representative alleges the estate's only asset is real property. The mortgage on the property is more than the property is presently valued. Counsel requests an additional six months to see if the market has an upturn so the property could be sold and costs of administration paid. Report should be signed by the personal representative per Pr.C. §1020 et seq.
3. Need to file notice of hearing and proof of service per Pr.C. §12201.

RECOMMENDATION:

Need to clear notes 2 and 3 and then court's discretion. If granted, set next accounting/status review for 5/20/10.

(gls)

CIVPRO Superior Court of California  
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

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DATE: 10/15/09 TIME: 9:00 DEPT: S34P  
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CASE#: **PRO PS0800080**

CASE NAME: STEFFI HENRIETTE MURRAY

HEARING:  
Probate status report filed.

COUNSEL:  
LIONEL P. MURRAY (PET)...BARBARA G. KNOX  
STEFFI HENRIETTE MURRAY (DEC)...  
DEPT OF HEALTH CARE SERVICES (TP )...

GENERAL INFORMATION:  
**Continued from 9/10/09. Court notes Lloyd Murray to file written objections by 9/18/09.**

THIS CASE IS SET FOR HEARING ON Probate Status Report

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters Testamentary issued to Lionel Murray on 6/13/08 (full authority, \$20,000 bond)
2. Petitioner alleges the estate is not in a condition to close as the estate's real property must first be sold in order to satisfy a DHS claim. Petitioner requests an additional six months to close the estate administration.
3. **No written objections are filed at the time of the review of this hearing.**

RECOMMENDATION:

Court's discretion. Determine whether written objections will be filed. If approved, set next accounting/status review for 4/22/10. Accounting to be filed 30 days in advance.  
(gls)

CIVPRO Superior Court of California  
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

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DATE: 10/15/09 TIME: 9:00 DEPT: S34P  
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CASE#: **PRO PS0800194**

CASE NAME: WILLIE JOHNSON REVOCABLE LIVING TRUST

HEARING:

Hearing Re: FINANCIAL ELDER ABUSE CAUSE OF ACTION

COUNSEL:

BARBARA CROSS (PET)...CRYSTAL HAYES HILL  
WILLIE JOHNSON 2006 REVOCABLE (TEE)...  
DEBRA JOHNSON (GERALD B YAM )...GERALD B  
CRYSTAL HAYES HILL (CRYSTAL HAYES HILL )...CRYSTAL H

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Financial Elder Abuse Cause of Action

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. At hearing on 8/20/09, the court finds no probate case appears to have been filed, and therefore, no standing by petitioner to bring this cause of action. Court directs Attorney Yam to file a motion to dismiss, and petitioner, Barbara Cross, advised to get legal counsel.

RECOMMENDATION:

Court's discretion.

(gls)

FUTURE HEARINGS

11/12/09 MOTION TO DISMISS PETITION OF BARBARA CROSS

CIVPRO Superior Court of California  
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

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DATE: 10/15/09 TIME: 9:00 DEPT: S34P  
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CASE#: **PRO PS0800538**

CASE NAME: MURIEL IRENE CARD

HEARING:

first and final Account and Report of JONATHAN E. CARD and Petition for fees

COUNSEL:

JONATHAN E. CARD (PET)...ARDIS & LEHN  
MURIEL IRENE CARD (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON First and Final Account and Petition for Final Distribution

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Petitioner waives statutory compensation.
2. Attorney requests statutory fees of \$32,345.88. Ok.
3. Attorney requests extraordinary fees of \$5,160.00 for services rendered in connection with the preparation of the federal and state estate tax return, personal income tax returns and the sale of decedent's property. Billed at \$300/hour for 17.20 hours. Itemized. JTD
4. Attorney requests reimbursement of costs of \$2,048.00. Itemized. Ok.

RECOMMENDATION:

RFA subject to court's discretion re extraordinary fees. If approved, court to set hearing on filing receipts and final discharge for 10/28/10.

(gls)

CIVPRO Superior Court of California  
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

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DATE: 10/15/09 TIME: 9:00 DEPT: S34P  
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CASE#: **PRO PS0800710**

CASE NAME: JOE G. MUNOZ

HEARING:

FIRST AND FINAL Account and Report of CHRISTINE FAKHREDDINE and  
Petition for allowance of fees filed.

COUNSEL:

CHRISTINE FAKHREDDINE (PET)...ELISABETH KEMPE-OLINGER  
JOE G MUNOZ (DEC)...  
JAMES MUNOZ (OBJ)...PRO/PER  
DEPARTMENT OF HEALTH CARE SERV( )...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON First and Final Account and Petition for Proration  
of Creditor's Claims Insolvent Estate

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Petitioner, Christine Fakreddine, requests reimbursement of costs of \$4,536.08. Itemized. Ok.
2. Petitioner requests statutory compensation of \$2,780.00. Ok.
3. Attorney requests statutory fees of \$2,780.00. Ok.
4. Attorney requests extraordinary fees of \$2,646.00 for services rendered in connection with the sale of the real property. The estate consisted solely of real property. The court will generally not consider awarding extra-ordinary fees until the executor and/or counsel establish that all ordinary fees have actually been earned. (In re Walker Estate (1963) 221 Cal. App. 2d 792). File verified supplement.
5. Petitioner requests authority to withhold \$1,500 as a reserve for preparation of final fiduciary tax returns and closing costs. Ok.
6. Petitioner alleges there is one creditor's claim filed by Dept. of Health Care Services in the amount of \$104,857.60. In addition, there are insufficient estate assets to pay such claim in full. Petitioner proposes to pay the

balance of cash assets to Dept. of Health Care Services after payment of costs of administration.

7. Petitioner alleges that a preliminary distribution of decedent's furniture, furnishings and personal effects was made to decedent's five children in order to get the real property in a condition to sell. The value of the furniture/furnishings was \$500.00. As this is an insolvent estate, question whether each beneficiary should pay to the estate for the share of personal property that was distributed/received (i.e., \$100 from each beneficiary)?  
File verified supplement.

**RECOMMENDATION:**

Need verified supplement re notes 4 and 7. If approved, court to set hearing on filing receipts and final discharge for 10/21/09.

(gls)

CIVPRO Superior Court of California  
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

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DATE: 10/15/09 TIME: 9:00 DEPT: S34P  
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CASE#: **PRO PS0800720**

CASE NAME: MTR OF THOMAS RICHARD HENRY

HEARING:

WAIVER OF Account and Report of KEITH T HENRY and Petition for fees

COUNSEL:

KEITH T HENRY (PET)...PRO/PER  
THOMAS RICHARD HENRY (DEC)...

GENERAL INFORMATION:

**Continued from 9/10/09. No appearance.**

THIS CASE IS SET FOR HEARING ON Petition for Final Distribution on Waiver of Account

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Both residual heirs have waived an accounting.
2. Petitioner waives statutory compensation.

RECOMMENDATION:

RFA. If approved, court to set hearing on filing receipts and final discharge for 9/16/10.  
(gls/abs)

CIVPRO Superior Court of California  
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

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DATE: 10/15/09 TIME: 9:00 DEPT: S34P  
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CASE#: **PRO PS0800834**

CASE NAME: JACQUELINE A. MARLER

HEARING:

FIRST AND FINAL Account and Report of JOHN (JACK) H JOHANNES  
and Petition for allowance of fees filed.

COUNSEL:

JOHN (JACK) H JOHANNES (PET)...FULLERTON LEMANN SCHAEFFER & D  
JACQUELINE A MARLER (DEC)...

**X REFERENCE SC SS02243**

GENERAL INFORMATION:

**Continued from 9/10/09 at request of counsel.**

THIS CASE IS SET FOR HEARING ON First and Final Account and Petition for Final  
Distribution

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters Testamentary issued to Jack Johannes on 10/28/08 (full authority, no bond).  
Petitioner requests statutory compensation of \$14,906.34. Ok.
3. Attorney requests statutory fees of \$14,906.34. Ok.
4. Attorney requests reimbursement of costs advanced of \$1,201.00. Itemized.  
Ok.
3. Petitioner alleges that various preliminary distributions were made to beneficiaries in the form of personal property assets. Receipts for such preliminary distributions are filed.
4. Petitioner proposes distribution to the specific beneficiaries. However, the proposed distributions do not include interest as allowable under Pr.C. §12003 after one year from the date of death (June 17, 2008). Need amended proposed distribution to include interest to the specific beneficiaries. **Supp: amended distribution provides for pecuniary interest.**

5. Decedent's Will forgives principal and/or interest owing on the promissory note of Kevin Christensen. There is no promissory note listed as an asset at date of death. Question whether there was a balance owing on the promissory note at date of death, and whether such promissory note should be inventoried? **Supp: Petitioner alleges the reference to the "note" was actually a verbal promise made from Mr. Christensen. No written note was made and thus, no way to enforce the promise. Therefore, it was not listed as a collectable asset in the estate.**
6. Petitioner requests authority to withhold \$3,000 as a reserve for closing costs.

**RECOMMENDATION:**

RFA. If approved, court to set hearing on filing receipts and final discharge for 10/21/09.  
(gls)

Superior Court of Calif, County of San Bernardino

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CIVPRO Superior Court of California  
PROBATE/CONSERVATORSHIP CALENDAR  
HONORABLE: JUDGE CYNTHIA LUDVIGSEN

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DATE: 10/15/09 TIME: 9:00 DEPT: S34P  
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CASE#: **PRO PS0900128**

CASE NAME: JEAN VLAHOVICH

HEARING:

Spousal Property Petition hearing.

COUNSEL:

ROZALIA TRAMMELL	(PET)...BRUNICK MCELHANEY & BECKETT
MARIA ELSER	(PET)...BRUNICK MCELHANEY & BECKETT
JEAN VLAHOVICH	(DEC)...

XREF PROPS0900127 (SPOUSE)

GENERAL INFORMATION

**continued from 4/2/09, 6/11/09, 8/6/09 and 9/10/09. On 9/10/09, counsel advises settlement is being drafted.**

THIS CASE IS SET FOR HEARING ON spousal property petition.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner relies on a joint will created by the petitioner and the decedent to establish an intent that the property of the decedent and the petitioner would go to the survivor of them. The will is not a holographic will, as the dispositive portions of the will are not in the handwriting of the testator. The will is not a formal will in that it has only one witness. **The Will was admitted in the spouse's estate on 8/6/09**
2. The property in question was the separate property of the decedent prior to marriage. The purported will talks about property they held jointly. Was title to this property ever changed after the marriage? On what basis does petitioner contend that the property was community property, if this is the contention? File verified supplement.
3. No settlement agreement or other report of status of same is filed at the time of the review of this file.

RECOMMENDATION:

Need to correct notes and/or determine status of settlement and then court's discretion.

NMT/gls

CIVPRO Superior Court of California  
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

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DATE: 10/15/09 TIME: 9:00 DEPT: S34P  
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**CASE#: PRO PS0900434**

CASE NAME: MTR OF JOHN RODRIGUEZ

HEARING:

Hearing re: Petition for Letters of Admin. W/ Full Authority  
under IAEA.

COUNSEL:

BRANDON RODRIGUEZ (PET)...PRO/PER  
JOHN RODRIGUEZ (DEC)...

GENERAL INFORMATION:

**Continued from 7/27/09 and 8/31/09 for notes to be cleared.**

THIS CASE IS SET FOR HEARING ON Petition for Letters of Administration with full  
authority under IAEA

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. All heirs waive bond.

RECOMMENDATION:

RFA, no bond. If approved, set future hearing for Accounting/Status Review on 12/23/10.  
Any accounting to be filed 30 days in advance. Note Local Rule requirements.  
(NMT/kra/gls)

CIVPRO Superior Court of California  
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

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DATE: 10/15/09 TIME: 9:00 DEPT: S34P  
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CASE#: **PRO PS0900652**

CASE NAME: DAVID THOMAS HYATT

HEARING:

Hearing re: Petition for Letters of Admin. W/ Full Authority  
under IAEA.

COUNSEL:

GENE MCMAHAN (PET)...HATHAWAY PERRETT WEBSTERPOWERS  
DAVID THOMAS HYATT (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for Letters of Administration with full  
authority under IAEA filed by cousin

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Petitioner requests bond be fixed at \$60,000. Appears adequate. JTD
2. Need to file proof of publication.

RECOMMENDATION:

RFA subject to note 2, \$60,000 bond. If approved, set hearing on accounting/status  
review for 12/23/10.

(gls)

Superior Court of Calif, County of San Bernardino

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CIVPRO Superior Court of California  
PROBATE/CONSERVATORSHIP CALENDAR  
HONORABLE: JUDGE CYNTHIA LUDVIGSEN

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DATE: 10/15/09 TIME: 9:00 DEPT: S34P  
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**CASE#: PRO PS0900656**

CASE NAME: MTR OF FRED L RUSSELL

HEARING:  
Petition for FOR INSTRUCTIONS

COUNSEL:  
KATHIE LYNESS (PET)...DUANE P BOOTH  
FRED L RUSSELL (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for Instructions

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Petitioner, Kathie Lyness, is the successor trustee of the Russell Family Trust dated 8/29/95. Petitioner alleges that the Trustors intended for all of their checking and savings accounts to be held in the name of the Trust as set forth on Schedule A of the Trust. Particularly, the bank accounts at Arrowhead Credit Union and Wells Fargo Bank. Furthermore, petitioner alleges the Trustors did not understand that the bank accounts needed to be re-titled by the bank. Trustor, Barbara J. Russell died 1/18/09, and petitioner alleges the remaining Trustor, Fred L. Russell is incompetent to serve as trustee due to health complications and being hospitalized. Petitioner requests that the bank accounts be deemed to be owned by the Russell Family Trust. Schedule "A" of the Trust sets forth the Arrowhead Credit Union and Wells Fargo Bank as "penciled" in as items 8 and 9. These additions were not initialed by either of the Trustors. Does court wish further declaration by Fred Russell of the intent to include these accounts as Trust assets? JTD
2. No opposition is filed at the time of the review of this file.
3. One remainderman beneficiary's, Fred L. Russell, Jr., whereabouts are unknown. Need due diligence declaration as to efforts in trying to locate him.

RECOMMENDATION: Need to clear note 3 and then Court's discretion.(gls)



CIVPRO Superior Court of California  
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

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DATE: 10/15/09 TIME: 9:00 DEPT: S34P  
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**CASE#: RPR RS03040**

CASE NAME: THOMAS J FORNEY IRREVOCABLE TRUST

HEARING:  
Readiness Calendar

COUNSEL:  
JOHN C FORNEY (PET)...BUXBAUM & CHAKMAK  
THOMAS J FORNEY (DEC)...JAMES B CHURCH  
LIBBY GREENWALT (APP)...BUXBAUM & CHAKMAK

No notes – Readiness Calendar

COURT TRIAL 10/21/09 10/22/09

CIVPRO Superior Court of California  
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

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DATE: 10/15/09 TIME: 9:00 DEPT: S34P  
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CASE#: **SPR SS04072**

CASE NAME: VICTORIA QUEENSENBERRY IRREVOCABLE SPECIAL NEEDS TR

HEARING:  
Accounting Review

COUNSEL:  
RUTH L HENRICKS (PET)...HARTNELL LISTER & MOORE  
VICTORIA QUESENBERRY IRREV SPC(TRU)...  
DEPT. OF DEVELOPMENTAL SERVICE(TP )...PRO/PER

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Accounting Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Seventh Account Current is due for the period 8/6/08 – 8/5/09. No accounting is filed.

RECOMMENDATION:

Find out status.

(gls)

CIVPRO Superior Court of California  
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

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DATE: 10/15/09 TIME: 9:00 DEPT: S34P  
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CASE#: **SPR SS04986**

CASE NAME: ESTATE OF MONA M GSOELL

HEARING:  
Hearing re Final Discharge

COUNSEL:  
MONIQUE A GSOELL (PET)...MARTIN E KELLER  
MONA M GSOELL (DEC)...  
DEPT. OF HEALTH SERVICES (TP )...PRO/PER

GENERAL INFORMATION:  
Order for Final Distribution granted 9/4/08  
**Continued from 9/10/09 at request of counsel.**

THIS CASE IS SET FOR HEARING ON Final Discharge

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need to file receipts and submit final discharge.

RECOMMENDATION:  
Find out status.  
(gls)

CIVPRO Superior Court of California  
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

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DATE: 10/15/09 TIME: 9:00 DEPT: S34P  
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CASE#: **SPR SS06352**

CASE NAME: ESTATE OF NELLIE B PACHECO

HEARING:  
Hearing re Final Discharge

COUNSEL:  
ENREKUE L PACHECO (PET)...DENNIS S. BELMUDES  
NELLIE B PACHECO (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Accounting/Status Review (not final discharge)

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. At hearing on 10/9/08, the court granted the Third Account Current. At that time, the personal representative advised that additional time was needed to sell the estate real property.
2. Status report filed in the form of a Declaration in reponse to hearing re final discharge indicating that the real property has not yet sold. Petitioner alleges the asking price has been reduced and is currently rented. Petitioner requests an additional 12 months to close the estate.
3. Need notice of hearing and proof of service per Pr.C.§12201 noting the specific language.

RECOMMENDATION:

If approved, court to set hearing re accounting review for **10/21/10**.  
(gls/kra)

Superior Court of Calif, County of San Bernardino

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CIVPRO Superior Court of California  
PROBATE/CONSERVATORSHIP CALENDAR  
HONORABLE: JUDGE CYNTHIA LUDVIGSEN

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DATE: 10/15/09 TIME: 9:00 DEPT: S34P  
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CASE#: **SPR SS06462**

CASE NAME: MTR OF SALVADOR CERVANTES TRUJILLO

HEARING:

Hearing re Final Discharge

COUNSEL:

JERONIMO TRUJILLO (PET)...CURTIS R. AIJALA  
SALVADOR CERVANTES TRUJILLO (DEC)...  
DEPARTMENT OF HEALTH SERVICES (TP )...PRO/PER

GENERAL INFORMATION

**Continued from 8/24/09 at request of counsel.**

THIS CASE IS SET FOR HEARING ON receipts and final discharge

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Final Account and distribution were approved on 10/20/08.
2. Petitioner is sole heir. Need to submit Final Discharge Declaration/order which must also comply with Pr.C. §11753 (recording information of the Order).

RECOMMENDATION:

Inquire status.

(kra/gls)

CIVPRO Superior Court of California  
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

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DATE: 10/15/09 TIME: 9:00 DEPT: S34P  
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**CASE#: SPR SS07064**

CASE NAME: EST OF JESUS A JASSO

HEARING:  
Hearing re Final Discharge

COUNSEL:  
JESUS JASSO (PET)...FULLERTON LEMANN SCHAEFFER & D  
JESUS A JASSO (DEC)...

GENERAL INFORMATION:  
Order for Final Distribution granted on 6/19/08  
**continued from 6/25/09 and 8/20/09 at request of counsel.**

THIS CASE IS SET FOR HEARING ON filing receipts and final discharge

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need to file receipts and submit final discharge.

RECOMMENDATION:

Find out status.

(gls)

CIVPRO Superior Court of California  
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

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DATE: 10/15/09 TIME: 9:00 DEPT: S34P  
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CASE#: **SPR SS07276**

CASE NAME: ESTATE OF JULIA ROSALES

HEARING:

FIRST Account and Report of DORA VASQUEZ and Petition for allowance of fees filed.

COUNSEL:

DORA VASQUEZ (PET)...RICHARD J. MCANDREW  
JULIA ROSALES (DEC)...

GENERAL INFORMATION:

**Continued from 8/6/09 and 9/10/09 at request of counsel to clear notes.**

THIS CASE IS SET FOR HEARING ON (Amended) First and Final Account and Petition for Final Distribution

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need to serve a copy of the pleading upon Department of Health Services who has filed Request for Special Notice and file proof of such service.
2. Letters of Administration issued 11/90/06 (full authority, no bond)
3. Department of Health Services filed a claim for \$11,428.15 which has been allowed. Petitioner alleges that the claim has been satisfied by placing a lien on the estate real property. However, no court authorization has been given nor is there a written acceptance of this arrangement by Department of Health Services. Need same.
4. Petitioner waives statutory compensation.
5. Attorney requests statutory fees of \$5,800.00. Ok. Question how attorney's fees will be paid? File verified supplement. **Supp: petitioner will pay her attorney the entire legal fee in installments of \$250/month.**
6. Attorney requests reimbursement of costs of \$614.00. Itemized. Ok.
7. Petitioner alleges that per Pr.C. §240, the intestate heirs of decedent are as follows:
  - (a) Dora Vasquez – proposed sole heir per disclaimers of interest filed.

- (b) Carmen Ramos – Carmen has signed a Disclaimer of interest in said estate on 6/14/09. Per Pr.C. §279(b), a disclaimer must be filed within 9 months after the death of the creator of the interest or after the interest becomes indefeasibly vested. Decedent died 11/29/01 and probate was filed 10/4/06. Question how this disclaimer is not untimely filed? File verified supplement.
- (c) Eulalia Amdador – post deceased leaving five heirs, who have each disclaimed their interest in 2/09. However, need disclaimer signed by Lydia Pararmo. Question when Eulalia Amdador died in order to determine the timeliness of the filed disclaimers. **Supp: Eulalia Amador aka Eulia Amador died 4/26/7**

RECOMMENDATION:

Court's discretion

(gls/kra)

CIVPRO Superior Court of California  
PROBATE/CONSERVATORSHIP CALENDAR  
HONORABLE: JUDGE CYNTHIA LUDVIGSEN

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DATE: 10/15/09 TIME: 9:00 DEPT: S34P  
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CASE#: **VPR VS002836**

CASE NAME: MATTER OF THE OSBORNE FAMILY TRUST

HEARING:  
Accounting Review

COUNSEL:  
FRANKLIN E OSBORNE (PET)...  
LYNN A SHARP (RES)...STANLEY W HODGE

X REF VC VS00484 (FINAL DISCHARGE IN LR FOR REVIEW)  
GENERAL INFORMATION

Continued from 12-17-08 at the request of counsel. Nothing new filed.  
Continued from 2-3-09. Franklin Osborne has fled the country. Court orders Diane Harkison to do a trust accounting and make a determination of what was taken by Mr. Osborne.

**Continued from 05-21-09, 6/25/09 and 8/20/09, Ms. Sharp reports that her brother, Franklin Osborne is voluntarily missing. Her daughter will file petition to be appointed successor trustee.**

THIS CASE IS SET FOR HEARING ON  
Accounting review.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need trust accounting.
2. Parties are litigating trust property.
3. **No petition for successor trustee has been filed as of review of this file.**

RECOMMENDATION  
Court's discretion.

ABS/NMT/vet/gls

CIVPRO Superior Court of California  
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN **CONSERVATORSHIPS**

-----  
DATE: 10/15/09 TIME: 10:30 DEPT: S34P  
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CASE#: **CON PS0900022**

CASE NAME: HUGH JUNIOR JONES

**SEE ALSO 28**

HEARING:

Conservatorship Compliance Review Hearing on PETITION FOR  
CONSERVATORSHIP of LYLE STOTELMYRE

COUNSEL:

LYLE STOTELMYRE (CPE)...M DANIEL SAYLOR  
HUGH JUNIOR JONES (CEP)...BRYAN C. HARTNELL

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Conservatorship Compliance Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Letters of Conservatorship (person and estate) issued 3/19/09
2. Final Inventory and Appraisal filed 7/9/09. Need proof of service together with Notice of How to Object to Inventory.
3. Need proof of service of Conservatee's rights. However, file shows conservatee died on 3/30/09.
4. Court Investigator's Notice of No Report is filed stating conservatee died on 3/30/09.

RECOMMENDATION:

Court's discretion.  
(gls)

FUTURE DATE:

5/06/10 ACCOUNTING REVIEW – vacate as review date is next matter (page 28)

CIVPRO Superior Court of California  
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

-----  
DATE: 10/15/09 TIME: 10:30 DEPT: S34P  
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**CASE#: CON PS0900022**

CASE NAME: HUGH JUNIOR JONES

**SEE ALSO 27**

HEARING:  
Accounting Review

COUNSEL:

LYLE STOTELMYRE (CPE)...M DANIEL SAYLOR  
HUGH JUNIOR JONES (CEP)...BRYAN C. HARTNELL

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Accounting Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Conservatee died on 3/30/09.
2. A first and final account is due for the period 2/10/09 – 3/30/09 and post accounting from 4/1/09 – current date. No accounting is filed. Need same.

RECOMMENDATION:

Find out status.

(gls)

FUTURE DATE:

5/06/10 ACCOUNTING REVIEW - vacate

CIVPRO Superior Court of California  
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

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DATE: 10/15/09 TIME: 10:30 DEPT: S34P  
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CASE#: **CON PS0900118**

CASE NAME: CHARLES D. KNOFF

HEARING:

FIFTH Account and Report of THERESA BROWN and Petition for allowance of fees filed.

COUNSEL:

THERESA BROWN	(CPE)...JOSEPHINE A. RICH
CHARLES D. KNOFF	(PCR)...
BETTY ASHBAKER	(CPE)...JOSEPHINE A. RICH

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Fifth Account Current and Petition for Allowance of Fees

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Accounting covers period: 6/1/08 – 6/30/09
2. Assets on hand:
3. Petitioner requests fees of \$2,080. Billed at \$20/hour for 8 hours month. Generally itemized. JTD
4. Attorney requests fees of \$5,720.00. Billed at \$275/hour for a total of 20.8 hours. Itemized. JTD
5. Petitioner requests medical powers which are now needed. Need to file medical capacity declaration.
6. Need original facility statements from Emeritus at Grand Terrace per Pr.C. §2620(c)(5).
7. Petitioner requests that the bond posted in the amount of \$436,000. Petitioner requests that the investment accounts at Morgan Stanley (now known as Citigroup/Smith Barney), Citizen's Bank, Bank of Hemet and PSB Freedom Bank be ordered blocked, and the bond be reduced to \$76,000. However, with the proposed accounts to be blocked, the value of the liquid

assets and estimated annual income together with the bond recovery fee (CRC 7.207), bond should be reduced to \$141,000. JTD

8. Petitioner requests that her daughter, Betty Ashbaker, be appointed as a co-conservator to serve with petitioner of the person and estate. Does court wish petitioner to file an amended petition for appointment of conservator? If court allows this pleading for appointment of a co-conservator, then need the following information from Betty Ashbaker:
  - (a) Need to file Duties of Conservator signed by Ms. Ashbaker;
  - (b) Need to submit first appearance fee of \$355.00.
  - (c) Need to file proof of completion of Conservatorship Training Class.

**RECOMMENDATION:**

Need to clear notes and court's discretion re requested fees, bond reduction and appointment of co-conservator. If blocked accounts are authorized, court may wish to set review date for proof of blocked account for 30 days.

(gls)

CIVPRO Superior Court of California  
PROBATE/CONSERVATORSHIP CALENDAR  
HONORABLE: JUDGE CYNTHIA LUDVIGSEN

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DATE: 10/15/09 TIME: 10:30 DEPT: S34P  
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CASE#: **CON PS0900120**  
CASE NAME: MTR OF ALBERT A HARKINS

HEARING:  
Petition for FOR APPOINTMENT OF CONSERVATORSHIP PERSON/ESTATE

COUNSEL:  
GREGORY R HARKINS (CPE)...WALTER T. MOORE  
ALBERT A HARKINS (CEP)...MARK A FLORY

GENERAL INFORMATION:

**Continued from 07/16/09 and 8/27/09 to clear notes. Mark Flory appointed counsel**

THIS CASE IS SET FOR HEARING ON Petition for Appointment of Conservator, person and estate, filed by son

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner requests bond be fixed at \$85,000. However, personal property is estimated at \$84,400, together with the bond recovery costs equal to 10%, bond should be fixed at \$92,850. JTD
2. Petitioner alleges that the names and addresses of the relatives within the second degree are attached to the petition. There is no attachment. Please file same.
3. Petitioner alleges proposed conservatee will attend the hearing.
4. Citation was personally served.
5. Need Certificate of attendance of Conservatorship class.
6. Need report of counsel.
7. Need to file notice of hearing and proof of service.
8. Court Investigator's Report filed (tabbed).
9. **Objections filed by court-appointed counsel for proposed conservatee.**

RECOMMENDATION:

Need to clear notes. If approved, set hearing for Compliance Review for the filing of the following: inventory and appraisal, including proof of service of inventory and appraisal, instructions for objection to inventory and appraisal, order appointing Conservator and care plan in accord with Pr.C. §§ 1850, 2352 and 2610 for 5/20/10. Set hearing on accounting review for 12/23/10.

(gls/vet/cbr/gls)

Superior Court of Calif, County of San Bernardino

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CIVPRO Superior Court of California  
PROBATE/CONSERVATORSHIP CALENDAR  
HONORABLE: JUDGE CYNTHIA LUDVIGSEN

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DATE: 10/15/09 TIME: 10:30 DEPT: S34P  
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CASE#: **CON PS0900186**

CASE NAME: RYAN GEIB

HEARING:

Petition for Appointment of Conservator

	COUNSEL:
DRIK GEIB	(CPE)...MICHAEL ROOFIAN AND ASSOCIATES
RYAN GEIB	(CEP)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for Appointment of Conservator, person and estate by father

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Petitioner requests that the investment accounts be blocked, with the exception of \$100,000. Court may wish to require bond to be fixed in the amount of \$110,000 (value of liquid funds plus 10% recovery per CRC 7.207). JTD
2. Petitioner requests 2590 powers.
3. Petitioner requests medical powers. Medical Capacity Declaration is filed supporting request.
4. Citation returned served.
5. Court Investigator's report filed

RECOMMENDATION:

If approved, set hearing for Compliance Review for the filing of the following: inventory and appraisal, including proof of service of inventory and appraisal, instructions for objection to inventory and appraisal, order appointing Conservator and care plan in accord with Pr.C. §§ 1850, 2352 and 2610 for 5/20/10. Set hearing on accounting review for 12/23/10.

(gls/kra)

CIVPRO Superior Court of California  
PROBATE/CONSERVATORSHIP CALENDAR  
HONORABLE: JUDGE CYNTHIA LUDVIGSEN

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DATE: 10/15/09 TIME: 10:30 DEPT: S34P  
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CASE#: **SC SS02892**

CASE NAME: MATTER OF EMILIA ANN GUEST

HEARING:  
Accounting Review

COUNSEL:  
LILLIANA ULMER (CP )...ELISABETH KEMPE-OLINGER  
LYNN B ULMER (CP )...ELISABETH KEMPE-OLINGER  
EMILIA ANN GUEST (CTP)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Accounting Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Third Account/Waiver of Account is due for the period 7/29/07 – 7/28/09. No accounting/waiver of accounting is filed. Need same.

RECOMMENDATION:

Find out status.  
(gls)

CIVPRO Superior Court of California  
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

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DATE: 10/15/09 TIME: 10:30 DEPT: S34P  
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CASE#: **SC SS02992**

CASE NAME: MATTER OF JOHNNY MOLINA

HEARING:  
Petition for ATTORNEY'S FEES

COUNSEL:  
GLORIA ANAYA (CP )...CHRISTOPHER A POULOS  
JOHNNY MOLINA (CTP)...JOAN NELMS  
BRYAN C HARTNELL (PET)...HARTNELL LISTER & MOORE

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for Attorney's Fees filed by Attorney Bryan Hartnell

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Attorney requests fees on behalf of E. Joan Nelms who is the court-appointed attorney for conservatee. Attorney is requesting fees for her services rendered while she was a member of Hartnell, Lister & Moore in the amount of \$3,050.00. Billed at \$275-\$325/hour for attorney time and \$75/hour for paralegal time. Itemized.

RECOMMENDATION:

Court's discretion.

(gls)

CIVPRO Superior Court of California  
PROBATE/CONSERVATORSHIP CALENDAR  
HONORABLE: JUDGE CYNTHIA LUDVIGSEN

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DATE: 10/15/09 TIME: 10:30 DEPT: S34P  
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CASE#: **SC SS03194**

CASE NAME: **\*\*MF\*\* MILES WALTON**

**SEE ALSO 35**

HEARING:

Hearing Re: ORDER TO SHOW CAUSE RE: TRANSFER TO RIVERSIDE CO

COUNSEL:

LESLYE JOHNSON (CPE)...HARTNELL, LISTER & MOORE  
MILES WALTON (CEP)...ANNETTE G DE BELLEFEUILLE

GENERAL INFORMATION

**On 07/08/09 and 8/27/09. On 7/8/09, Court set OSC hearing as the Conservatee's residence is in Riverside County. Notice given by courtroom clerk. Nothing new filed.**

THIS CASE SET FOR HEARING ON OSC re Transfer to Riverside County.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Court Investigator noticed on 07/08/09.
2. If any person can show good reason to continue case in San Bernardino County, he or she is ordered to appear. If no appearance, the court will transfer the case to Riverside County.

RECOMMENDATION

Court's discretion.

(cbr/gls)

CIVPRO Superior Court of California  
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

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DATE: 10/15/09 TIME: 10:30 DEPT: S34P  
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CASE#: **SC SS03194**

CASE NAME: **\*\*MF\*\* MILES WALTON**

**SEE ALSO 34**

HEARING:  
Accounting Review

COUNSEL:  
LESLYE JOHNSON (CPE)...HARTNELL, LISTER & MOORE  
MILES WALTON (CEP)...ANNETTE G DE BELLEFEUILLE

GENERAL INFORMATION

**Continued from 9/14/09 at request of counsel.**

THIS CASE IS SET FOR HEARING ON accounting review as to conservatorship

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. On 2/9/09 Court approved the 2<sup>nd</sup> account of the SNT only and ordered an accounting of the conservatorship estate to be filed.
2. No accounting filed.

RECOMMENDATION:

Inquire status. When an accounting is not filed as required, the court shall take action as specified in Pr.C. § 2620.2. No bond company to notice.  
(kra, gls)

Superior Court of Calif, County of San Bernardino

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CIVPRO

Superior Court of California

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

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DATE: 10/15/09    TIME: 10:30    DEPT: S34P  
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CASE#: **SC SS7258**

CASE NAME: IN THE MATTER OF JIMMY LEE HOLLEY

**VACATED**

HEARING:

Accounting Review

COUNSEL:

JIMMY LEE HOLLEY            (CEP)...

MELODIE Z. SCOTT            (CPE)...SEAVER & GILL

CHRISTINA ERICKSON-TAUBE    (SC )...SHERRI L KASTILAHN

GENERAL INFORMATION:

**Continued from 8/13/09 at request of counsel.**

THIS CASE IS SET FOR HEARING ON Accounting Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1.    On 5/7/09, Melodie Scott was ordered to file her fourteenth and final accounting by no later than 7/8/09 and the court set this review date. No accounting is filed.

RECOMMENDATION:

Find out status of accounting by Melodie Scott. When an accounting is not filed as required, the court shall take action as specified in Pr.C. § 2620.2.

(gls/abs/gls)

FUTURE DATE:

12/31 COMPLIANCE

7/29/10 ACTNG RVW

CIVPRO Superior Court of California  
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

**MISC.**

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DATE: 10/15/09 TIME: 1:30 DEPT: S34P  
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CASE#: **CON PS0900015**

CASE NAME: NORMAN NICHLOS HOWARD

**SEE ALSO 38 & 39**

HEARING:  
Hearing Re: COURT TRIAL

NORMAN VANCE HOWARD  
NORMAN NICHLOS HOWARD  
LAVERNE DEE DRONYK

COUNSEL:  
(PCR) JEANNE KENNEDY  
(PCE) YOLANDA FLORES-BURT  
(PCR) YOLANDA FLORES-BURT

RE-SET FOR 11/17/09 - 11/20/09

Superior Court of Calif, County of San Bernardino

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CIVPRO Superior Court of California  
PROBATE/CONSERVATORSHIP CALENDAR  
HONORABLE: JUDGE CYNTHIA LUDVIGSEN

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DATE: 10/15/09 TIME: 1:30 DEPT: S34P  
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CASE#: **CON PS0900015**

CASE NAME: NORMAN NICHLOS HOWARD

**SEE ALSO 37 & 39**

HEARING:

Petition for CONSERVATORSHIP OF THE PERSON AND ESTATE

COUNSEL:

NORMAN VANCE HOWARD	(PCR) JEANNE KENNEDY
NORMAN NICHLOS HOWARD	(PCE) YOLANDA FLORES-BURT
LAVERNE DEE DRONYK	(PCR) YOLANDA FLORES-BURT

#### GENERAL INFORMATION

Temporary orders granted on 01/15/09. Atty Roberta Taylor was appointed. Continued from 3/11/09. Atty Weber reported that proposed conservatee's home was sold via authority in the trust case (PROPS0800964). Proposed conservatee stated that he has hired his own counsel and is opposed to conservatorship. Court has question re proposed conservatee's right to hire counsel and agreed that another evaluation should be done and Judicial Council forms should be used for all evaluations. Counsel issue taken under submission. P&As to be submitted by 3/18/09. Atty Weber to hire driver for proposed conservatee. Written objections due by 5/13/09. Court was not inclined to terminate temporary conservatorship.

**Continued from 05-13-09. Oppositions/written objections to be filed by 06-01-09. Response to objections to be filed by 06-19-09. Court orders Jenny Gilbert to be present 06-08-09 with the APS records.**

THIS CASE SET FOR HEARING ON Petition for Appointment of Conservator person and estate by grandson, Norman Vance Howard – Petition #1

Competing petition for Appointment of Conservator of person and estate by proposed conservatee's sister, Laverne "Dee" Dronyk via nomination of proposed conservatee, Norman Nicholas Howard) – Petition #2

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

**Petition #1 (Howard):**

1. Petitioner is nominee of the proposed Conservatee's three children.
2. Petitioner seeks Pr. C. § 2590 powers (see tab).

3. Petitioner requests bond be waived as there is a Successor Trustee who is handling all of the Conservatee's monies which consist of the proceeds from the sale of his residence and other funds. The rest is personal belongings, social security and pensions. The petition reflects a \$500 estimated value of personal property. Court may wish to question whether all of conservatee's assets are funded into the Trust. Alternatively, Court may wish to require minimum bond. JTD
4. Petitioner seeks medical powers. Medical capacity declaration filed. However, physician did not complete section 4a re when he last saw proposed conservatee. Does court wish to require completion?
5. Petitioner seeks dementia powers. Dementia attachment to medical capacity declaration filed. However, physician did not complete section 4a of the covering medical capacity declaration re when he last saw proposed conservatee. Does court wish to require completion?
6. Court appointed Roberta Taylor as counsel for proposed Conservatee. Report of counsel filed.
7. Petitioner seeks powers under Pr. C. § 2352 and 2354(c). Permission to move proposed Conservatee within state without permission of court and medical treatment without the Conservatee's consent. Need capacity declaration then Judge to decide.
8. Court Investigator report filed.
9. Citation served on 1/22/09.
10. **Opposition filed by Norman Howard (proposed conservatee).**
11. **Opposition filed by Diane Ruether (niece).**
12. **Opposition filed by Laverne Dronyk (sister).**

### **Petition #2 (Dronyk)**

- 1 Petitioner requests bond of \$52,800 based on estimated value of same. Judge to decide.
- 2 Nomination of Conservator of the Person and Estate filed.
- 3 Section 6(b) of Confidential Conservator Screening Form is incomplete. Need completed form.
- 4 Court to review Confidential Court Ordered Special Report filed 06-18-09.
- 5 No return of Citation is required as the proposed conservatee is also the petitioner. No citation is necessary per Pr.C. § 1823.
- 6 Conservatee **can** complete an affidavit of voter registration.
- 7 **Opposition filed by Norman Vance Howard.**

### RECOMMENDATION

Need to clear notes. Court Trial is set for 11/17/09.

Cbr/abs/vet/gls

### FUTURE DATE:

Court Trial 11/17/09 – 11/20/09

